

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

APPLICATION NO. A/YL-NSW/324

<u>Applicant</u>	:	The Hong Kong School of Motoring (HKSM) Yuen Long Driving School (YLDS) Limited represented by KTA Planning 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 17,320m ²
<u>Land Status</u>	:	New Grant No. 157 (demised for fish pond purpose)
<u>Plan</u>	:	Draft Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/9 (currently in force) Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8 (at the time of submission)
<u>Zoning</u>	:	“Other Specified Use” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) <i>[restricted to maximum plot ratio (PR) of 0.4 and a maximum building height (BH) of 6 storeys including car park]</i> <i>[no change on the current OZP]</i>
<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 approval for temporary driving school and ancillary uses for a period of three years at the application site (the Site) which falls within an area zoned “OU(CDWRA)” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 (**Plan A-1**). The applied use is neither a Column 1 nor Column 2 use within the “OU(CDWRA)” zone. According to the covering 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). The Site is currently occupied by the applied uses for the YLDS with valid planning permission under application No. A/YL-NSW/287 valid until 5.9.2025.

- 1.2. The applied uses comprise 2 single-storey existing structures (covering about 8.7% of the Site) with a total gross floor area (GFA) of about 1,485m² and a maximum height of 5.6m for lecture rooms, offices, rest rooms, office of the Transport Department (TD)'s Driving Test Centre, car repairing area and toilet. A fuel-filling pit is located at the northern part of the Site (**Drawing A-1**). According to the applicant, the operation hours are from 8:30 a.m. to 11:30 p.m. daily including public holidays. The Site is accessible at its south via Chung Yip Road (**Plan A-2**).
- 1.3. Driving training and driving tests are provided in the YLDS 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). Learner drivers can only practise on-street driving after completion of on-site training within the YLDS so as to ensure they would not cause nuisances or safety concerns on public streets. The on-street training/testing is conducted in three zones, i.e. Tung Tau Industrial Area (TTIA) training zone, Yuen Long Industrial Estate (YLIE) training zone, and Tin Shui Wai (TSW) training zone. The TTIA training 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 the YLIE training zone and the TSW training zone is mainly used for long distance driving training for private cars and light goods vehicles.
- 1.4. Learner drivers are not allowed to drive on public roads during peak hours from 7:30 a.m. to 9:30 a.m. from Mondays to Saturdays, and 4:30 p.m. to 7:30 p.m. on weekdays according to the TD's general restriction on learner drivers training. On-street driving tests would normally take place on the weekdays from 9:15 a.m. to 12:00 noon and 2:00 p.m. to 4:00 p.m.. To minimise disturbance in the area at night time, only one AV and one bus for on-street training is allowed from 7:30 p.m. to 9:30 p.m.; while no on-street training of heavy vehicles and AV would be allowed after 9:30 p.m.. On ecological aspect, the existing traditional street lights within the Site had been replaced by lightings facing downward and inward in order to minimise potential glare impact to the wetland in the proximity.
- 1.5. The Site, in whole or in part, is the subject of 14 previous applications. The last application for renewal (No. A/YL-NSW/287) submitted by the same applicant for the same applied uses with the same development parameters and layout was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 23.7.2021 for a period of 3 years and is valid until 5.9.2025. All approval conditions have been complied with. Details of all previous applications are in paragraph 6 below.
- 1.6. In support of the application, the applicant has submitted the following documents:
 - (a) Application form received on 19.3.2024 **(Appendix I)**
 - (b) Supporting Planning Statement **(Appendix Ia)**
 - (c) Further Information (FI) received on 12.6.2024 * **(Appendix Ib)**

*Remark: * accepted and exempted from publication*

- 1.7. On 10.5.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months to address departmental comments

2. Justifications from the Applicant

- 2.1. The justifications put forth by the applicant in support of the application are detailed in **Appendices I to Ib**. They can be summarised as follows:

Strong Demand for Designated Driving School (DDS) in the North West New Territories (NWNT)

- (i) The Site is the only Government DDS providing driver training for all types of vehicles and the largest privately owned training facility serving the NWNT area. It also serves as TD's only Driving Test Centre (DTC) in the sub-region and the only driving training school supporting Government's policy on Labour Importation Scheme for Transport Sector. The long driving test waiting time demonstrates the facilities is in strong demand. Abrupt closure of the existing school or its relocation to a less accessible site would affect the provision of much needed public services. YLDS can provide a safe and controlled environment for learner drivers. 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.
- (ii) Although the Board approved an application (No. A/YL-TYST/1237) by another applicant for a temporary driving school near Shan Ha Road, Yuen Long in 2023 which is a small scale 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.

