

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/TM/585

- Applicant** : Forever Earn Limited represented by KTA Planning Limited
- Application Site** : No. 13 and 15 San On Street, Tuen Mun, New Territories
- Site Area** : About 1,858m²
- Lease** : Castle Peak Town Lots (CPTLs) 24 and 45
- (a) restricted to industrial and/or godown purposes (excluding offensive trade)
- (b) erection of a factory and/or a warehouse, ancillary offices and caretakers' or watchmen's quarters
- Plan** : Approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/37 currently in force
- Draft Tuen Mun OZP No. S/TM/36 at the time of submission
(The zoning and development restrictions for the application site remain unchanged on the current OZP)
- Zoning** : "Industrial" ("I")
[Restricted to a maximum plot ratio (PR) of 9.5 and a maximum building height (BH) of 85mPD, or the PR/BH of the existing building, whichever is the greater]
- Application** : Proposed Minor Relaxation of PR and BH Restrictions for Permitted Information Technology and Telecommunications Industries Use (Proposed Data Centre Development)

1. The Proposal

- 1.1 The applicant seeks planning permission for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +1.9 or +20%) as well as relaxation of BH restriction from 85mPD to 109.4mPD (i.e. +24.4m or +28.7%) for redevelopment of two existing industrial buildings (IBs), which were constructed before 1987 (pre-1987 IB)¹ at the application site (the Site) (**Plan A-1**), into a 21-storey building (including two

¹ The Occupation Permits for the subject IBs (i.e. Bhotai Industrial Building and Shan Ling Industrial Building) were issued in 1976 and 1977 respectively.

basement levels) for information technology and telecommunications industries use (proposed Tier III data centre development²). According to the Notes of the OZP for “I” zone, ‘Information Technology and Telecommunications Industries’ is always permitted. Minor relaxation of the PR and BH restrictions may be considered by the Town Planning Board (the Board) on application under section 16 of the Town Planning Ordinance (the Ordinance) based on the individual merits of the development proposal.

- 1.2 The Site was involved in four previous applications (No. A/TM/482, A/TM/539, A/TM/567 and A/TM/568). Application No. A/TM/482 covering CPTL 24 (in the south) for proposed eating place/shop and services uses (wholesale conversion of an existing building only) as well as No. A/TM/539 (for the Site), A/TM/567 and A/TM/568 (for CPTL 45 and CPTL 24 respectively) for minor relaxation of PR restriction from 9.5 to 11.4 for permitted industrial use were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2016 and 2022 (**Plan A-1**). Compared with the previous approved scheme for the same Site (No. A/TM/539), in addition to minor relaxation of PR restriction, the current application also applies for minor relaxation of BH restriction to allow the higher floor-to-floor height (5.6m) of the proposed data centre to meet the special functional requirement.
- 1.3 The proposed 21-storey Tier III data centre at the Site comprises car parking spaces and electrical and mechanical (E&M) facilities at the two basement floors, entrance lobby, loading/unloading (L/UL) bays, parking spaces for goods vehicles and E&M facilities on G/F, open office ancillary to data centre and E&M facilities on M1/F and M2/F, data halls and E&M facilities on 1/F to 3/F and 7/F to 12/F, uninterruptible power supply (UPS) systems and generator rooms on 4/F to 6/F and 13/F to 14/F, chiller plant rooms and generator rooms on 15/F and 16/F as well as E&M facilities on R/F and top roof (**Drawings A-1 to A-6**).
- 1.4 The Site abuts Tin Hau Road and San On Street to the east and west respectively and adjoins two IBs to its northern and southern boundaries (**Plan A-2**). The vehicular access of the proposed development is proposed at San On Street. To create a new pedestrian passage connection between San On Street and Tin Hau Road to improve pedestrian circulation, the applicant pledges to design, construct, manage and maintain a voluntary full-height building setback of 6m at the northern boundary of the Site. The proposed pedestrian passage will be landscaped with movable planters and vertical greening and opened to public at all times (**Drawings A-2 and A-8**). To further enhance pedestrian connectivity of the area, a signal-controlled pedestrian crossing facility to the northeast of the Site across Tin Hau Road is also proposed by the applicant³ (**Drawing A-14**). Lightweight glass canopy (2.4m in width)⁴ is proposed along the full frontage of Tin Hau Road for pedestrian comfort and weather protection (**Drawing A-2**). Various greening proposals including vertical greenings on facades facing San On Street and Tin Hau Road on M1/F and M2/F, communal podium gardens opened

