

**APPLICATION FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TW/540**

<b><u>Applicant</u></b>	MapletreeLog PF (HKSAR) Limited represented by Knight Frank Petty Limited
<b><u>Premises</u></b>	2/F, Asia Tone i-Centre, 1 Wang Wo Tsai Street, Tsuen Wan
<b><u>Total Floor Area of Premises</u></b>	2,522m <sup>2</sup> (About)
<b><u>Lease</u></b>	<u>Tsuen Wan Town Lot (TWTL) 363</u> (a) held under New Grant No. 6927 expiring on 30.6.2047 (b) restricted to industrial or godown purposes or both only excluding offensive trades
<b><u>Plan</u></b>	Draft Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/36
<b><u>Zoning</u></b>	“Comprehensive Development Area (3)” (“CDA(3)”)  [maximum plot ratio (PR) of 5.0, of which a minimum PR of 4.5 shall be for domestic use and a maximum building height (BH) of 100 metres above Principal Datum or the height of the existing building, whichever is the greater.]
<b><u>Application</u></b>	Renewal of Planning Approval for Temporary Information Technology and Telecommunications Industries (Data Centre) for a period of 3 years

**1. The Proposal**

- 1.1 The applicant seeks renewal of the planning approval for application No. A/TW/520 to continue the use of the subject premises at 2/F of a godown building at 1 Wang Wo Tsai Street, Tsuen Wan (the Premises) for temporary Information Technology and Telecommunication Industries (IT&TI) (data centre) for a period of three years (**Plans A-1 and A-2**). The Premises falls within an area zoned “CDA(3)” on the draft Tsuen Wan OZP No. S/TW/36. According to the Notes of the OZP, ‘IT&TI’ use, including data centre, in the “CDA(3)” zone requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is the subject of four previously approved planning applications submitted by the same applicant for the same use which were approved by the Metro Planning Committee (the Committee) between 2014 and 2021 on a temporary basis for a period of

three years. Approval conditions were all complied with. The permission for the last application No. A/TW/520 is valid until 16.1.2024.

- 1.3 The subject building abuts Luen Yan Street, Kwu Hang Road and Wang Wo Tsai Street and is accessible via the main entrance for pedestrian at Luen Yan Street and that for vehicles at Wang Wo Tsai Street (**Plans A-2 and A-3**). The Premises has a total floor area of about 2,522m<sup>2</sup> and there is no change in the layout or use as compared to the last application No. A/TW/520. The layout plan of the Premises is shown in **Drawing A-1**.
- 1.4 The building site forms part of the “CDA(3)” site which is covered by a Master Layout Plan (MLP) for a proposed comprehensive residential (flat) and social welfare facility (child care centre) development with minor relaxation of maximum PR and BH restrictions under the latest application No. A/TW/527 approved by the Committee on 24.12.2021 (**Plan A-2**). Among other things, the MLP and the associated Noise Impact Assessment (NIA) took into account the noise impact imposed by the nearby industrial buildings (IBs) including the subject IB used for data centre during the phased implementation of the proposed comprehensive development. The NIA confirmed that the noise impact on the proposed residential development under Phase 1 (i.e. currently the construction site at TWTL 160 (**Plan A-2**)) would be acceptable if IBs within “CDA(3)” under Phase 2 remain in operation. According to the application, the anticipated completion year for Phase 1 is 2027 while the subject building is included in Phase 2a on the approved MLP with implementation programme at a later stage.
- 1.5 In support of the application, the applicant has submitted the following documents:

(a) Application form received on 17.11.2023	<b>(Appendix I)</b>
(b) Supplementary Planning Statement (SPS)	<b>(Appendix Ia)</b>
(c) Further Information (FI) received on 5.1.2024*	<b>(Appendix Ib)</b>

*Remarks:*  
\* *accepted and exempted from publication and recounting requirement*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices Ia to Ib**, and summarised as follows:

- (a) The development parameters of the subject building for continuance of the current data centre use at the Premises remain unchanged. The data centre has been operating since 2015. There is no material change in planning circumstances since the previous temporary approvals such as land use zoning, planning policy and land uses in the vicinity. The applicant has confirmed that there will be no significant change in the fixed noise emission from the data centre under the subject renewal application. According to Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D), a streamlined approach (i.e. no need to undertake new technical assessments to support the s.16 application) could be adopted provided that there is no material change in planning circumstances, no adverse planning implication and compliance of planning condition. Approval conditions of the previous planning application No. A/TW/520 have been complied with.