No Readily Available Replacement Site for the YLDS

- (iii) YLDS has continued to spend tremendous efforts to relocate the temporary driving school, despite a s.16 application (No. A/YL-PS/519) for relocating the driving school to a suitable site at Wing Ning Tsuen and a s.12A application (No. Y/YL-NSW/5) for a permanent driving school cum wetland restoration proposal at the current location were rejected by the Committee in 2017 and 2021 respectively. YLDS has commenced a comprehensive site search exercise in 2022/2023 and four potential sites have been identified. The potential sites are currently occupied by other temporary uses. Since further negotiations are required, these sites would not be available for relocation of the YLDS in the coming years. The renewal application is considered to be an acceptable interim solution before a suitable replacement site or alternative arrangement for YLDS is available.
- (iv) TD supports the current renewal application for continued operation of the YLDS due to the complexity in relocating YLDS. Given the long waiting time for a driving test in YLDS, the continuous operation of YLDS could avoid causing

disruption to the driving test arrangement. An early renewal of the application could allow sufficient buffer time to deal with any unforeseen circumstances.

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

- (v) There is no material change in planning circumstances in the local area. The planning intention of the “OU(CDWRA)” zone is difficult to materialise because of the wetland conservation and management requirements in such sensitive environment. As at January 2024, no s.16 planning application has been submitted to the Board for proposed housing development with wetland restoration proposal within the “OU(CDWRA)” zone, except the approved application (no. A/YL-NSW/321) for transitional housing development for a period of three years. Hence, the renewal of the planning permission for a further three years would not prejudice the housing development at the Site.

No Adverse Impact and Possible Interface Problems are tolerable

- (vi) The operation of YLDS will remain the same and will not bring adverse impacts to the existing, committed and planned residential developments in the vicinity. Only private car and LGVs training are allowing in the TTIA training zone. An assessment has been conducted to evaluate the traffic situation taking into account the existing and approved residential developments in the TTIA, and confirmed that the continuous operation of YLDS until 2028 will be acceptable. Also, noting that there may be fireflies in the wetland in close proximity to the Site, YLDS had replaced the existing street lights with lightings facing downward and inward to mitigate potential impact. The YLDS is connected to the public sewerage system and there is no direct discharge of effluent from the YLDS to nearby rivers.

Provide Employment Opportunities

- (vii) YLDS currently employs about 110 driving instructors and ancillary staff. If the renewal application is not approved, the applicant has to terminate the employment of most of the staff.

In line with TPB Guidelines No. 34D

- (viii) All approval conditions under the last application No. A/YL-NSW/287 had been complied with. The applied use is in line with TPB PG-No. 34D for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. The renewal of the planning approval for a further period of three years is justified and reasonable.
- (ix) Due to the nature and unique operation requirements of the driving school serving a public need in that the waiting time for a driving test in YLDS is about 11 months, early decision on whether renewal of planning approval would be granted is essential for the Government and YLDS to make arrangements for the driving test appointments. The early submission of current renewal application is supported by TD to avoid causing any disruption to the driving test services.

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

The Site is located within the Wetland Buffer Area (WBA) (**Plan A-1**) in Deep Bay Area. The Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C) is relevant to the application. Besides, the Town Planning Board Guidelines on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34D) is relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

Section 12A Application No. Y/YL-NSW/5

- 5.1. On 26.3.2021, the s.12A application (No. Y/YL-NSW/5) submitted by the current applicant for rezoning the Site to a new sub-zone “OU(CDWRA)1” 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(CDWRA)1” with ‘Driving School’ put under Column 2 would deviate from the Board’s intention to phase out incompatible use.
- 5.2. 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 s.16 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.

Enforcement Action

- 5.3. The Site is not subject to active planning enforcement action.

6. Previous Applications

- 6.1. The Site was the subject of 14 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, 272 and 287) for the same applied uses, and all were approved by the Committee or the Board on review with conditions.