² Data centres are classified into four tiers according to serviceability levels and building requirements. High-tier data centres encompass those classified as Tiers III or IV.

³ The applicant will take up the design and construction of the proposed pedestrian crossing facility and handover to the Government for management and maintenance upon completion.

⁴ Design of canopy is subject to departmental comments at detailed design stage.

for future tenants and their visitors' use on 1/F, climbing trailing plants planted at the edge of the podium roof of 1/F and greening on R/F (**Drawings A-8 and A-9**) are also proposed to offer visual interest and enhance visual quality of the proposed development. A total greenery coverage of not less than 25% is proposed for the proposed development.

- 1.5 Floor plans, diagrammatic sections and landscape drawings submitted by the applicant are shown at **Drawings A-1 to A-9**. A comparison of the major development parameters of the current application with the previously approved application for the same Site is summarised as follow:

	A/TM/539 <i>(previously approved scheme for permitted industrial use)</i>	A/TM/585 <i>(current scheme for permitted data centre)</i>	Differences
Site Area	About 1,858m ²	About 1,858m ²	No change
PR ^(a)	11.4	11.4	No change
Non-domestic Gross Floor Area (GFA)	Not more than 21,180m ²	Not more than 21,180m ²	No change
Site Coverage (SC) • Below 15m • Above 15m	Not more than 95% Not more than 60%	Not more than 92% Not more than 60%	- 3% No change
No. of Storeys	22 (including 2 levels of basement)	21 (including 2 levels of basement)	- 1
Floor-to-Floor Height	3.82m	5.6m	+1.78m
BH (at main roof level)	About 85mPD	About 109.4mPD	+ 24.4m
Parking Spaces - Private Car	21 (including 1 accessible parking space)	22 (including 1 accessible parking space)	+ 1
- Motorcycle	2	3	+ 1
L/UL Bays - Light Goods Vehicles	21	5 (4 L/UL bays + 1 parking space)	- 16
- Heavy Goods Vehicles	9	2 (1 L/UL bay + 1 parking space)	- 7
Setback	3.5m (full-height) from the northern boundary (total setback area: 96m ²)	6m (full height) from the northern boundary (total setback area: 165m ²)	+ 2.5m (+69m ²)
Canopy	G/F fronting Tin Hau Road	G/F fronting Tin Hau Road	No change
Greening Measures	<ul style="list-style-type: none"> Planters/shrub planting on G/F, 1/F & 2/F G/F vertical greening fronting Tin Hau Road and San On Street Communal garden on R/F 	<ul style="list-style-type: none"> Movable planters/shrub on G/F M1/F and M2/F vertical greening fronting Tin Hau Road and San On Street Communal garden on 1/F, Greening on R/F 	Similar provision of green measures with higher (+5%) greenery coverage

	<ul style="list-style-type: none">Greenery coverage of about 20%	<ul style="list-style-type: none">Greenery coverage of not less than about 25%	
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Note: (a) The applicant indicated that bonus PR for the surrender of the setback area will not be claimed.

