

RNTPC Paper No. A/YL-NSW/287
For Consideration by
the Rural and New Town
Planning Committee
on 23.7.2021

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

APPLICATION NO. A/YL-NSW/287

<u>Applicant</u>	: The Hong Kong School of Motoring (HKSM) Yuen Long Driving School (YLDS) Limited represented by Kenneth To and Associates Limited
<u>Site</u>	: Lot No. 1347 RP in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long
<u>Site Area</u>	: About 17,320 m ²
<u>Land Status</u>	: New Grant No. 157 (demised for fish pond purpose)
<u>Plan</u>	: Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
<u>Zoning</u>	: “Other Specified Use” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) [restricted to maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 6 storeys including car park]
<u>Application</u>	: Renewal of Planning Permission for Temporary Driving School and Ancillary Uses for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of the planning permission under the previous planning application No. A/YL-NSW/272 to continue to use the application site (the Site) for temporary driving school and ancillary uses for a period of 3 years from 6.9.2022 to 5.9.2025. The Site is located within an area zoned “OU(CDWRA)” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1a**). The applied use is neither a Column 1 nor Column 2 use within the “OU(CDWRA)” zone. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently occupied by the applied use with valid planning permission (No. A/YL-NSW/272).
- 1.2 The Site is the subject of 13 previous applications (No. A/DPA/YL-NSW/7 and 14, and No. A/YL-NSW/16, 26, 67, 116, 165, 185, 209, 231, 247, 258 and 272) for the driving school submitted by the same applicant. The last application (No.

A/YL-NSW/272) was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 16.8.2019 for a period of 2 years from 6.9.2020 to 5.9.2022. All approval conditions have been complied with.

- 1.3 The applied development is the same as the previously approved application (No. A/YL-NSW/272). As shown in the layout plan (**Drawing A-1**) submitted by the applicant, the Site is accessible via Chung Yip Road. There are 3 single-storey existing structures at the Site with a total gross floor area (GFA) of about 1,485m², including the administration building with driving test centre and vehicle maintenance workshop/car repairing area along the southeastern boundary and the fuel-filling pit at the northern end of the Site. Driving training and driving tests are provided for commercial vehicles (including articulated vehicles (AV), medium goods vehicles (MGV) and buses) and non-commercial vehicles (including light goods vehicles (LGV), private cars and motorcycles).
- 1.4 According to the applicant, the daily operation hours of YLDS (i.e. Monday to Sunday and public holidays) are from 8:30a.m to 11:30p.m. Learner drivers can only practise off-site/on-street driving after completing training within the on-site training area at the Site so as to ensure they would not cause nuisances or safety concerns on public streets. The on-street training/testing is conducted in 3 zones, i.e. Tung Tau Industrial Area (TTIA) training zone to its south, Yuen Long Industrial Estate (YLIE) training zone to its west (**Plan A-1**), and Tin Shui Wai area. Besides, learner drivers are not allowed to drive on public roads during peak hours from 7:30am to 9:30am, Mondays to Saturdays, and 4:30pm to 7:30pm on weekdays according to the Transport Department (TD)'s general restriction on learner drivers training. On-street driving tests for YLDS students take place normally on 3 weekdays from 9:15am to 12:00 noon and 2:00pm to 4:00pm.
- 1.5 To minimise disturbance in the area at night time, only one AV and one bus for on-street training is allowed from 7:30pm to 9:30pm. Besides, the TTIA zone will only be used for driver training/test of private cars and LGVs, while the driver training/test of large commercial vehicles will be carried out in YLIE. To minimise potential glare impact to the wetland in proximity of the Site, the existing traditional street lights within the Site will be replaced by lightings facing downward and inward.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 25.5.2021 and supplementary email with layout plans dated 27.5.2021 (**Appendix I**)
 - (b) Supporting Planning Statement (**Appendix Ia**)
 - (c) Further Information (FI) received on 20.7.2021 providing background clarification* (**Appendix Ib**)

*Remark: * accepted and exempted from publication*

2. Justifications from the Applicant

Need of a Designated Driving School (DDS) and Driving Test Centre (DTC) in the North West New Territories (NWNT)

