

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

APPLICATION NO. A/TW/541

<u>Applicant</u>	MapletreeLog PF (HKSAR) Limited represented by Knight Frank Petty Limited
<u>Premises</u>	1/F (Portion) and 3/F, 1 Wang Wo Tsai Street, Tsuen Wan
<u>Total Floor Area of Premises</u>	4,439m ² (About)
<u>Lease</u>	<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
<u>Plan</u>	Approved Tsuen Wan Outline Zoning Plan (OZP) No. S/TW/37
<u>Zoning</u>	“Comprehensive Development Area (3)” (“CDA(3)”) (a) maximum plot ratio (PR) of 5.0, of which a minimum PR of 4.5 shall be for domestic use (b) maximum building height (BH) of 100 metres above Principal Datum or the height of the existing building, whichever is the greater
<u>Application</u>	Renewal of Planning Approval for Temporary Information Technology and Telecommunications Industries (Data Centre) for a period of three years

1. The Proposal

- 1.1 The applicant seeks renewal of the planning approval for application No. A/TW/525 to continue the use of the subject premises at 1/F (Portion) and 3/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 approved Tsuen Wan OZP No. S/TW/37. 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 five previously approved planning applications submitted by the same applicant for the same use which were approved by the Metro Planning Committee (the Committee) between 2011 and 2021 on a temporary basis, each for a

period of three years. Previous approval conditions were all complied with. The permission for the last application No. A/TW/525 is valid until 17.7.2024.

- 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 4,439m² and there is no change in the layout or use as compared to the last application No. A/TW/525. The layout plans of the Premises are shown in **Drawings A-1 and A-2**.
- 1.4 The site where the subject building is located 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**). According to the approved MLP, the CDA site under different ownership will be developed in phases. The subject building is included in Phase 2. Among other things, the MLP and the associated Noise Impact Assessment (NIA) took into account the noise impact induced 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 even if the IBs under Phase 2 remain in operation. According to the application, the anticipated completion year for Phase 1 is 2027 while the implementation programme of Phase 2 is at a later stage.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 16.5.2024 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Further Information (FI) received on 11.6.2024* (**Appendix Ib**)

Remarks:

** 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 2011. 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. There will be no change either in the layout or use as compared with that under the approved application No. A/TW/525. Besides, there is no change to the existing data centre operation that will lead to major change in fixed noise emission 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 and no adverse planning implication, as well as that the respective planning conditions of the previous applications have been complied with.

- (b) 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 a 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 Premises is located in an existing IB, and the subject data centre is in line with Government Policy to promote data centre development and optimise 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. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

5. **Previous Applications**

The Premises is the subject of five previous applications (Nos. A/TW/424, A/TW/456, A/TW/472, A/TW/498 and A/TW/525) 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 17.6.2011, 9.5.2014, 17.7.2015, 15.6.2018 and 9.7.2021 respectively 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 (**Plan A-1**). The last planning permission under application No. A/TW/525 is valid until 17.7.2024 and details of the applications are summarised at **Appendix II**.

6. **Similar Applications**

There are five similar applications (i.e. Nos. A/TW/454, A/TW/465, A/TW/493, A/TW/520 and A/TW/540) for temporary IT&TI (data centre) use at 2/F of the subject building approved with conditions by the Committee between 2014 and 2024 each for a period of three years mainly on similar grounds as mentioned in paragraph 5 (**Plan A-1**). Details of similar applications are summarised at **Appendix II**.

7. **The Premises and Its Surrounding Areas** (Plans A-1 and A-2, photos of the Premises on Drawing A-3 and Plans A-3 to A-4)

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:

Level	Current Uses
G/F	Carpark, Loading / Unloading area, Security office
1/F	Data centre, Ancillary Office (the Premises)
2/F	Data centre [#]
3/F	Data centre (the Premises)

Level	Current Uses
4/F-6/F	Data centre [@]

[#] The IT&TI (data centre) use on 2/F was approved under application No. A/TW/540 as detailed in paragraph 6 above.

[@] 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.

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 immediate north is a commercial building, namely Fortune Commercial Building zoned “Commercial (5)”;
- (d) to the further south across Wang Wo Tsai Street is a cluster of existing IBs within the “CDA(5)” zone;
- (e) to the further southwest across Kwu Hang Road is a transitional housing within the “Government, Institution or Community” zone; and
- (f) to the further west across Luen Yan Street are a residential development namely Po Shek Mansion and the major residential neighbourhood of the Tsuen Wan Town Centre mainly zoned “Residential (Group A)13”.

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**

All Government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the recommended advisory clauses are provided in **Appendices III and IV** respectively.

10. Public Comments Received During Statutory Publication Period

During the statutory public inspection period, three public comments on the application were received and two of them provided views on the application (**Appendix V**). A member of Tsuen Wan District Council and an individual expressed views on noise emission generated by the chillers on rooftop of the subject building and requested appropriate noise mitigation measures should be implemented to minimise the noise impact. An individual indicated no comment on the application.

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 last approval under application No. A/TW/525 is valid until 17.7.2024. Compared with that application, the current application has no change in the development scheme and there is no change in planning circumstances.
- 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 proposed comprehensive residential and social welfare facility development under the MLP of 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 under different ownership 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 2011. The 2/F of the subject building is 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 data centre use 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. Government departments consulted have no objection to/no adverse comment on the application.
- 11.4 The renewal application also complies with the relevant assessment criteria in TPB PG-No. 34D in that there has been no material change in planning circumstances and the land uses of the surrounding areas since granting of the last temporary approval on 9.7.2021; no adverse planning implication arising from the renewal; approval conditions under previous applications have been complied with; and the approval period sought (i.e. three years) is same as the last application and is considered reasonable 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.

11.5 The Committee has approved five previous applications (including three 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.

11.6 In response to the public comments concerning noise emission as summarised in paragraph 10 above, the applicant stated that appropriate mitigation measures have already been implemented for the current operation to minimise the noise impact on the surrounding areas (i.e. acoustic enclosures for the chillers). The operation of the data centre use complies with the acceptable noise level as set out in the Technical Memorandum for the Assessment of Noise from Places Other Than Domestic Premises, Public Places or Construction Sites and the Noise Control Ordinance. The Environmental Protection Department advised that there is no substantiated noise complaint against the subject data centre use.

12. Planning Department's Views

12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department has no objection to the renewal 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 18.7.2024 until 17.7.2027. The recommended advisory clauses are attached at **Appendix IV**.

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

Appendix I
Appendix Ia

Application form received on 16.5.2024
SPS

Appendix Ib	FI1 vide letter received on 11.6.2024
Appendix II	Previous and Similar applications at the Subject Building
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan of 1/F (Portion)
Drawing A-2	Layout Plan of 3/F
Drawing A-3	Photos of 3/F
Plan A-1	Location plan
Plan A-2	Site plan
Plans A-3 to A-4	Site Photos

PLANNING DEPARTMENT
JULY 2024