1.6 In support of the application, the applicant has submitted the following documents:

- (a) Application forms received on 29.3.2023 (Appendix I)
- (b) Supporting Planning Statement (Appendix Ia)
- (c) Supplementary Information (SI) received on 6.4.2023 (Appendix Ib)
- (d) Further Information (FI) received on 7.6.2023 (Appendix Ic)
[accepted but not exempted from publication]
- (e) FI received on 11.7.2023 (Appendix Id)
[accepted and exempted from publication]

1.7 On 19.5.2023, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application set out at **Appendices Ia to Id** are summarised as follows:

In line with the Government Policy for Revitalising IBs

- (a) The proposed minor relaxation of PR restriction by 20% is in line with the 2018 Policy Address (PA) to optimise the use of vacant or underutilised IBs and provide more floor area to meet Hong Kong's changing economic and social needs.

In line with the Government Policy for Promoting Innovation and Technology Development

- (b) While planning approvals for minor relaxation of PR restriction for industrial use involving the Site were obtained in 2020 to 2022, the applicant considers that there would be an opportunity to use the Site for a tailor-made data centre to meet the robust demand for cloud computing, artificial intelligence and big data analytics for innovation and technology (I&T) Industry of Hong Kong, which is in line with 2017 PA, 2020 PA and Smart City Blueprint for Hong Kong 2.0.

Continuing to Meet the Prevailing Planning Intention

- (c) The proposed information technology and telecommunications industries use is a Column 1 use under the "I" zone and is completely in line with the planning intention of the zone.

Design Merits of the Proposed Development

- (d) The proposed voluntary full-height setback from the northern site boundary will create a new pedestrian connection between San On Street and Tin Hau Road. The proposed lightweight glass canopy over Tin Hau Road will also provide shelter to pedestrians against inclement weather.
- (e) To provide a more aesthetically pleasing experience for pedestrians and enhance the general visual quality of the surrounding environment, planters on G/F and 1/F, vertical greening on M1/F and M2/F and greenery on R/F are proposed. Besides, the podium gardens on 1/F will serve as green spaces for the users of the proposed development. In general, not less than 25% greenery coverage will be provided within the Site.
- (f) The continuous projected facade length of the proposed building is less than 60m to reduce undesirable screening effect of long building and to improve air ventilation. The building setback requirement has also been complied with in accordance with Sustainable Building Design Guidelines (SBDG) that no part of the proposed building is built up within 7.5m from the centreline of San On Street and Tin Hau Road. To create more visual relief and openness, the main tower of the proposed development will be positioned to leave adequate building separations with the adjoining lots to the north and south of the Site.
- (g) The applicant is targeting to achieve BEAM Plus certification and comply with Joint Practice Note No. 1 on Green and Innovative Buildings. Green building measures such as cooling system provided by water-cooled chiller and E&M infrastructure designed with Green Data Centre Practice Guide will be adopted.

Optimised BH for Data Centre Development and Compatible with Surrounding BH Profile

- (h) The minor relaxation of BH restriction is mainly for meeting the specific functional requirement for the proposed Tier III data centre (including the provisions of 132KV/11KV transformer bays, air conditioning system and batteries for UPS, water cooler chillers and power generators) and catering for the special high headroom requirement with a floor-to-floor height of 5.6m. To help reduce the building bulk, efforts have been made in minimising the BH increase as far as practicable, including providing underground car parking spaces.
- (i) The proposed 21-storey development with a BH of about 109.4mPD would be compatible with the surrounding high-rise industrial and commercial developments and an existing residential development with BH up to 155mPD to the northeast across the Tuen Mun River Channel. The Visual Impact Assessment (VIA) concludes that the proposed development will be in harmony with the surrounding developments and will not induce unacceptable visual impacts (**Drawings A-10 to A-13**). Relevant criteria in the consideration of relaxation of BH restrictions stipulated in the OZP have been fulfilled.

Facilitation of Transformation of Tuen Mun Industrial Area

- (j) Redevelopment of the dilapidated IBs at the Site could help upgrade Tuen Mun Industrial Area. Besides, the provision of floor space for information technology and telecommunications use could create synergy and collective benefits that would expedite transformation of Tuen Mun Industrial Area into a cluster of high-tech industries.