- (a) The Site is the only Government designated driving school (DDS) and the largest privately owned training facility serving the North West New Territories (NWNT) area. It also serves as TD's only Driving Test Centre (DTC) in the sub-region. Past and present enrolment numbers at the driving school demonstrates the facility is in demand and continues to serve public need. Abrupt closure of the school or its relocation to a less accessible site would affect its capacity to continue to provide driving training and testing service for the community. If the subject driving school was to shut down before a new driving school could be put into operation, learner drivers in the sub-region would need to have their driving training on public roads in the district, which would cause nuisance to other road users and local communities and traffic congestion.
- (b) Though the Board recently approved an application (no. A/YL-TYST/1084) by another applicant for a temporary driving school near Shan Ha Road, Yuen Long on 30.4.2021 which is a smaller driving school (about 0.41 ha) providing driving training for motorcycle, private car and LGV only (**Plan A-1**), the Site will continue to be the only DDS in NWNT providing driver training for all types of vehicles.

Effort in Identifying a Relocation Site

- (c) The applicant has been identifying a relocation site for the driving school and has examined at least 7 sites including but not limited to some private lots near Long Tin Road, Fung Ka Wai, Kiu Tau Wai, Shing Uk Tsuen, Ng Uk Tsuen, Wing Ning Tsuen and Wing Kei Tsuen etc. However, most of them were considered not suitable for relocating the designated driving school since they are distant to the primary training and test routes in Tung Tau and YLIE Training Zones and the adjacent road network are not suitable for student drivers for on-street driving training. Only the site near Wing Ning Tsuen was considered appropriate by both TD and the applicant, but the relevant application no. A/YL-PS/519 was turned down by the Board in 2017.
- (d) The Board only granted a two-year approval for the last application (no. A/YL-NSW/272). However, such two-year approval period has severely restricted the effective period of driving test enrolment.
- (e) In view that a suitable site for YLDS could not be made available shortly, the applicant also submitted a s12A application (no. Y/YL-NSW/5) to rezone the Site to a new sub-zone "OU(CDWRA1)" to include 'Driving School' as a Column 2 use with 20% of the Site for wetland restoration which was recently rejected by the Board on 26.3.2021. Despite the Board did not support the rezoning application as some residential developments in vicinity had recently been completed and the long-term planning intention of the Site for residential development should be retained, the Board acknowledged the need for a driving school and a longer approval period for the temporary driving school, i.e. 3 years, could be considered. The renewal application is considered to be an acceptable interim solution before a suitable replacement site or alternative arrangement for YLDS is available.

- (f) TD supports the current renewal application for continued operation of the YLDS. TD also considered that in order to reduce uncertainties on the driving test appointments arranged for members of the public (i.e. the waiting time for driving test in YLDS has already increased to 17 months), the Board would be invited to give an early decision on the planning application.

Will Not Jeopardise the Planning Intention of “OU(CDWRA)” Zone

- (g) It is difficult to materialise the long term planning intention of the subject “OU(CDWRA)” zone with the overriding obstacle of incorporating wetland conservation into the development proposals under a low development intensity. As at April 2021, no planning application has been submitted to the Board for proposed housing development with wetland restoration proposal within the subject “OU(CDWRA)” zone, except the approved application (no. A/YL-NSW/281) for transitional housing development for 3 years only. The applicant is the sole land owner of the Site and has no intention to redevelop the Site for residential use. Due to the low development intensity of the zone, only about 50 high-end housing units would be provided if the Site is redeveloped into residential use which would not be helpful to boost the housing supply.
- (h) Without any planned permanent housing developments at the zone and the Site being located at the northernmost corner of the zone, there is no evidence that renewal of the planning permission for another 3 years would prejudice the housing development at the Site.

No Adverse Impact

- (i) The applicant has submitted a Traffic Technical Note (**Appendix Ia**) which evaluates the traffic situation taken into account the occupation of the 2 residential developments in TTIA since 2017 and the recently approved transitional housing and land sale site at Chung Yip Road. The assessment has demonstrated that the continued operation of the driving school until 2025 will not induce additional traffic impact on the adjacent road network and is acceptable in traffic terms. Moreover, YLDS has not received any complaints on its operation in the past years.

Provide Employment Opportunities

- (j) YLDS currently employs about 100 driving instructors and ancillary staff. However, if the application for renewal of the planning permission is not approved, the applicant has to terminate the employment which affects the livelihood of the employees.