- (b) Although the subject building is also the subject of approved planning application (No. A/TW/527) for comprehensive residential and social welfare facility development within the same “CDA(3)”. According to the approved MLP, the subject building is proposed to be redeveloped at later stage and the temporary nature of the proposed IT&TI (data centre) use would not jeopardise the long term planning intention of the “CDA(3)” zone for residential use.
- (c) The Data Centre Facilitation Unit was set up by the Government to support the development of data centre in order to facilitate the growing digital economy. The Premises is located in an existing IB and the subject data centre is in line with Government Policy and optimises the use of the IB.
- (d) With the increasing reliance on information and computer technology and the growth in cloud computing, demand for data centre services remains strong. The continuance of the data centre use at the Premises would persist in supporting information and communication technology industry in Hong Kong.
- (e) The data centre is compatible with other data centre use within the subject building and the surrounding industrial/godown developments.
- (f) Given the nature of the operation, no adverse environmental, traffic, water and waste impacts are envisaged. With minimal maintenance staff required at the Premises, no additional traffic pressure will be created.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole ‘current land owner’ of the Premises. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

- 4.1 According to TPB PG-No. 34D, the criteria for assessing applications for renewal of planning approval are as follows:
- (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
  - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
  - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
  - (d) whether the approval period sought is reasonable; and

(e) any other relevant considerations.

- 4.2 Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval.

## 5. **Previous Applications**

- 5.1 The Premises is the subject of four previous applications (Nos. A/TW/454, A/TW/465, A/TW/493 and A/TW/520) submitted by the same applicant for the same use, all of which were approved on a temporary basis for three years with conditions by the Committee on 21.3.2014, 16.1.2015, 12.1.2018 and 8.1.2021 respectively mainly on the grounds that IT&TI use was considered compatible with other uses within the subject building as well as the surrounding developments; the proposal would generally induce less environmental and traffic impact as compared with other industrial uses; and the comprehensive redevelopment at subject “CDA(3)” zone would take time to materialise and there was no objection from environmental and traffic perspectives to using the existing industrial premises for other compatible uses in the interim (**Plan A-1**). The planning permissions were subject to same approval condition on the submission and implementation of fire service installations.
- 5.2 The planning permission under application No. A/TW/454 was revoked on 21.9.2014 due to non-compliance with approval conditions. With the approval of a subsequent application No. A/TW/465 and renewal applications Nos. A/TW/493 and A/TW/520, as well as the compliance with respective approval conditions, the IT&TI (data centre) has been in operation since then. The last planning permission under application No. A/TW/520 will remain valid until 16.1.2024.

## 6. **Similar Applications**

- 6.1 There are five similar applications (i.e. Nos. A/TW/424, A/TW/456, A/TW/472, A/TW/498 and A/TW/525) for temporary IT&TI (data centre) use within the subject building approved with conditions by the Committee between 2011 and 2021 for a period of three years each mainly on the grounds that the IT&TI use was compatible with other uses within the subject building as well as the surrounding developments; and the proposal would generally induce less environmental and traffic impact as compared with other industrial uses.
- 6.2 The last application No. A/TW/525 with a total floor area of 4,439m<sup>2</sup> will remain valid until 17.7.2024. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

## 7. **The Premises and Its Surrounding Areas** (Plans A-1 and A-2, photos on Plans A-3 to A-5)

- 7.1 The location and current condition of the Premises are detailed in paragraphs 1.1 and 1.3 above.

7.2 According to available information, the major uses of the subject building by floor are summarised below:

<b>Level</b>	<b>Current Uses</b>
G/F	Carpark, Loading / Unloading area, Security office
1/F	Data centre, Ancillary Office <sup>#</sup>
2/F	<b>Data centre (the Premises)</b>
3/F	Data centre <sup>#</sup>
4/F-6/F	Data centre <sup>@</sup>

<sup>@</sup> Use in existence and always permitted when the subject site was zoned “Industrial” (“I”). The subject site was rezoned from “I” to “CDA(3)” in 2010.

<sup>#</sup> The IT&TI (data centre) use with ancillary office on 1/F (portion) and 3/F was approved under application No. A/TW/525 as detailed in paragraph 6 above.

7.3 The surrounding areas have the following characteristics:

- (a) situated at the northwestern fringe of the Tsuen Wan East Industrial Area with predominantly IBs in the surroundings;
- (b) to the immediate east within the same “CDA(3)” zone are a construction site for Phase 1 of the proposed comprehensive residential development with a child care centre under the approved application No. A/TW/527 (i.e. TWTL 160) and two IBs, namely Wong’s Factory Building and Bonsun Industrial Building;
- (c) to the south across Wang Wo Tsai Street is a cluster of existing IBs within the “CDA(5)” zone.
- (d) to the southwest across Kwu Hang Road is a transitional housing completed in May 2023 within the “Government, Institution or Community” zone;
- (e) to the west across Luen Yan Street is a residential development namely Po Shek Mansion and the major residential neighbourhood of the Tsuen Wan Town Centre mainly zoned “Residential (Group A)13”; and
- (f) to the immediate north is a commercial building namely Fortune Commercial Building zoned “Commercial (5)”.

## **8. Planning Intention**

The “CDA(3)” zone is intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure, visual impact, air ventilation and other constraints.

