

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

**APPLICATION NO. A/YL-TYST/1237**

- Applicant** : Ankor Driving School Limited
- Site** : Lot 2620 RP (Part) in D.D. 120, Shan Ha Road, Yuen Long, New Territories
- Site Area** : 3,816 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Open Storage” (“OS”)<sup>1</sup>
- Application** : Proposed Temporary Driving School for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary driving school for a period of three years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by parking of vehicles (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Shan Ha Road to its west via a short local track (**Plans A-2 and A-3**). According to the applicant, the proposal is intended to provide a government designated driving school (DDS) with an ancillary driving test centre for motorcycles, private cars and van-type light goods vehicles (LGVs) to meet the needs of prospective drivers in Hong Kong. The operator will provide shuttle bus service between Tin Shui Wai MTR Station and the Site for staff, visitors and prospective users. About 40-60 staff will work at the Site at any one time, while no more than 22 learner vehicles will be allowed to train off-site in any given hour. The proposed temporary driving school is scheduled to commence operation in Q2 2024. Plans showing the site layout, proposed training/testing routes and run-in/out proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively. The

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<sup>1</sup> About 0.8% of the application site falls within an area zoned “Government, Institution or Community (2)” (“G/IC(2)”) on the OZP which can be regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

applicant has also submitted a technical note to the traffic impact assessment (TIA) report accepted under the previous application (No. A/YL-TYST/1084) in support of the proposal.

- 1.3 Majority of the Site is the subject of a previous application (No. A/YL-TYST/1084) for proposed temporary driving school use approved by the Rural and New Town Planning Committee (the Committee) of the Board on 30.4.2021 (details at paragraph 5 below). Compared with the last application, the current application is submitted by the same applicant for the same use at a smaller site with corresponding changes in site layout and development parameters. The major development parameters of the current application and Application No. A/YL-TYST/1084 are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/1084 (a)</b>	<b>Current Application No. A/YL-TYST/1237 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Driving School for a Period of 3 Years		---
Site Area	About 4,138 m <sup>2</sup>	About 3,816 m <sup>2</sup>	-322 m <sup>2</sup> (-7.8%)
Total Floor Area (Non-domestic)	About 1,338 m <sup>2</sup>	About 251.16 m <sup>2</sup>	-1,086.64 m <sup>2</sup> (-81.2%)
No. and Height of Structures	6 • for ancillary offices, staff/instructor/examiner rooms, tutorial/waiting rooms, conference room, covered car parks, motorcycle competence examination area, toilets and meter room (3 – 9m, 1 – 2 storey(s))	2 • for meeting room, offices, toilets, reception and waiting room, examiner room and pantry (3.65m, 1 storey)	-4
No. of Parking Spaces	Total: 53  30 (for private cars/van-type LGVs) (5m x 2.5m each)  1 (for disabled private car parking) (5m x 3.5m)  22 (for motorcycles) (2.4m x 1m each)	Total: 46  23 (for private cars/van-type LGVs) (5m x 2.5m each)  1 (for disabled private car parking) (5m x 3.5m)  22 (for motorcycles) (2.4m x 1m each)	-7

No. of Loading/ Unloading Space(s)	2 (for light buses) (8m x 3m each)	2 (for light buses) (8m x 3m each)	---
Operation Hours	9:00 a.m. to 11:00 p.m. on Mondays to Fridays  8:00a.m. to 11:00 p.m. on Saturdays, Sundays and Public Holidays	8:00 a.m. to 11:00 p.m. daily, including Sundays and Public Holidays	Longer Operation Hours on Mondays to Fridays

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

- (a) Application Form with attachments received on 23.8.2023 (**Appendix I**)
- (b) Supporting Documents (including a Technical Note to the (**Appendix Ia**) TIA Report, and approval records of the Drainage Proposal, Fire Service Installations (FSIs) Proposal, Run-in/out Proposal, General Building Plan, Structural and Foundation Plan and Quantitative Risk Assessment)
- (b) Further Information (FI) received on 5.10.2023 (**Appendix Ib**)  
*[accepted and exempted from publication requirement]*

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the Site is the subject of a previous planning permission (No. A/YL-TYST/1084) for the same use. However, part of the school premises was subsequently resumed under Yuen Long South (YLS) Development and revision to the site layout was required. The approval conditions for implementation of the FSIs, drainage and run-in/out proposals have not been complied with due to the above reason and the prolonged processing time during COVID pandemic period. A fresh planning application is therefore submitted and the proposed driving school intends to commence operation by Q2 2024;
- (b) compared with the previous planning application, the site area of the current application and the fleet size of the driving school are reduced. The findings of the TIA under the previous application remain valid; and
- (c) the Site is located away from residential and village areas. No adverse environmental, traffic, drainage, water supply, geotechnical, landscape and visual impacts are envisaged from the proposal.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by notifying the “current land owners” by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Background**

The Site is currently not subject to planning enforcement action.