In Line with TPB Guidelines

- (k) All approval conditions under the last application No. A/YL-NSW/272 had been complied with. The applied use is in line with TPB PG-No. 34C for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

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

The applicant is the sole “current land owner”. Detailed information would be deposited

at the meeting for Members' inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

4.1 According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised below:

- (a) the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area (WCA) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds; and
- (b) an ecological impact assessment (EcoIA) would need to be submitted for application for planning permission within the WBA. However, some local and minor uses and temporary uses are exempted from the requirement of EcoIA.

Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)

4.2 The relevant assessment criteria for renewal of planning approval for temporary use or development are summarised below:

- (a) whether there has been any material change in planning circumstance 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;
- (e) any other relevant considerations; and
- (f) under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval.

5. **Background**

Zoning History

- 5.1 The Site was zoned “Unspecified Use” on the Nam Sang Wai Interim Development Permission Area (IDPA) Plan No. IDPA/YL-NSW/1 and Development Permission Area (DPA) Plan No. DPA/YL-NSW/1 gazetted in 1990 and 1991 respectively, then “Residential (Group D)” (“R(D)”) on the draft Nam Sang Wai OZP No. S/YL-NSW/1 gazetted in 1994. Based on the findings of a comprehensive land use review on a piece of land to the north of the Tung Tau area including the Site, the draft Nam Sang Wai OZP No. S/YL-NSW/5, incorporating the amendments to rezone the Site from “R(D)” to “Comprehensive Development Area (1)” (“CDA(1)”) with a maximum PR of 0.4 and a maximum BH of 3 storeys, the areas east of Chung Yip Road to “CDA(2)” and “CDA(3)” with maximum PR of 0.6 and 1 and maximum BH of 8 and 12 storeys respectively, and the area west of Chung Yip Road to “R(D)1” with a maximum PR and BH of 0.4 and 3 storeys (9m) respectively, was gazetted on 16.4.2004.
- 5.2 During the preliminary and further considerations to the objections against the “CDA” clusters (i.e. “CDA(1)”, “CDA(2)” and “CDA(3)”), the Board noted the proximity of the “CDA” cluster to the wetland area and was of the view that it would be reasonable to adopt a lower density to make good use of the damage and degradation of the area while also allowing some compatible development at a reasonable scale comparable to other residential developments in the rural New Territories. After consideration of the objections, the Board decided to rezone the “CDA” cluster to “OU(CDWRA)”, and reduce the maximum PR and BH to 0.4 and 6 storeys (including car park) respectively. The OZP amendment was confirmed by the Board to form part of the draft Nam Sang Wai OZP on 4.11.2005. Since then, the “OU(CDWRA)” zoning has remained unchanged.
- 5.3 There are committed and ongoing residential development proposals in the subject “OU(CDWRA)” and the adjacent zone “R(D)1” zone on the Nam Sang Wai OZP. The transformation of the area to residential use is taking place with 2 planning applications No. A/YL-NSW/281 and 282 for transitional housing in the same “OU(CDWRA)” zone and residential development in the adjacent “R(D)1” zone approved by the Committee on 23.10.2020 and 18.12.2020 respectively (**Plan A-5**). For developments in the adjacent Tung Tau area, 4 applications (No. A/YL/182, 194, 201 and 257) (**Plan A-5**) were approved for residential developments between 2011 and 2019, and 3 of them were completed and occupied (i.e. The Spectra, Wang Fu Court and Twin Regency).

S12A planning application for a permanent driving school at the Site rejected

- 5.4 On 26.3.2021, the s12A application (no. Y/YL-NSW/5) submitted by the current applicant for rezoning the Site to a new sub-zone “OU(CDWRA1)” to include ‘Driving School’ as a Column 2 use was rejected by the Committee on the reasons that the current “OU(CDWRA)” zoning was considered appropriate having regard to the existing and planned uses in the surrounding areas and the proposal to rezone the Site to “OU(CDWRA1)” with ‘Driving School’ put under Column 2 would deviate from the Board’s intention to phase out incompatible use.

- 5.5 Though the Committee did not agree to the rezoning application, the need for a driving school in the New Territories West (NTW) was acknowledged, as some Members expressed that the relevant policy bureau could consider giving policy support to conduct a site search to identify a suitable relocation site for the driving school if deemed necessary, and some Members opined that for future s16 application for continuing the driving school use before implementation of residential development at the Site, a longer approval period, say 3 years, could be considered. Further to Members' view, TD, with policy support from THB, submitted a site search request for a DDS cum DTC to serve as a reprovision for the YLDS in May 2021, which is under processing by PlanD.

