

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/472

- Applicant** : Driving Services Section, Transport Department
- Site** : 103 Lei Muk Road, Kwai Chung, New Territories
- Site Area** : About 3,760 m²
- Land Status** : Government Land
[Under a Temporary Government Land Allocation (TGLA) No. TKT 1790 allocated to the Commissioner for Transport for the purpose of a driving test centre commencing from 1.3.2006 and extending up to 28.2.2021]
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
- Zoning** : ‘Road’ (about 1,890m² or 50.2 %),
‘Residential (Group A)’ (“R(A)”) (about 1,570m² or 41.7 %),
‘Green Belt’ (“GB”) (about 292m² or 7.8 %), and
‘Government, Institution or Community’ (“G/IC”) (about 12m² or 0.3 %)
- [Development within “R(A)” zone is subject to a maximum domestic plot ratio (PR) of 5.0 or a maximum non-domestic PR of 9.5, and a maximum building height (BH) of 170mPD, or PR/BH of the existing building, whichever is the greater.
Development within “G/IC” zone subject to a maximum BH of 2 storeys.]
- Application** : Renewal of Planning Approval for Temporary Government Use (Driving Test Centre) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval under Application No. A/KC/452 for “Government Use (Driving Test Centre)” at the application site (the Site) (**Plan A-1**) to continue the use of the existing centre on a temporary basis for a period of three years. The Site falls within the areas zoned “R(A)”, “GB”, “G/IC” and shown as ‘Road’ on the draft Kwai Chung OZP No. S/KC/29 (**Plan A-2**).
- 1.2 According to the Notes of the OZP for “R(A)” and “G/IC” zones, the applied use which is considered as ‘Government Use (not elsewhere specified)’, is a Column 1 use and always permitted. Yet, the use requires planning permission from the Town Planning Board (the Board) within the areas zoned “GB” and shown as ‘Road’.

Given the above, the temporary government use for the driving test centre as a whole requires planning permission from the Board.

- 1.3 The development was the subject of three previously approved applications (No. A/KC/382, A/KC/427 and A/KC/452) submitted by the same applicant for the same use on a temporary basis for a period of three years, which were approved with condition by the Metro Planning Committee (the Committee) of the Board on 20.1.2012, 16.1.2015 and 2.3.2018 respectively. According to the last approval in 2018, the planning permission will lapse on 2.3.2021.
- 1.4 The development under application involves two single-storey blocks for office use and lavatory use. Its total gross floor area (GFA) and BH are about 93m² and 3.5m respectively. A total of 24 public light good vehicles/private car parking spaces will continue to be provided within the Site. These development parameters remain generally the same as that of the last approved scheme of Application No. A/KC/452. The location and layout of the development under application submitted by the applicant are shown in **Drawings A-1 to A-3**.
- 1.5 In support of the application, the applicant has submitted an Application Form with a set of plans received on 29.12.2020 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Annex of **Appendix I** which are summarised as follows:

- (a) The existing Shek Yam Driving Test Centre (SYDTC) at Lei Muk Road, Kwai Chung has been in operation since December 2008 under a temporary government land allocation (TGLA) which will be expired on 28.2.2021. In order to continue the present use of the centre, it is proposed to extend the allocation for three more years.
- (b) SYDTC was constructed to replace the Shek Lei Driving Centre at Tai Pak Tin Lane, Kwai Chung, which was closed in 2007 to make way for a school after providing driving test services for over 30 years. Currently, SYDTC provides driving test services for private cars and light goods vehicles.
- (c) SYDTC has conducted around 4,000 to 6,000 driving tests each year since 2012, demonstrating its importance in providing services to members of the public, and meeting the strong demand for driving test services in Hong Kong. Without SYDTC, learner drivers would have to take driving tests in other driving test centres. This will increase the burden of other driving test centres and lengthen the already prolonged waiting time for driving tests, further attracting public complaints and harming the public image of the government. As such, it is necessary to renew the site allocation for SYDTC so as to maintain the level of service provided to members of the public.
- (d) Transport Department (TD) is currently exploring the feasibility for permanent re-provisioning of SYDTC to another suitable location in close proximity. It was mentioned in the last application (Application No. A/KC/452) that the feasibility

of relocating SYDTC to Sheung Kwai Chung Vehicle Examination Centre (SKCVEC) would be studied. However, SKCVEC was subsequently found not suitable due to the lack of suitable road network in the vicinity for conducting driving tests. In addition, TD has initiated a site search in June 2020 but no suitable sites so far have been identified for the relocation of SYDTC. Hence, the existing site allocation is necessary in maintaining driving test services for members of the public before an alternative site is secured.

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

As the Site involves Government land only, the ‘owner’s consent/notification’ requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under 16 of the Town Planning Ordinance (TPB PG-No. 31) is not applicable to the application.