#### **5. Previous Application**

The Site is the subject of a previous application (No. A/YL-TYST/1084) covering a larger site for the same use as the current application. The application was approved with conditions by the Committee on 30.4.2021 mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission was subsequently revoked on 30.9.2023 due to non-compliance with approval conditions regarding the implementation of run-in/out, drainage and FSIs proposals. Details of the applications are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

#### **6. Similar Application**

There is no similar application within the subject “OS” zone.

#### **7. Planning Intention**

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

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

8.1 The Site is:

- (a) accessible from Shan Ha Road to its west via a short local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently occupied by parking of vehicles.

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) mixed in character comprising predominantly warehouses and open storage/storage yards with scattered residential structures, parking of buses, car servicing use, ruin, graves and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 20m to its east;

- (c) to the west across Shan Ha Road is an open nullah and to the further north is the Yuen Long Highway; and
- (d) except for three warehouses in the adjoining “G/IC(2)” zone, the remaining car servicing use within the adjoining “G/IC(2)” zone is a suspected unauthorized development subject to planning enforcement action.

## **9. Comments from Relevant Government Bureau and Departments**

- 9.1 Apart from the government bureau and department as set out in paragraph 9.2 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 III** and **IV** respectively.
- 9.2 The following government bureau and department support the application:

### **Policy Perspective**

- 9.2.1 Comments of the Secretary for Transport and Logistics (STL):

Policy support is given for the proposed temporary driving school from driver training policy perspective.

### **Driving Service and Traffic Engineering**

- 9.2.2 Comments of the Commissioner for Transport (C for T):

#### **Driving Service**

- (a) the Government has not set a limit on the number of DDSs. Her department welcomes and will consider all applications from any interested parties which could provide a site on their own and meet all prerequisites for designation as a DDS;
- (b) the Site is involved in a previous application (No. A/YL-TYST/1084) from the same applicant (i.e. Ankor Driving School Limited), which was approved with conditions for a period of three years by the Committee in April 2021. The current application is similar to the previous application with minor adjustments in layout plan and development parameters;
- (c) in view of the land resumption under YLS Development, the site area is downsized from 4,138m<sup>2</sup> to 3,816m<sup>2</sup>. Therefore, the applicant has adjusted the fleet size of private car/LGV from 30 to 23 to align with the reduced parking spaces in the premise;
- (d) the layout plan of the proposed driving school provided in Figure 1.2 of the technical note to the TIA (**Drawing A-1**) is generally in order. The number of parking spaces for private car/LGV indicated on the updated layout plan conforms with the reduced fleet size. It is also

noted that the updated layout plan was enclosed in submission of General Building Plan which was considered fundamentally acceptable and approved by the Buildings Department in May 2023;

- (e) the proposed three driving training/test routes for private cars, light goods vehicles and motorcycle in Figure 2.3 of TIA Report (**Drawing A-2**) are generally practicable for testing the driving competence of the test candidates and her department has no comments from driving training/testing perspectives;
- (f) the proprietor will strictly regulate all driving learning and training sessions to be carried out on the three proposed on-street training routes and outside morning and evening peak hours in accordance with her department's general restriction on learner drivers training. On-street driving will only be carried out after the learner drivers have satisfactorily completed on-site training, so as to minimise nuisances and safety concerns to other road users; and
- (g) regarding the local concerns on potential traffic impacts to other road users and pedestrians, the proposed driving school will be subject to a code of practice setting out the requirements, standards and such conditions of a DDS as she thinks fit, including restrictions on operation hours, on-street learning hours, fleet size, training/testing routes, etc. The prospective proprietor will need to conform with relevant provisions of the Road Traffic Ordinance and related regulations.

#### Traffic Engineering

- (h) no comment from traffic engineering perspective for the proposed application; and
- (i) it is noted that the Site involves one previous application (No. A/YL-TYST/1084) which was approved with conditions by the Committee on 30.4.2021. Having reviewed the current application, it is noted that the Site was downsized due to land resumption from YLS Development and hence the fleet size and parking spaces were reduced. Less traffic would be generated compared with previous application.