Another s12A planning application within the subject "OU(CDWRA)" zone

- 5.6 The Site forms part of another on-going Section 12A application (No. Y/YL-NSW/6) for rezoning the entire "OU(CDWRA)" zone (10.5ha) to "OU(CDWRA)1" for proposed comprehensive residential development at a total PR of 3.68 and maximum BH of 41 storeys excluding basement (**Plan A-5**) from another applicant who is the owner of part of the "OU(CDWRA)" zone. The application is tentatively scheduled for consideration by the Committee on 27.8.2021.

6. Previous Applications

- 6.1 The Site is the subject of 13 s16 previous applications (No. A/DPA/YL-NSW/7 and 14, and No. A/YL-NSW/16, 26, 67, 116, 165, 185, 209, 231, 247, 258 and 272) for the driving school; and a s12A application (No. Y/YL-NSW/5) as detailed in paras. 5.4 and 5.5 above.
- 6.2 Applications No. A/DPA/YL-NSW/7 and 14, and No. A/YL-NSW/16, 26, 67, 116, 165, 185 were approved by the Committee/Board between 1992 and 2008 mainly for a period of 3 years each when the Site was zoned "Unspecified Use", "R(D)", "CDA(1)" and "OU(CDWRA)" respectively on the then IDPA Plan/DPA Plans/OZPs. For the first 4 applications (No. A/DPA/YL-NSW/7, 14 and A/YL-NSW/16 and 26) under the then "Unspecified Use" and "R(D)" zonings, the applicant sought permission for a permanent driving school but were approved on a temporary basis each for a period of 3 years, mainly on considerations that granting temporary permission of a driving school with appropriate control conditions would ensure minimal impact on the area; there was an increasing demand for driving training in the NWNT region; the driving school would involve only limited level of development and such facility granted on a temporary basis would not constraint the planning of the Site; and there were no adverse comments from concerned departments.
- 6.3 In March 2011, a strip of land in the adjacent Tung Tau area was rezoned from "OU(Business)" ("OU(B)") to "R(E)1" as recommended in the Area Assessment 2009 of Industrial Land in the Territory to facilitate redevelopment for residential uses. In considering the applicant's renewal Application No. A/YL-NSW/209 in September 2011 for a period of 3 years up to 2014, the Committee considered that the temporary driving school, which involved the operation of heavy vehicles,

should gradually be phased out to allow implementation of the “OU(CDWRA)” zone. However, as there was no concrete development proposal for the Site and the future development at the proposed “R(E)1” sites was still uncertain at that time, the Committee considered that renewal period of 3 years for the driving school use could still be tolerated. The applicant had been advised that favourable consideration might not be given to any further renewal application. Further renewal of the temporary driving school would need to take into account prevalent circumstances at the time of renewal.

6.4 The subsequent Application No. A/YL-NSW/231 seeking renewal for a period of 3 years was only approved by the Board on review for 2 years on 19.12.2014. The Board considered that the driving school could be tolerated before full occupation of the adjacent residential developments and it was the Board’s intention to develop the Site to accord with the planning intention of the “OU(CDWRA)” zone for comprehensive residential/recreational development to include wetland restoration area, and the 2-year approval was to give a strong message to the applicant that the driving school should be relocated and the applicant should make all efforts to relocate the driving school. The applicant sought further renewal for 33 months under Application No. A/YL-NSW/247, but it was approved for 2 years by the Committee on 13.5.2016 for monitoring the progress of the proposed relocation of the driving school and any possible environmental impacts caused by the temporary driving school at the Site. Subsequently, Applications No. A/YL-NSW/258 and 272 were approved by the Committee in 2017 and 2019 for a period of 2 years each on similar considerations as above.

6.5 Details of the applications are summarised at **Appendix II**.

7. Similar Application

There is no similar application for driving school within the same “OU(CDWRA)” zone on the OZP.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site:

- (a) paved and located at the confluence of Kam Tin River and Shan Pui River;
- (b) currently used for temporary driving school with valid planning permission;
- (c) within the WBA of Deep Bay; and
- (d) accessible via Chung Yip Road leading from Tung Tau area.