4. Town Planning Board Guidelines

4.1 The Town Planning Board Guidelines for Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance (TPB PG-No. 10) is relevant to this application. In particular, the following planning considerations are relevant to the application:

- (a) there is a general presumption against development in a “GB” zone. In general, the Board will only be prepared to approve application for development in the context of requests to rezone to an appropriate use;
- (b) the design and layout of any proposed development should be compatible with the surrounding area. The development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, or cause any adverse visual impact on the surrounding environment;
- (c) the proposed development should not overstrain the capacity of existing and planned infrastructure such as sewerage, roads and water supply. It should not adversely affect drainage or aggravate flooding in the area;
- (d) the proposed development should not be susceptible to adverse environmental effects from pollution sources nearby such as traffic noise, unless adequate mitigation measures are provided, and it should not itself be the source of pollution; and
- (e) the proposed development should not adversely affect slope stability.

4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use for Development (TPB PG-No.34C) is relevant to the application. In particular, the following planning considerations are relevant to the application:

- (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.

4.3 It is also indicated in TPB PG-No. 34C that under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. A streamlined approach is adopted and there is no need to undertake new technical assessments so long as there is no major change in planning circumstances.

5. Previous Applications (Plan A-1)

- 5.1 The Site is the subject of three previously approved applications (No. A/KC/382, A/KC/427 and A/KC/452) for the driving test centre on a temporary basis for a period of three years. Details of the applications are summarised in **Appendix II**.
- 5.2 Application No. A/KC/382 for the driving test centre on a temporary basis for three years was approved with condition by the Committee on 20.1.2012 mainly on the grounds that the development would not create adverse environmental, sewerage, drainage and traffic impacts to the surrounding area.
- 5.3 Application No. A/KC/427 for the renewal of planning permission for the same use for a period of three years was approved with condition by the Committee on 16.1.2015. The approval was granted mainly on similar grounds as Application No. A/KC/382.
- 5.4 Application No. A/KC/452 for the same use for a period of three years was approved with condition by the Committee on 2.3.2018 on similar grounds as Application No. A/KC/382 and A/KC/427. The planning permission will lapse on 2.3.2021.

6. Similar Application

There is no similar planning application within “R(A)”, “GB”, “G/IC” and areas shown as ‘Road’ in the Kwai Chung area.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2 & Photos on Plans A-3 and A-4)

- 7.1 Part of the Site is currently used as a driving test centre by TD and the north-western portion is vacant land with grass/shrubs which is also managed by TD under the same TGLA (**Plan A-3**).
- 7.2 The surrounding areas have the following characteristics (**Plan A-2**):
- (a) the Site is surrounded by formed slopes;
 - (b) to the east and south-east of the Site are the public rental housing, namely Shek Yam East Estate on Tai Pak Tin Street;
 - (c) to the south of the Site is the public rental housing, namely Shek Yam Estate;
 - (d) to the south-west of the Site are Lei Muk Road, a refuse collection point and the Home Ownership Scheme, namely Ning Fung Court, North Kwai Chung Jockey Club Swimming Pool and Shek Yam Lei Muk Road Park;
 - (e) to the west of the Site is the North Kwai Chung Tang Shiu Kin Sports Centre and Wo Yi Hop Road Sports Ground; and
 - (f) to the north of the Site is the Sheung Kwai Chung Vehicle Examination Centre and a steep hill.

8. Planning Intention

- 8.1 The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 8.2 The “GB” zone is intended primarily for the conservation of the existing natural environment amid the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone.
- 8.3 The “G/IC” zone is intended primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 8.4 The ‘Road’ portion of the Site is intended to be a road linking up the existing Tai Pak Tin Street and Wo Yi Hop Road (**Plan A-1**).

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application received are summarised 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) the Site falls within TGLA No. TKT 1790 allocated to the Commissioner for Transport for the purpose of a driving test centre commencing from 1.3.2006 and extended up to 28.2.2021. The allocatee has applied to her office for a further extension up to 29.2.2024; and
- (b) if the application is renewed by the Board, her office will proceed further with the time extension application subject to no adverse comments from relevant Government departments.

Traffic

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

She has no comment from traffic viewpoint on the application provided that all future loading/unloading activities of the centre will be confined within the Site.

Environment

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

- (a) since she has no objection to the previous application and this is for renewal of planning permission, she has no objection to the current application; and
- (b) it is noted that no environmental complaint has been lodged against the use of the Site in the past three years.

Building Matters

9.1.4 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD):

it is noted that the application involves no changes to the BH and overall massing. As such, he has no comment from architectural and visual impact point of view.

Fire Safety

9.1.5 Comments of the Director of Fire Services (D of FS):

- (a) he has no objection in principle to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his Department; and
- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. In addition, the arrangement of Emergency Vehicular Access (EVA) shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department.

Urban Design and Landscape

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

Visual

- (a) As gathered from the submission, no new structures are proposed under the current application. Significant visual impact to the surroundings is not anticipated.