Provision of a Safe and Convenient Alternative Pedestrian Crossing Facility

- (k) The existing pedestrian crossing facilities at Tin Hau Road are located to the north and south of the Site which are about 360m away. To facilitate pedestrian crossing at Tin Hau Road, a signal-controlled crossing facility across Tin Hau Road is proposed near San Hop Lane to offer a safe and convenient alternative pedestrian crossing and will be constructed by the applicant.

No Adverse Technical Impacts

- (l) The proposed development will not generate adverse traffic and sewerage impacts. According to the Traffic Impact Assessment (TIA), all junctions and footpath at adjacent road network have sufficient capacity to accommodate the expected pedestrian growth and additional traffic generated by the proposed development. According to the Sewerage Impact Assessment (SIA), no unacceptable adverse sewerage impact due to the proposed development is anticipated with the proposed new relief sewer to be implemented by the applicant.

In Line with the Previously Approved Applications

- (m) The Committee has previously approved three applications (No. A/TM/539, A/TM/567 and A/TM/568) involving the Site for minor relaxation of PR restriction for permitted industrial use. The current application is also for minor relaxation of PR for permitted use and with a higher BH to meet the requirements of a high-tier data centre development. The approval of the current application is in line with the Committee's previous decisions.

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

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

4. Background

Policy Initiatives of Revitalisation of IBs

- 4.1 As set out in the PA 2018, to provide more floor area to meeting Hong Kong’s changing social and economic needs, and make better use of the valuable land resources, a new scheme to incentivise redevelopment of IBs is announced. To

encourage owners to redevelop pre-1987 IBs⁵, there is a policy direction to allow relaxation of the maximum permissible non-domestic PR as specified in an OZP by up to 20% for redevelopment of pre-1987 IBs located outside “Residential” (“R”) zones in Main Urban Areas and New Towns into industrial/commercial uses. The relaxation of PR is subject to approval by the Board on a case-by-case basis and the maximum non-domestic PR permissible under the Building (Planning) Regulations (B(P)R)⁶. The Board may approve such application subject to technical assessments confirming the feasibility of allowing such in terms of infrastructure capacity, technical constraints, as well as relevant planning principles and considerations.

- 4.2 As announced in the Chief Executive’s 2021 PA, the implementation period of the above scheme is extended to October 2024. Should the application be approved, the modified lease should be executed (with full land premium charged) within three years after the planning permission is granted.

5. Previous Applications

The Site was involved in four previous planning applications (No. A/TM/482, 539, 567 and 568) covering either the whole or portions of the Site. Application No. A/TM/482, involving CPTL24 only, was for proposed eating place/shop and services uses (wholesale conversion of an existing building only) approved with conditions by the Committee on 5.2.2016⁷. Applications No. A/TM/539, 567 and 568 covering the Site, CPTL 45 and CPTL 24 respectively for minor relaxation of PR restriction from 9.5 to 11.4 for permitted industrial use submitted by the same applicant were approved with conditions by the Committee between 2020 and 2022 mainly on considerations that the proposed industrial developments were considered compatible with the surrounding land uses; there was policy support from the Secretary of Development (SDEV); the proposals had incorporated planning and design merits; and concerned departments had no objection to or adverse comment on the applications. Details of these four previous applications are at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for minor relaxation of PR and/or BH restrictions within “T” zones on the OZP relating to the IBs Revitalisation Policy considered since March 2019.

7. The Site and Its Surrounding Areas (Plan A-1 to A-3 and photos on Plan A-4)

7.1 The Site is:

⁵ Pre-1987 IBs refer to those that were wholly or partly constructed on or before 1.3.1987, or those constructed with their building plans first submitted to the Building Authority for approval on or before the same date.

⁶ Under the new policy, any bonus floor area claimed under section 22(1) or (2) of the B(P)R is not to be counted towards the proposed increase of non-domestic PR by 20% for redevelopment projects.

⁷ Special waiver for the approved scheme was executed on 26.6.2018 while no building plan submission has been made by the applicant.