8.2 The surrounding areas have the following characteristics:

- (a) to its northeast across Kam Tin River is an “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1”

(“OU(CDWEA1)”) zone which is within the WCA of Deep Bay Area;

- (b) to its immediate south is a pond, some unused land and parking of vehicles; and further south is a proposed transitional housing site within the same “OU(CDWRA)” zone under Application No. A/YL-NSW/281 approved on 23.10.2020;
- (c) to its immediate west is a proposed land sale site for residential development within the “R(D)1” zone under Application No. A/YL-NSW/282 approved on 18.12.2020; further west across Shan Pui River is YLIE; and
- (d) to its southwest is the residential settlement of Shan Pui Chung Hau Tsuen and a pumping station; further southwest is the Tung Tau area and a strip of land along the nullah zoned “R(E)1” on the approved Yuen Long OZP with residential developments completed in recent years (**Plan A-5**).

9. Planning Intention

The “OU(CDWRA)” zone is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

10. Comments from Relevant Government Departments

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

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) The Site comprises Lot No. 1347 RP in D.D 115 held under New Grant No. 157 for “Fish Pond (including Fore-shore and Seabed)” purpose.
- (b) Short Term Waiver (STW) No. 1781 was granted in 1993 with an Agreement Supplementary to the same in 1999 to the subject lot owner for the use of a driving school and for coverage of structures [with maximum built-over area of 1,485m² and maximum BH of 4.8m (one storey)] erected on the lot for the purpose of an administration building and other facilities including workshop and ancillary petrol filling station.
- (c) Should the Board approve the planning application, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed

use in temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at this sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Traffic and Driving Service

10.1.2 Comments of the Secretary for Transport and Housing (STH):

He has provided policy support for the application.

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

Driving Service

- (a) The Driving Services Section of TD fully supports the application.

Serving the driving training/test demand in NTW

- (i) YLDS is the only DDS cum DTC in NTW, which has been providing driving training and testing services to the public since 1994. It is also the only DDS in Hong Kong providing driving training for AV. In 2020, it accounted 24% of the market share of all DDSs and handled almost 10% of all the driving tests, and 15% of all motorcycle competence test (which could only be held inside a DDS as stipulated in the Road Traffic (Driving Licences) Regulation (Cap. 374B)) in Hong Kong. The number of driving test forms sold in the past 10 years also revealed that there has been an upsurge in demand in driving test, which increased by about 27% for private car/LGV and 81% for motor cycles. It is anticipated that the growth in driving test demand will continue in the coming years.
- (ii) Given the huge driving training/test demand being served by YLDS, which is exacerbated by the suspension of driving test services amid the outbreak of COVID-19, the longest waiting time for a driving test at YLDS is already standing at 17 months. While TD will try their best effort to allocate additional resources to clear the test queues as far as practicable, there is a genuine need for YLDS to obtain approval for the renewal of the planning permission to avoid any disruption to the driving test service. Otherwise, the other 3 DSSs in Hong Kong and non-school DTCs could not totally absorb the displaced driving test demand and lengthen the already-long waiting time of driving test appointments in other DDSs and DTCs.

- (iii) TD did not receive any complaint arising from the operations of the YLDS in the past five years.

On-going site search for relocation

- (iv) TD fully appreciates the Board's concern over the long term use of the Site as a driving school. However, in view of the importance of YLDS, the application for renewal of planning permission is considered to be an acceptable interim solution before a suitable site is identified for relocation. It is worth noting that HKSM, the proprietor of YLDS, has made tremendous effort to identify suitable site for relocation. It had previously put forward a proposal to relocate the YLDS to a site near Wing Ning Tsuen, Long Ping Road (Application No. A/YL-PS/519). Unfortunately, the application was rejected by the Board in 2017. To ensure the continued operation of YLDS for serving the ever-increasing driving training/test demand, TD has approached the relevant Government departments to search for other suitable and comparable sites, preferably in NTW, for the permanent relocation of YLDS. However, even if a potential site was identified, more time would be required to conduct feasibility studies and traffic impact assessment (TIA) to assess its suitability to serve as a driving school and driving test centre. Given that there is no concrete plan for the replacement site for accommodating YLDS at this stage, TD appeals the Board to favourably consider the subject renewal application as an interim solution such that the driving training/test service at YLDS would not be disrupted.