- 6.2. For application No. A/DPA/YL-NSW/7, 14 and A/YL-NSW/16 and 26, the applicant sought permission for a permanent driving school but were approved on a temporary basis each for a period of three 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. Application No. A/YL-NSW/209, 231, 247, 258 and 272 were approved by the Committee or the Board on review with conditions for a period of two/three years. In considering application No. A/YL-NSW/209 in 2011, 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 residential development to the south of the Site was still uncertain, the Committee considered that the renewal period of three years could be tolerated. However, the applicant had been advised that favourable consideration might not be given to any further renewal application, taking 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 three years was only approved by the Board on review for two years in 2014 on the considerations that the temporary 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, and that the 2-year approval was to give a strong message to the applicant that effort should be made to relocate the driving school. Application No. A/YL-NSW/247, 258 and 272 seeking renewal were approved by the Committee between 2016 and 2019 for two years in order to monitor the progress of the proposed relocation of the temporary driving school and any possible environmental impacts.
- 6.5. As mentioned in paragraph 5.2 above, during the deliberation of the s.12A application No. Y/YL-NSW/5 in 2021, the Committee acknowledged the need for a driving school in NWNT and opined that for future s.16 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. Following the above, application No. A/YL-NSW/287 seeking renewal for a period of three years was approved by the Committee in 2021 mainly on the considerations that there is no known programme for development in this part of the “OU(CDWRA)” zone and the applicant, being the sole land owner of the Site, has no intention to redevelop the Site for residential use; mitigation measures are imposed to minimise the noise impact inducted by the applied use to the surrounding residential area; policy support is secured from TD and the then Transport and Housing Bureau; there was no objection to or no adverse comment from concerned government departments with imposition of relevant approval conditions; and sympathetic consideration could be given in order to avoid disruption to the driving test/training services by YLDS. This is also the last previous application with validity up to 5.9.2025.

- 6.6. Details of these previous applications are summarised at **Appendix III**. Their locations are shown on **Plan A-1**.

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 is:

- (a) paved and currently used for the applied use (i.e. temporary driving school) with valid planning permission until 5.9.2025;
- (b) accessible via Chung Yip Road leading from the TTIA; and
- (c) within the WBA of the Deep Bay Area.

8.2. The surrounding areas are intermixed with village settlement (Shan Pui Chung Hau Tsuen), residential dwellings, rivers/nullahs (Shan Pui River and Kam Tin River), ponds, wetland and grassland. Two sites for proposed residential development (No. A/YL-NSW/282) and an existing temporary transitional housing (No. A/YL-NSW/321) with valid planning permissions are located to the southwest of the Site. The YLIE is located to the further west across the Shan Pui River.

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 Bureau/Departments

10.1. Apart from the comments from Government bureau/department (B/D) as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV** and **V** respectively.

10.2. The following Government B/Ds support the application:

Traffic and Driving Service

10.2.1. Comments of the Secretary for Transport and Logistics (S for TL):

He has provided policy support for the application.

10.2.2. Comments of the Commissioner for Transport (C for T):

Driving Services

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

Serving the driving training/test demand in NTW

- (i) At present, there are four designated driving schools in Hong Kong, situating in Shatin, Yuen Long, Ap Lei Chau and Kwun Tong respectively. YLDS is the only DDS cum DTC in NTW, which has been providing driver training and driving test services to the public (particularly those residing in Tuen Mun and Yuen Long Districts) since 1994. It is also the only DDS in Hong Kong which provides driver training for articulated vehicles. In addition, YLDS is playing a critical role in supporting the Government's Labour Importation Scheme for Transport Sector since the start of the scheme by providing public bus driver training to the imported labour.
- (ii) In 2023, YLDS accounted for 27% of the market share of all DDSs and handled almost 10% of all driving tests, and 20% 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. In this connection, the YLDS is crucial in meeting the anticipated growth in driving test demand in the coming years, which is shown by the fact that the number of driving test forms sold in the past 10 years has increased by about 8% for private car/light goods vehicle and 36% for motor cycles.
- (iii) Given the huge driver training/test demand being served by YLDS, the longest waiting time for a driving test at YLDS is standing at approximately 11 months despite it is operating at its full strength. In fact, it is the Audit Commission and Public Accounts Committee that have shown great concerns on the long waiting time for the driving tests and we have been pressed very hard for shortening such. While we have been making our best efforts to allocate additional resources to clear the test queues as far as practicable, we cannot afford the cessation of operations of YLDS without securing a replacement for the same. There is a genuine need for YLDS to obtain approval for the renewal of the planning permission at an opportune time (which is much earlier than the normal schedule) to avoid any uncertainty and disruption