- (a) currently occupied by a 4-storey industrial building known as Bhotai Industrial Building and a 6-storey industrial building known as Shan Ling Industrial Building, which were completed in 1976 and 1977 respectively (**Plan A-4**). The buildings are currently used mainly for godown purposes;
- (b) located at the eastern fringe of Tuen Mun Industrial Area 12 and accessible by San On Street on its west and Tin Hau Road on its east (**Plan A-3**); and
- (c) located about 200m to the southwest of the Tuen Ma Line Tuen Mun Station across the Tuen Mun River Channel (**Plan A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) the Site is mainly surrounded by medium to high-rise industrial buildings, godowns and commercial buildings with BHs ranging from 31mPD to 102mPD (**Plans A-3 and A-5**);
- (b) to its further east across Tin Hau Road is Pui To Road (South) Rest Garden, a cycle track and the Tuen Mun River Channel (**Plans A-2 and A-3**); and
- (c) to their northwest across San On Street is a sitting-out area and a public car park (**Plan A-2**).

8. **Planning Intention**

- 8.1 The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries, office related to industrial use and selected uses akin to industrial production and would not compromise building and fire safety are also permitted in this zone.
- 8.2 According to the Explanatory Statement of the OZP, to provide incentive for developments/redevelopments with design merits/planning gains, each application for minor relaxation of BH restriction under section 16 of the Ordinance will be considered on its own merits and the relevant criteria for consideration of such relaxation are as follows:
 - (a) amalgamating smaller sites for achieving better urban design and local area improvements;
 - (b) accommodating the bonus PR granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;
 - (c) providing better streetscape/good quality street level public urban space;
 - (d) providing separation between buildings to enhance air and visual permeability; and
 - (e) other factors such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to

townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

9. Comments from Relevant Government Departments

- 9.1 The following Government bureaux/departments have been consulted and their views on the application are summarised as follows:

Policy Perspective

- 9.1.1 Comments of the Secretary for Development (SDEV):

She notes that the applicant's latest intention of developing a tailor-made data centre, instead of new IB(s) for permitted industrial use on the Site as proposed under previous applications approved by the Board with conditions. Given the current policy of encouraging the development of aged IB, the data centre development proposal is supported subject to it meeting all the eligibility criteria and relevant requirements. She also noted that the proposal, if materialised, would help address the growing demand for data centre facilities and services.

Promotion of Innovation and Technology Industries

- 9.1.2 Comments of the Office of the Government Chief Information Officer, Innovation, Technology and Industry Bureau (OGCIO, ITIB):

- (a) Data centres are critical information and communication technologies infrastructure for development of digital economy and smart city in Hong Kong. The Government has been committed to promoting Hong Kong as the prime location for data centres in the Asia-Pacific Region. Subject to the approval of the relaxation of PR and BH restrictions, the proposed redevelopment of the building into a 21-storey data centre, if materialized, would contribute to addressing the growing demand for high-tier data centres in Hong Kong and benefit the innovation and technology sector development at large.
- (b) From data centre development perspective, the proposed floor-to-floor height of 5.6m is appropriate and reasonable.

Land Administration

- 9.1.3 Comments of the District Lands Officer/Tuen Mun (DLO/TM) and the Chief Estate Surveyor/Development Control (CES/DC), Lands Department (LandsD):

- (a) The Site is situated at CPTLs 24 and 45 which are held under New Grant No. 1569 dated 8.12.1970 and New Grant No. 1721 dated 23.11.1971 respectively. The Lots are restricted to industrial and/or godown purposes (excluding offensive trade)

and subject to parking and L/UL requirements. No right of ingress and egress to or from the lot along Tin Hau Road is permitted for the passage of motor vehicles.

- (b) LandsD reserves comments on the proposed schematic design and landscape master plan which would only be examined in detailed building plan submission stage.
- (c) Other detailed comments are at **Appendix IV**.