Traffic Engineering

- (b) TD has no adverse comment on the application from traffic engineering perspective.
- (c) No training of drivers of heavy vehicles or AVs is allowed outside the Site after 9:30pm at night during the approval period.
- (d) Only one AV and one bus are allowed for training of drivers outside the Site from 7:30pm to 9:30pm.

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

- (a) Only part of Chung Yip Road is maintained by his office.
- (b) The proposed access arrangement of the Site from Chung Yip Road should be approved by TD.

- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Chung Yip Road.
- (d) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

10.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD (CE/RD 2-2, RDO, HyD):

He has no comment on the application from railway development point of view. The Site falls outside any administrative route protection boundary, gazetted railway scheme boundary or existing railway protection boundary of any railway systems.

Environment

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

- (a) Should the renewal application be approved, the approval condition in relation to “no training of drivers of heavy vehicles and articulated vehicles outside the Site after 9:30pm, as proposed by the applicant” should be imposed.
- (b) One environmental complaint related to water pollution at the Site was recorded in 2019. As the Site is located to the immediate south of Shan Pui River and Kam Tin River, the applicant should strictly comply with relevant pollution control ordinances, in particular the Waste Disposal Ordinance and the Water Pollution Control Ordinance avoiding any improper storage of chemical wastes within the Site and any illegal discharge of wastewater from the Site.

Landscape

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

- (a) He has no objection to the application from the landscape planning perspective. The proposed use is considered not incompatible with the surrounding landscape setting. According to the site inspection, there are existing trees along all sides of the Site. In view that there is no significant change in the proposed layout, further significant adverse impact arising from the continued applied use is not anticipated.
- (b) In consideration that the existing trees along the site boundary have provided effective landscape screening to the Site, should the Board approve the application, it is considered not necessary to impose a landscape condition.
- (c) His detailed comments are at **Appendix IV**.

Drainage

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

- (a) He has no objection in principle to the development from the public drainage point of view.
- (b) According to the submitted drainage proposal, the applicant would maintain the same drainage facilities as those implemented under the previous Planning Application (No. A/YL-NSW/272).
- (c) Should the Board consider that the application is acceptable from the planning point of view, conditions should be stipulated in the approval letter requiring the applicant of the development (i) to maintain the drainage facilities implemented under Application No. A/YL-NSW/272; and (ii) to submit records of the existing drainage facilities on the Site, including but not limited to the condition survey of the stormwater drains within the lot and the sewage rising main from the Site to the existing foul manhole No. FMH1009852, to the satisfaction of the Director of Drainage Services or of the Board.

Nature Conservation

10.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

He has no strong view on the application as the Site is an existing formed land being used for the same applied use as previously approved.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing fire services installations (FSIs) implemented on the Site being maintained in efficient working order at all times.

Building Matters

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

He has no in-principle objection under Buildings Ordinance (BO) to the application subject to the satisfactory renewal of the relevant Temporary Building Permits No. NT 8/94 & NT 16/98 and the associated Temporary Occupation Permits No. NT 16/95 (T.O.) and NT 21/98 (T.O.) to cover the extended period, of which the Permits will expire on 5.9.2022.

District Officer's Comments

10.1.12 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office has received a total of 2 letters from the Indigenous Inhabitant Representative of Shan Pui Tsuen and a villager of Shan Pui Tsuen objecting to the application. These letters (**Appendix III**) were also received by the Board during the statutory public inspection period.

10.2 The following Government departments have no objection to or no comment on the application:

- (a) Commissioner of Police;
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Project Manager (West), Civil Engineering and Development Department (CEDD); and
- (d) Head of Geotechnical Engineering Office, CEDD.

11. Public Comment Received During Statutory Publication Period

On 1.6.2021, the application was published for public inspection. During the first 3 weeks of the statutory public inspection period which ended on 22.6.2021, a total of 5 public comments were received (**Appendix III**). Of which, 2 are opposing comments submitted by the Indigenous Inhabitant Representative of Shan Pui Tsuen and a villager of Shan Pui Tsuen mainly on the grounds that the driving school would adversely affect the road network; the applicant should identify another relocation site; water pollution on Shan Pui River and Kam Tin River will be worsened; the development would induce adverse ecological impacts to the area; and the applicant should submit Ecological Impact Assessment to demonstrate the ecological impacts. Another 2 are supporting comments submitted by individuals that the Site is suitable for driving school use which is located at the fringe of Yuen Long Town Centre and the driving trainings would not affect the existing traffic in Yuen Long Town Centre. The remaining one was submitted by an individual providing views on the need to tackle Tso/Tong land.