Landscape

- (b) With reference to the aerial photo of 2019, the Site is an area of residential urban landscape character, dominated by residential buildings and tree groups. The Site is currently occupied by a driving test centre. The proposed development is considered not incompatible with the surrounding environment. In view that further significant adverse landscape impact arising from the development is not anticipated, she has no objection to the application from landscape planning perspective.

District Officer's Comments

9.1.7 Comments of the District Officer (Kwai Tsing), Home Affairs Department (DO(K&T), HAD):

He has no comment from the community point of view. His office has posted the subject application on notice boards of his office and the Kwai Fong Community Hall respectively from 29.12.2020 to 19.1.2021 and has not received any comments on the application.

9.2 The following Government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Commissioner of Police (C of P);
- (c) Project Manager/New Territories North and West (PM/NTNW, CEDD);

- (d) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD)
- (e) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD); and
- (f) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD).

10. Public Comments Received During Statutory Publication Period

On 12.1.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 2.2.2021, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is to seek renewal of planning approval to continue the use of the current SYDTC on a temporary basis for a period of three years. The proposal does not involve new development or redevelopment of the Site.
- 11.2 The Site straddles “R(A)”, “GB”, “G/IC” zones and an area shown as ‘Road’ on the OZP. The applied government use for driving test centre is always permitted in “R(A)” and “G/IC” zones, but it requires planning permission for “GB” zone and area shown as ‘Road’. The Site has been used as a driving test centre for private cars and light goods vehicles since 2008. Planning permission for a temporary of three years under previous Applications No. A/KC/382, A/KC/427 and A/KC/452 were granted in 2012, 2015 and 2018 respectively. The development parameters of the current application remain generally the same as that of the last approved application. Since the last approval, there has been no change in the planning circumstances for the Site.
- 11.3 The largest portion covering about half of the Site is the area shown as ‘Road’. The zoning is intended for a proposed road linking up Tai Pak Tin Street and Wo Yi Hop Road. Yet, according to the information provided by TD, there is no development programme for this road portion. As such, the temporary use of the Site as a driving test centre would not jeopardise the implementation of the planned road shown in **Plans A-1 and A-2**.
- 11.4 The second largest portion of the Site falls within “R(A)” zone, which is a long and narrow strip of land. It is considered not suitable for residential development for the time being given the site conditions. According to the OZP, the applied use is always permitted within “R(A)” zone.
- 11.5 Although the Site encroaches on the “GB” zone, the area concerned is relatively small (about 7.8%) and paved. As only some vegetation are found within the Site, no significant adverse landscape impact arising from the development is anticipated (**Plan A-4**). CTP/UD&L, PlanD has no objection to the application.

- 11.6 The “G/IC” portion of the Site only covers about 12m² or 0.3% of the Site. The driving test centre under application will not affect the normal operation of the North Kwai Chung Tang Shiu Kin Sports Centre in the concerned “G/IC” zone.
- 11.7 The driving test centre provides driving test services for private cars and public light buses and is separated from surrounding residential developments, government uses and open space by slopes. Hence, it is considered not incompatible with the surrounding uses.
- 11.8 The driving test centre would not create adverse environmental, sewerage, drainage and traffic impacts to the surrounding area. All concerned departments including C for T, C of P, DEP and CE/Construction, WSD have no adverse comment on the application.
- 11.9 The Site was previously approved for the same use by the Committee on a temporary basis for three years in 2012, 2015 and 2018 (Applications No. A/KC/382, A/KC/427 and A/KC/452). The proposed use complies with the assessment criteria of the TPB PG-No. 34C as mentioned in para. 4.2 above in that there has been no material change in planning circumstances of the surrounding areas since the granting of the previous temporary planning approval (No. A/KC/452); there is no adverse planning implication and no objection to/ adverse comment from relevant Government departments; and the proposed temporary planning permission for three years is also considered reasonable in view that TD is currently exploring the feasibility of permanent re-provision of SYDTC. Approval of the application can facilitate the continual operation of the driving test centre for a period of three years up to 2.3.2024 for serving the public before an alternative site can be secured.
- 11.10 No public comments on the application have been received during the statutory publication period.

12. Planning Department’s Views

- 12.1 Based on the assessments made in para. 11, the Planning Department has no objection to the temporary use of the Site as a driving test centre for a period of three years.
- 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 3.3.2021 to 2.3.2024. The following condition of approval is also suggested for Members’ reference:

Approval Condition

the provision of fire service installations within 6 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 3.9.2021.

- 12.3 There is no strong planning 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.
- 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 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	Application Form received on 29.12.2020
Appendix II	Previous Applications
Drawing A-1	TGLA No. TKT 1790
Drawing A-2	Block Plan and Location Plan
Drawing A-3	Proposed Layout Plan of the Development
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2021**