Traffic

9.1.4 Comments of the Commissioner for Transport (C for T):

- (a) She has no comment on the application from traffic engineering point of view.
- (b) Should the application be approved, it is suggested to impose the following approval conditions:
 - (i) the design and provision of parking facilities, loading and unloading spaces and vehicular access for the proposed development to his satisfaction; and
 - (ii) the submission and implementation of the traffic management measures, including the signalised crossing as proposed by the applicant, to his satisfaction.

9.1.5 Comments of the Chief Highway Engineer/ New Territories West, Highways Department (CHE/NTW, HyD):

The proposed access arrangement of the Site from San On Street should be commented and approved by Transport Department. His detailed comments are at **Appendix IV**.

Environment

9.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) Provided that the proposed development is properly designed to incorporate suitable environmental mitigation measures, it is unlikely to cause major pollution.
- (b) According to the Sewerage Impact Assessment (SIA) submitted by the applicant, he understands that a new relief sewer will be provided to accommodate the increase sewerage flow due to the proposed development. He has no adverse comment on the SIA.
- (c) Should the application be approved, he suggests to impose the following approval condition:

submission of land contamination assessment in accordance with the prevailing guidelines and implementation of the remediation measures identified therein prior to the development of the Site to his satisfaction

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no comment on the SIA for the proposed development.
- (b) Should the application be approved, approval condition should be stipulated requiring the applicant to implement the approved sewerage improvement proposal to his satisfaction.

Urban Design, Visual and Landscape

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design and Visual

- (a) The Site is mainly surrounded by existing medium to high-rise industrial and commercial buildings (with BH ranging from about 31mPD to 102mPD / 7 to 28 storeys) in the “I” zone, which is subject to a BH restriction of 85mPD under the OZP. To the northeast of the “I” zone across the Tuen Mun River Channel lies the Century Gateway with BH restriction of 156mPD (i.e. the highest BH band in the central location of the Tuen Mun New Town) adjoining Tuen Ma Line Tuen Mun Station (**Plan A-5**). In this connection, the proposed development with a maximum BH of 109.4mPD is considered not incompatible with its immediate surroundings as well as the wider context.
- (b) According to the VIA for the subject application, the proposed development would in overall terms have some negative visual effects to some of the selected public viewpoints (VPs). Nonetheless, the proposed development has incorporated sensitive design measures including a voluntary 6m-wide full-height building setback from the northern site boundary (which serves as a pedestrian passage between Tin Hau Road and San On Street) to create more visual relief and openness as well as provision of landscape treatments in low zone and on R/F of the proposed development to enhance its visual quality and pedestrian environment. Moreover, a 2.4m-wide glass canopy along the building edge facing Tin Hau Road will also be provided for weather protection.

Landscape

(c) According to the aerial photo of 2022, the Site is situated in an area of industrial urban landscapes predominated by industrial buildings, open spaces are observed in the surroundings. The Site is currently occupied by two existing IBs without any landscape resources within the application boundary. With reference to the Supporting Planning Statement, the proposed redevelopment will provide a 6m-wide setback of pedestrian linkage on G/F at the northern site boundary with plantings and sitting benches provided. Green provisions of not less than 25% coverage are also proposed in the scheme, including vertical greening at the eastern and western facades, and planter areas on 1/F and R/F. Since the proposed use and minor relaxation are considered not incompatible with the landscape setting in proximity, and significant landscape impact is not anticipated from the redevelopment, she has no adverse comment on the application from landscape planning perspective.

(d) The applicant should note her advisory comments in **Appendix IV**.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

(a) He has no objection to the relaxation of PR from 9.5 to 11.4 and there is no specified BH or floor-to-floor height restriction under the Buildings Ordinance (BO). The development intensity shall not exceed the permissible under the first schedule of B(P)R.

(b) Detailed comments under the BO will be provided at the building plan submission stage.

(c) Other comments on the application are at **Appendix IV**.