12. Planning Considerations and Assessments

- 12.1 YLDS has been operating as a DDS at the Site since March 1994 providing driver training services for private cars, LGV and motorcycles as well as other commercial vehicles including MGV, buses and AV. Since driving school use is not provided for under the previous/current zonings of the Site, its operation has been tolerated through temporary planning permission first granted in 1992, and renewed 12 times each for 2 or 3 years, with a total approval period of 30 years until 5.9.2022. Planning conditions under previous approvals have been complied with to the satisfaction of relevant Government departments. The current application is for the 13th renewal of planning permission to continue to use the Site for temporary driving school and ancillary uses for a period of 3 years from 6.9.2022 to 5.9.2025.

- 12.2 According to TPB PG-No. 34C, application for renewal of a planning approval should normally be submitted to the Board no less than 2 months and no more than 4 months before the expiry of the temporary approval. Given the YLDS is the only Government designated DTC in Tuen Mun and Yuen Long Districts with a huge demand for driving test/training served by YLDS and the long waiting time of 17 months for scheduling driving test appointments accelerated by the outbreak of COVID-19, TD considers there is a genuine need for YLDS to obtain early approval for renewal of the planning permission to avoid any disruption to the driving test service. In view of the special circumstances, consideration could be given to processing the subject renewal application at this stage, though it is 15 months earlier than the expiry on 5.9.2022 of the current temporary approval (no. A/YL-NSW/272).

Compatibility with Planning Intention and Development Impacts

- 12.3 The Site is located at the northern fringe of the WBA abutting Kam Tin River zoned “CA” and the WCA is just across Kam Tin River to the northeast (**Plan A-5**). The Site is surrounded by ecologically sensitive habitats to its north (i.e. Kam Tin River Meander and Nam Sang Wai); abandoned fish ponds, unused land and vehicle park to its south; and village type developments to its southwest. The intention for developing the areas including the Site for residential use has long been recognised since the first OZP was gazetted in 1994 when the areas were designated as “R(D)” zone and then “CDA” in 2004. The Site, together with its adjacent area, was rezoned to “OU(CDWRA)” by the Board in 2005 with a view to achieving wetland restoration objectives while allowing some compatible residential developments at a reasonable scale. Facilitating the areas for residential developments has been a long-term planning intention of the Board, and the driving school shall be relocated from the Site in the long run. The subject temporary driving school use is not in line with the planning intention of the zone. However, there is no known programme for any development in this part of the “OU(CDWRA)” zone, and the applicant being the sole land owner of the Site has expressed no intention to redevelop the Site for residential use.
- 12.4 While the neighbouring areas of the Site have gradually been converted to residential use over the years (including 3 residential developments in Tung Tau area completed in 2017, proposed residential land sale site in the “R(D)1” zone and proposed transitional housing in the same “OU(CDWRA)” zone approved by the Committee in 2020 (**Plans A-4b and A-5**)), both TD and EPD have not received any complaint on noise nuisance arising from the operation of YLDS in the past 5 years. Nevertheless, to minimise the noise impact induced by the driving training activities to the surrounding residential area, the applicant has exercised restrictions on the training activity in terms of training route (large commercial vehicles limited to the school premises of YLDS or YLIE), number of vehicle (only one AV and one bus for on-street training at night time) and training time (off-peak hours for on-street training).
- 12.5 Also, the applicant has submitted a Traffic Technical Note (**Appendix Ia**) to demonstrate that renewal of the planning approval up to 2025 will not induce additional traffic impact, and TD has no adverse comment on the application from traffic engineering perspective. On ecological aspect, the applicant

proposes to replace the existing traditional street lightings on the Site with downward and inward-facing lightings to minimise the potential glare impact on the nearby wetland, and AFCD has no adverse comment on the renewal application. Although a water pollution complaint was received in 2019, EPD has no objection to the application. Other concerned departments including LandsD, CTP/UD&L of PlanD, FSD and BD have no objection to or no adverse comment on the application.

- 12.6 In order to avoid disruption to the driving test/training services by YLDS, the driving school may be tolerated at the Site for the time being. If the application is approved, requirements of FSD and DSD could be imposed through approval conditions. The applicant should also be advised to strictly comply with relevant pollution control ordinances, avoiding any improper storage of chemical wastes within the Site and any illegal discharge of wastewater from the Site.