to the driving test services, taking into account the waiting time of the driving tests currently. Otherwise, the other three DDSs in Hong Kong and non-school DTCs could not absorb the displaced driving tests demand and the already-long waiting time of driving test appointments in other DDSs and DTCs will be lengthened substantially.

Site search exercise for relocation

- (iv) We note the Board's concern over the long term use of the Site as a driving school. It is worth noting that the HKSM, the proprietor of YLDS, has continued to spend tremendous efforts to identify suitable sites for relocation since the approval of the planning permission for YLDS in 2021. It had previously put forward a S12A amendment application to rezone the site situated at Lot No. 1347 RP in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long and to include "Driving School" under Column 2 use in the Notes. Unfortunately, the application was rejected by the Board in 2021. To ensure the continued operations of YLDS for serving the continuously huge driver training/driving test demand, TD has also conducted a site search exercise for identifying other suitable and comparable sites, preferably in N.T. West, for the permanent relocation of YLDS in 2021 but no favourable results were obtained.
- (v) In Q2 2024, TD has engaged PlanD to conduct another round of site search exercise for permanent relocation of YLDS. Unfortunately, no available sites could be identified upon site search. Given that there is no suitable replacement site for accommodating YLDS at this stage, we appeal the Board to favourably consider the subject renewal application as an interim solution such that the driver training/driving test services at YLDS will not be disrupted. In view of the vital need to maintain the continued operations of YLDS to cope with the demand, the captioned application for renewal of planning permission is considered to be an acceptable interim solution before a suitable replacement site is available for relocation.

Traffic Engineering

- (b) She 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 9:30 p.m. at night during the approval period.
- (d) Only one AV and one bus are allowed for training of drivers outside the Site from 7:30 p.m. to 9:30 p.m..

11. Public Comments Received During Statutory Publication Period

On 26.3.2024, the application was published for public inspection. During the statutory publication period, two comments were received from an Indigenous Inhabitant Representative of Shan Pui Tsuen and a villager of Shan Pui Tsuen objecting to the application mainly on the grounds the driving school would adversely affect the road network; the temporary use had been renewed many times and the applicant should identify another relocation site; water pollution on Shan Pui River and Kam Tin River would 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. (**Appendix VI**)

12. Planning Considerations and Assessments

Planning Intention

12.1. The application is for renewal of planning approval for temporary driving school and ancillary uses for a period of three years at the Site) which is zoned “OU(CDWRA)” on the OZP. 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. Temporary planning permission was first granted in 1992, and renewed 13 times each for 2 or 3 years. The last renewal application No. A/YL-NSW/287 was approved by the Committee for a period of three years in 2021 and valid until 5.9.2025. All time-limited approval conditions for all previously approved applications have been complied with. The current application is for planning permission to continue to use the Site for temporary driving school and ancillary uses for a period of 3 years from 6.9.2025 to 5.9.2028. Although the applied use is considered not in line with the planning intention of the “OU(CDWRA)” zone, there is no known proposal for permanent 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.

The Demands and Needs for a DDS in NWNT

- 12.2. S for TL provided policy support to the current renewal application. C for T also fully supports the application as the YLDS could serve the driving training/test demand in NTW, being the only DDS cum DTC in NTW. It is also the only DDS in Hong Kong providing training for AV. According to C for T, given the huge driving training/test demand being served by YLDS, the longest waiting time for a driving test at YLDS is standing at about 11 months. Approval of the current renewal application could avoid any disruption to the driving test service, which could not be absorbed by the other 3 DDSs in Hong Kong and non-school DTCs given the already-long waiting time of driving test appointments.
- 12.3. 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. Besides, the applicant submitted a s.12A application (No. Y/YL-NSW/5) in 2021 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, the Board 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.