9.2 The following departments have no objection to or no adverse comment on the application:

- (a) Director - General of Trade and Industry (DG of TI);
- (b) Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD);
- (c) Director of Fire Services (D of FS);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Commissioner of Police (C of P);
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (g) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (h) District Officer/Tuen Mun, Home Affairs Department.

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

On 11.4.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix III**) was received which raised objection to the application mainly on the grounds that there is no justification to increase the BH, the proposed setback is insufficient to mitigate the environmental issue induced by the proposed data centre, the change of the vertical greening from G/F to 1/F compared with the previous approved scheme would have less benefit to the pedestrian environment, there is no improvement in the pedestrian landscape, and the proposal provides no additional benefit to the community.

11. **Planning Considerations and Assessments**

- 11.1 The application is for minor relaxation of PR restriction from 9.5 to 11.4 (i.e. +1.9 or +20%) and BH restriction from 85mPD to 109.4mPD (i.e. +24.4m or +28.7%) to facilitate redevelopment of two pre-1987 IBs into a 21-storey building (including two basement levels) at the Site for information technology and telecommunications industries use (i.e. proposed Tier III data centre development) which is always permitted within the “I” zone. The previous application No. A/TM/539 submitted by the same applicant for the same site for minor relaxation of PR restriction from existing 9.5 to 11.4 (+20%) for permitted industrial use was approved by the Committee with conditions on 17.1.2020. Compared with the previous approved scheme, the current application also applies for minor relaxation of BH restriction to meet the special functional requirement for the proposed Tier III data centre.

Policy Aspect

- 11.2 The existing two IBs within the Site with OPs issued in 1976 and 1977 can be regarded as eligible pre-1987 IBs under the Government’s policy on revitalising IBs. SDEV lends policy support to this data centre development proposal on the understanding that it is in line with the current policy of encouraging the redevelopment of aged IB by an incentive to increase the PR by 20%, and that the redevelopment, if materialised, would help address the growing demand for data centres facilities and services. Besides, the Government is committed to promoting Hong Kong as a prime location for data centres in the Asia-Pacific Region. OGCI of ITIB considers that the proposed minor relaxation of PR and BH restrictions would contribute to addressing the growing demand for high-tier data centres in Hong Kong and benefit the innovation and technology sector development at large.

Technical Aspects

Minor Relaxation of PR

- 11.3 Consideration of minor relaxation of PR is also subject to technical assessments confirming the feasibility of the proposed development. In support of the application, the applicant has submitted the TIA and SIA to demonstrate that the proposed development would not cause adverse traffic and sewerage impacts on the surrounding areas. C for T has no comment on the application from traffic

engineering point of view subject to the incorporation of approval conditions set out in paragraphs 12.2 (a) and (b) below. A new relief sewer will be provided by the applicant, and CE/MN of DSD has no comment on the SIA. DEP also confirms that with incorporation of suitable environmental mitigation measures, the proposed development would unlikely cause major pollution. Appropriate approval conditions set out in paragraphs 12.2 (c) and (d) are proposed to address the technical requirements of concerned departments. Other relevant government departments including D of FS and CE/C, WSD have no adverse comments on/ no objection to the proposed development.