Renewal Period

- 12.7 According to the TPB PG-No. 34C, under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. YLDS was first granted with planning permission in 1994. Until 2011 when deliberating the 8th renewal application (no. A/YL-NSW/209), the Committee considered there was a change in planning circumstances as a strip of land in the adjacent TTIA had been rezoned from “OU(B)” to “R(E)1” to facilitate redevelopment for residential uses, and was of the view that the temporary driving school should gradually be phased out. In 2014, the Board gave a strong message to the applicant to relocate the driving school and the Board/Committee have since then shortened the temporary permission period of the renewal applications (no. A/YL-NSW/231, 247, 258 and 272) to 2 years for monitoring its progress of relocation.
- 12.8 In response to the Committee’s request to actively relocate the driving school, the applicant has demonstrated effort in identifying relocation site, including submission of planning application (no. A/YL-PS/519) for a site near Wing Ning Tsuen, Ping Shan in Yuen Long in 2016. However, the application was rejected by the Committee on 23.6.2017 and by the Board on review on 3.11.2017. According to the applicant, other possible replacement sites for the temporary driving school have been explored, but those sites were not pursued for various reasons. Apart from identifying relocation sites, the applicant also submitted a s12A application (no. Y/YL-NSW/5) for putting driving school as a Column 2 use under the “OU(CDWRA)” zone with an indicative scheme incorporating wetland restoration at the Site. Although the Committee did not support the rezoning application, Members acknowledged the need for a driving school in NTW, and opined that a longer approval period of 3 years for the renewal applications for continuing the driving school use could be considered before implementation of residential development at the Site in the long term.
- 12.9 Besides, TD has submitted a site search request for a DDS cum DTC in NTW to serve as a reprovision for YLDS in May 2021, and the site search request is being processed by PlanD. TD points out that even if a potential site is identified, it would take time to conduct feasibility studies and TIA to assess its suitability to

serve as a driving school and driving test centre. TD strongly supports the renewal application so as to allow continued use of the Site for a DDS cum DTC until a replacement site could be secured, which is essential to avoid service disruption to the appointment service and conduct of driving tests to the general public in Yuen Long and Tuen Mun districts. There is also policy support from THB for this renewal application.

- 12.10 In view of the above, it is considered that sympathetic consideration could be given to renew the planning permission for a further period of 3 years. This would also allow the Board to monitor the progress of the proposed relocation of the driving school and on any possible environmental and traffic impacts caused by the temporary driving school under application. Although a site search is being conducted, applicant should also be advised to expedite the actions in identifying suitable sites for relocation, and that favourable consideration may not be given by the Committee to any further renewal application unless under very special circumstances.
- 12.11 A total of 5 public comments (including 2 objecting, 2 supporting and 1 providing views) were received during the publication period of the application. The grounds of the public comments are stated in paragraph 11 above. For the supporting and opposing comments, the planning considerations and assessment in the above paragraphs are relevant. Regarding the view of tackling the issue about Tso/Tong land, it is irrelevant to this application.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the applied temporary driving school could be tolerated for a further period of 3 years.
- 13.2 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 3 years, and be renewed from 6.9.2022 to 5.9.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no training of drivers of heavy vehicles or articulated vehicles is allowed outside the Site after 9:30pm, as proposed by the applicant, during the planning approval period;
- (b) only one articulated vehicle and one bus are allowed for training of drivers outside the Site from 7:30pm to 9:30pm during the planning approval period;
- (c) the existing fire services installations (FSIs) implemented on the Site shall be maintained in efficient working order during the planning approval period;
- (d) the existing drainage facilities implemented shall be maintained at all times

during the planning approval period;

- (e) the submission of records of the existing drainage facilities on Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.12.2022**;
- (f) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if the above planning condition (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

[Except for the updating of the condition relating to FSI to accord with the latest departmental comments, the above planning conditions are same as those under the previous permission (No. A/YL-NSW/272).]

Advisory Clauses

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

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

the development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone which is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. There is no strong justification for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant renewal of the planning permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application form received on 25.5.2021 and supplementary email with layout plans dated 27.5.2021
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI received on 20.7.2021
Appendix II	Previous Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4c	Site Photos
Plan A-5	Neighbouring Residential Developments

**PLANNING DEPARTMENT
JULY 2021**