- 12.4. Apart from the above, TD submitted a site search request for a DDS cum DTC in NTW to serve as a reprovision for YLDS in May 2021. No suitable site could be identified. YLDS further conducted a comprehensive site search exercise in 2022/2023 to identify possible sites for relocation of the driving school. According to the applicant, though four potential sites are identified, they were currently occupied by other temporary uses and would not be available for relocation of YLDS in the coming years. TD has recently submitted another site search request for the same use in May 2024 and no suitable site could be identified. Given that there is no suitable replacement site for accommodating YLDS at this stage, TD appeal the Board to favourably consider the subject renewal application as an interim solution such that the driver training/driving test services at YLDS will not be disrupted.

Potential Impacts on the Surrounding Areas

- 12.5. The surrounding areas are intermixed with village settlement (Shan Pui Chung Hau Tsuen), residential dwellings, rivers/nullahs (Shan Pui River and Kam Tin River), ponds, wetland and grassland. In addition, two sites for proposed residential development and an existing temporary transitional housing are located to the southwest of the Site (**Plan A-2**). While the neighbouring areas of the Site have gradually been converted to residential use over the years, EPD had not received any complaint on noise nuisance arising from the operation of YLDS in the past 3 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). Relevant approval conditions on restrictions of training time are also recommended in paragraph 13.2 (a) and (b) below.
- 12.6. The Site falls within the WBA of the TPB PG-No. 12C and the guidelines specify that planning applications for temporary uses are exempted from the requirement of Ecological Impact Assessment. Nevertheless, the applicant has demonstrated effort to mitigate potential ecological and glare impacts to the surrounding wetland habitats by replacing the existing traditional street lightings on the Site with downward and inward-facing lightings. In view of the above, Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view.
- 12.7. The applicant has also submitted a Traffic Technical Note (**Appendix Ia**) to demonstrate that renewal of the planning approval up to 2028 will not induce additional traffic impact, and TD has no adverse comment on the application from traffic engineering perspective. Other relevant department consulted, including Director of Environmental Protection, Chief Town Planner/Urban Design and Landscape, Planning

Department, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services, have no objection to/ adverse comment on the renewal application.

- 12.8. 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 as recommended in paragraph 13.2 (c) to (f) below. The applicant should also be advised to strictly comply with relevant pollution control ordinances.

Town Planning Board Guidelines No. 34D

- 12.9. There has been no material change in planning circumstances of the Site since the granting of the previous approval. According to TPB PG-No. 34D for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development', application for renewal of a planning approval should normally be submitted to the Board no less than two months and no more than four months before expiry of the temporary approval. Applications submitted more than four months before expiry of the temporary approval may only be considered based on individual merits and exceptional circumstances of each case. The current renewal application was submitted to the Board on 19.3.2024, which is more than 17 months earlier than the expiry of the temporary approval under application No. A/YL-NSW/287. In this regard, the applicant explained that early approval from the Board for renewal of the planning permission is necessary in order to make arrangements for the driving test appointments due to its long waiting time for a driving test in the YLDS.
- 12.10. Apart from the above, the renewal application is considered general in line with TPB PG-No. 34D in that no adverse planning implication arising from the renewal application is anticipated; all time-limited approval conditions under the last application had been complied with; and the three years approval period sought which is the same as the previous planning application is reasonable.
- 12.11. 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 continue 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.
- 12.12. Regarding the public comments received during the statutory public inspection period of the application as detailed in paragraph 11, the planning assessment and departmental comments above are relevant.

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 uses 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 6.9.2025 to 5.9.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:
- (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 implemented on the Site shall be maintained in efficient working order during the planning approval period;
 - (d) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.3.2026**;
 - (e) in relation to (d) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.6.2026**;
 - (f) in relation to (e) above, the ~~existing~~**implemented** drainage facilities on the Site shall be maintained at all times during the planning approval period;
 - (g) if any of the above planning condition (a), (b), (c) or (f) 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
 - (h) if any of the above planning condition (d) or (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.

Advisory Clauses

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

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

The applied uses 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 in the submission 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 19.3.2024
Appendix Ia	Supporting Planning Statement
Appendix Ib	FI received on 12.6.2024
Appendix II	Extracts of TPB PG No. 12C and 34D
Appendix III	Previous Applications
Appendix IV	Government departments' general comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
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

**PLANNING DEPARTMENT
AUGUST 2024**