Minor Relaxation of BH

- 11.4 According to the applicant, the proposed minor relaxation of BH restriction from 85mPD to 109.4mPD (i.e. +24.4m or +28.7%) is mainly for accommodating the specific functional requirement for Tier III data centre development which requires a floor-to-floor height of 5.6m to meet the operation need. For the sake of reducing BH of the proposed development while providing a 6m-wide full-height building setback on G/F and adequate building separations of the main tower to the adjoining lots, the carparking facilities are proposed at two basement levels in order to minimise the increase in BH. OGCI of ITIB advises that the proposed floor-to-floor height of 5.6m is appropriate and reasonable from data centre development perspective. In view of the above, the proposed relaxation of BH restriction to 109.4m (i.e. +24.4m), which is considered generally proportionate to the applied 20% minor relaxation of PR restriction, may not be unreasonable.
- 11.5 The Site is mainly surrounded by existing medium to high-rise industrial and commercial buildings with BH ranging from about 31mPD to 102mPD within the same “I” zone. To the northeast of the “I” zone across the Tuen Mun River Channel lies the Century Gateway with BH restriction of 156mPD (i.e. the highest BH band in the central location of the Tuen Mun New Town) (**Plan A-5**). Given the area context and as illustrated in the photomontages of the VIA (**Drawings A-10 to A-13**), CTP/UD&L, PlanD considers that the proposed development with a maximum BH of 109.4mPD is not incompatible with its immediate surroundings as well as the wider context. Although the proposed development would in overall terms have some negative visual effects to some of the selected VPs, it has incorporated sensitive design measures including a voluntary 6m-wide full-height building setback from the northern site boundary to create more visual relief and openness as well as provision of landscape treatments in low zone and on R/F of the proposed development to enhance its visual quality and pedestrian environment. CA/CMD2 of ArchSD also has no comment on the application from architectural and visual impact points of view.

Planning and Design Merits

- 11.6 The proposed development has incorporated a voluntary 6m-wide full-height setback at the northern boundary of the Site as well as lightweight glass canopies of 2.4m wide over Tin Hau Road to improve pedestrian environment. To enhance the visual quality of the pedestrian environment, planters and vertical greening are proposed at the lower floors of the proposed development. Communal podium gardens are also proposed on 1/F for enjoyment of the future

tenants and visitors. The applicant committed to provide not less than 25% greenery within the Site. Compared with the previous application (No. A/TM/539), the current scheme has incorporated more planning and design merits including a wider full-height setback (from 3.5m to 6m-wide) along the northern site boundary; an increase in overall greenery ratio (from 20% to 25%); and a reduced site coverage below 15m (from 95% to 92%). CTP/UD&L of PlanD has no adverse comment on the application from landscape planning perspective.

- 11.7 With regard to sustainability of building design, the applicant has taken into account the requirements of SBDG by providing building setback and greenery more than the requirement of 20% under SBDG. The applicant also intends to apply for BEAM Plus Certification. Detailed measures on green building design will be considered at building plan submission stage.

Previous Application

- 11.8 The Site is the subject of a previous application (No. A/TM/539) for minor relaxation of PR restriction from 9.5 to 11.4 for permitted industrial use which was approved by the Committee on 17.1.2020 on the considerations of SDEV's policy support, provision of planning and design merits, and no departmental objection to or adverse comment on the application. Approving the current application is not in conflict with the Committee's previous decision.

Public Comments

- 11.9 Regarding the public comment objecting to the application, the planning consideration and assessment in paragraphs 11.1 to 11.8 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10, 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 until 28.7.2027, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval conditions

- (a) the design and provision of parking facilities, loading/unloading spaces and vehicular access for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (b) the submission and implementation of the traffic management measures, including the signalised crossing, as proposed by the applicant, to the

satisfaction of the Commissioner for Transport or of the Town Planning Board;

- (c) the implementation of the approved sewerage improvement proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (d) the submission of a land contamination assessment and the implementation of the remediation measures identified therein prior to development of the Site to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.

Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that there are sufficient planning and design merits to justify the proposed minor relaxation of PR and BH restrictions.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 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	Application Form received on 29.3.2023
Appendix Ia	Supporting Planning Statement
Appendix Ib	SI received on 6.4.2023
Appendix Ic	FI received on 7.6.2023
Appendix Id	FI received on 11.7.2023
Appendix II	Previous Applications
Appendix III	Public Comment
Appendix IV	Recommended Advisory Clauses
Drawings A-1 to A-6	Floor Plans
Drawing A-7	Schematic Section
Drawings A-8 and A-9	Landscape Proposal
Drawings A-10 to A-13	Photomontages
Drawing A-14	Proposed Pedestrian Crossing Across Tin Hau Road

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos
Plan A-5	Building Height Profile in Tuen Mun Industrial Area 12

PLANNING DEPARTMENT
JULY 2023