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

- 10.1 On 1.9.2023, the application was published for public inspection. During the statutory public inspection period, a total of 211 public comments were received and all of them raise objections to/have adverse comments on the application. A full set of public comments will be deposited at the meeting for Members' inspection.
- 10.2 The objections/adverse comments are received from village representatives and villagers of Lam Hau Tsuen and Shan Ha Tsuen, as well as various individuals (extracted samples at **Appendices V-1 to V-5**). Amongst which, 174 comments are

based on four sets of standard letters. The objections/adverse views are mainly on the grounds that the roads along the proposed training/testing routes (**Drawing A-2**) and nearby roads are already congested and such situation will be worsened when surrounding planned developments are completed; the proposal will cause adverse road safety and traffic impacts to the neighbourhood; the introduction of learner vehicles, which generally travel slowly, would aggravate traffic congestion and cause delays to public transport services and the response of emergency vehicles; and there is no demand for another driving school<sup>2</sup> in Yuen Long.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary driving school for a period of three years at the Site zoned “OS” on the OZP. Although the proposal is not in line with the planning intention of the “OS” zone, it could help meet such demand for DDS in Hong Kong. In this connection, STL has provided policy support to the subject proposal and C for T also welcomes applications from interested parties which could provide a site on their own and meet all prerequisites for designation as a DDS. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls partly within an area zoned “Other Specified Uses (Mixed Uses)” under Stage 4 of the YLS Development, and partly within an area zoned “Other Specified Uses (Refuse Collection Point & Sewage Pumping Station)” and an area shown as ‘Road’ under Stage 2 of the YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department have no objection to the application. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that part of the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.
- 11.2 The surrounding area comprises predominantly warehouses and open storage/storage yards (**Plan A-2**). While there are scattered residential structures in the vicinity, the proposed use is generally not incompatible with the surrounding area.
- 11.3 The applicant has submitted a technical note to the TIA report accepted under the previous application in support of the current proposal on which C for T has no adverse comments. Other concerned government departments, including the Director of Environmental Protection (DEP), Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to/no adverse comment on the application. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. There has been no environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling

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<sup>2</sup> There is another DDS (i.e. The Hong Kong School of Motoring Yuen Long Driving School) in Nam Sang Wai, Yuen Long (**Plan A-1**).

the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental impact on the surrounding areas.

- 11.4 The last application (No. A/YL-TYST/1084) for the same use as the current application was approved with conditions for a period of three years by the Committee on 30.4.2021. However, the planning permission was revoked on 30.9.2023 due to non-compliance with time-limited approval conditions regarding the implementation of run-in/out, drainage and FSIs proposals. The current application is submitted by the same applicant for the same use at the Site. Nevertheless, the applicant has submitted a run-in/out proposal and documentary approval records of drainage and FSIs proposals for the current application to which the Chief Highway Engineer/New Territories West, Highways Department, CE/MN, DSD and D of FS have no objection. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should it fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further application.
- 11.5 Given that one previous application for the same use has been approved at the Site, approval of the current application is generally in line with the previous decision of the Committee.
- 11.6 There are 211 public comments objecting to/have adverse comments on the application as summarised in paragraph 10 above. With regard to the concerns of the commenters, as advised by C for T, the proposed driving school will be subject to a code of practice setting out the requirements, standards and such conditions of a DDS as C for T thinks fit, including restrictions on operation hours, on-street learning hours, fleet size, training/testing routes, etc. The applicant and the future learners will need to conform with relevant provisions of the Road Traffic Ordinance and related regulations. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are also relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the temporary driving school could be tolerated 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 until 13.10.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;



- (b) the implementation of the accepted run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 13.7.2024;
- (c) the implementation of the accepted 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 13.7.2024;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the implementation of the accepted fire service installations proposal and water supplies for firefighting within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.7.2024;
- (f) if any of the above planning condition (a) 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 any of the above planning condition (b), (c) 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 at **Appendix IV**.

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

the proposed use is not in line with the planning intention of the "OS" zone, which is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

### **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**

<b>Appendix I</b>	Application Form with attachments received on 23.8.2023
<b>Appendix Ia</b>	Supporting Documents
<b>Appendix Ib</b>	FI received on 5.10.2023
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-5</b>	Public Comments
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Proposed Training/Testing Routes
<b>Drawing A-3</b>	Proposed Run-in/out Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**