## **9. Comments from Relevant Government Departments**

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

### **Land Administration**

9.1.1. Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):

- (a) no comment on the application;
- (b) the Premises falls within TWTL 363 governed by New Grant No. 6927 with a term expiring on 30.6.2047 restricted to industrial or godown purposes or both excluding offensive trades; and
- (c) a temporary waiver dated 2.10.2015 ('Temporary Waiver') has been granted to permit the use of the Premises having an area of 2,522m<sup>2</sup> for the purposes of IT&TI. The Temporary Waiver is currently on quarterly basis.

### **Fire Safety**

9.1.2. Comments of the Director of Fire Services (D of FS):

no in-principle objection to the application subject to the fire service installations and water supplies for firefighting being provided to his satisfaction.

### **Environment**

9.1.3. Comments of the Director of Environmental Protection (DEP):

- (a) no objection to the renewal application which is for another period of three years only; and
- (b) the subject application applies for renewal of an existing data centre at the Premises for another period of three years (i.e. up to mid Jan 2027 only). The subject building at 1 Wang Wo Tsai Street (where the data centre located) is part of the site of an approved comprehensive residential development under application No. A/TW/527 (**Plan A-2**). Thus, the subject building would eventually be phased out by the approved comprehensive residential development. It is further noted from the latest information of the approved comprehensive residential development that the first phase of this approved development would only be completed by 2027. By that time, the current data centre renewal (if approved) would already be expired/ended.

9.1.4. The following Government departments have no comment on/objection to the application with advisory comment in **Appendix III**:

- (a) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (b) Commissioner for Transport (C for T);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MN, DSD);
- (e) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (f) Commissioner of Police (C of P); and
- (g) District Officer (Tsuen Wan).

## **10. Public Comments Received During Statutory Publication Period**

During the statutory public inspection period, no public comment has been received.

## **11. Planning Considerations and Assessments**

- 11.1 The application is to seek renewal of the planning approval for temporary IT&TI (data centre) use for a period of three years. The latest approval under application No. A/TW/520 is valid until 16.1.2024. Compared with the previously approved application No. A/TW/520, the current application has no change in the development scheme.
- 11.2 The Premises falls within an area zoned “CDA(3)” zone, which is intended for comprehensive development/redevelopment of the area primarily for residential use with the provision of commercial facilities, open space and other supporting facilities. The subject building forms part of the approved MLP for the proposed comprehensive residential and social welfare facility development under the approved application No. A/TW/527. Whilst Phase 1 of the MLP is anticipated to be completed in 2027, the remaining phases including the subject lot will take time to materialise. It is considered acceptable to utilise the existing industrial premises for other compatible uses in the interim. The proposed IT&TI (data centre) for a temporary period of 3 years will not jeopardise the long term planning intention of the “CDA(3)” zone and its phased implementation will not be affected.
- 11.3 The existing temporary IT&TI (data centre) is located in a godown building and has been in operation since 2015. The 1/F (portion) and 3/F of the subject building are also being used for temporary IT&TI (data centre) use with valid planning approval whilst the 4/F to 6/F of the subject building have been converted for IT&TI purpose which was always permitted at the time when the building fell within an area zoned “I” before rezoning to “CDA(3)” in 2010. In terms of land use, the existing temporary IT&TI (data centre) use is considered compatible with other uses within the building as well as the surrounding developments.
- 11.4 The applicant had complied with the same approval conditions on fire service installation

under the previous planning approvals. FSD has no objection to the application subject to imposition of the approval condition on fire service installation as set out in paragraph 12.2. Other Government departments consulted have no objection to/no comment on the renewal of application.

- 11.5 In view of the above, the application complies with TPB PG-No. 34D as summarised in paragraph 4.1 above in that there has been no material change in planning circumstances since the previous approval and no adverse planning implication arising from the renewal. The only approval condition for the previous application No. A/TW/520 was complied with. The proposed renewal of planning permission for further three years is considered not unreasonable as it can facilitate continuity in the operation of existing IT&TI (data centre) use while not affecting the phased implementation of the “CDA(3)” zone.
- 11.6 The Committee has approved four previous applications (including two renewal applications) at the Premises and five similar applications (including three renewal applications) at the subject building for the same use on a temporary basis for a period of three years since 2011 as stated in paragraphs 5 and 6 above. Approval of the current application is in line with the Committee’s previous decisions on the previous and similar applications.
- 11.7 No public comment was received during the statutory exhibition period.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years, and be renewed from 17.1.2024 until 16.1.2027. The following condition of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the provision of fire service installation within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by ~~17~~12.7.2024; and
- (b) if the above planning condition is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

### Advisory clauses

The recommended advisory clauses are attached at **Appendix III**.

- 12.3 There is no strong reason to recommend rejection of the application.



### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application form received on 17.11.2023
<b>Appendix Ia</b>	SPS
<b>Appendix Ib</b>	FI1 vide letter received on 5.1.2024
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Recommended advisory clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plans A-3 to A-5</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2024**