

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. Y/YL-NSW/5**

- Applicant** : The Hong Kong School of Motoring (HKSM) Yuen Long Driving School (YLDS) Limited represented by Kenneth To and Associates Limited
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Application Site** : Lot No. 1347 RP in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long
- Site Area** : 17,320 m<sup>2</sup> (about)
- Lease** : New Grant No. 157 (demised for fish pond purpose) varied by Short Term Waiver (STW) No.1781 for the purpose of driving school with structures for the purpose of an Administration Building and other facilities including Workshop and Ancillary Petrol Filling Station
- Zoning** : “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]
- Proposed Amendment** : - To rezone the application site from “OU(CDWRA)” to “OU(CDWRA1)”; and  
- To amend the Notes for “OU(CDWRA)” zone to include ‘Driving School (on land designated “OU(CDWRA1)” only)’ under Column 2 use

**1. The Proposal**

- 1.1 The applicant seeks planning permission to rezone the application site (the Site) (**Plan Z-1**) from “OU(CDWRA)” to a new sub-zone “OU(CDWRA1)” on the approved Nam Sang Wai OZP (the OZP) No. S/YL-NSW/8 and amend the Notes of the “OU(CDWRA)” zone to include ‘Driving School (on land designated “OU(CDWRA1)” only)’ in Column 2 (i.e. ‘Driving School’ use within the proposed “OU(CDWRA1)” zone would require planning permission from the Town Planning Board (the Board)). The proposed amendment to the Notes of the OZP is at **Appendix II**. The Site forms part of a larger area zoned “OU(CDWRA)” and falls within the Wetland Buffer Area (WBA) of the Deep Bay Area. The Site is currently

used for a driving school with temporary planning permission (No. A/YL-NSW/272) valid until 5.9.2022.

- 1.2 The applicant has submitted an indicative scheme to support the rezoning application. The proposal comprises a driving school with Wetland Restoration Area (WRA) with a gross floor area (GFA) of about 1,485m<sup>2</sup> and PR of not more than 0.1. The proposed layout is broadly similar to the layout of the existing driving school, with only modification to the open-air driving training ground and relocation of the Motorcycle Mandatory Test Area to accommodate the restored wetland so as to minimise disruption to the operation of the driving school. The 3 single-storey existing structures at the Site, including the administration building and 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, will remain intact. The Site is accessible via Chung Yip Road which was constructed by the applicant in 1994 in fulfilment of an approval condition of the first planning approval granted for temporary driving school use at the Site in 1992. The Master Layout Plan (MLP) and Landscape Master Plan (LMP) of the proposed development are at **Drawings Z-1 to Z-2** respectively. The proposed development parameters of the indicative development scheme are as follows:

| <b>Indicative Proposal</b>                                   |   |
|--|---|
| <b>Site Area</b>   | About 17,320m <sup>2</sup>  |
| - Wetland Restoration Area                                   | - About 3,460m <sup>2</sup>   |
| - Driving Training Area                                      | - About 13,860m <sup>2</sup>  |
| <b>Development Parameters of Driving Training Facilities</b> |   |
| No. of Structures  | 3<br>(1 administration building and driving test centre, 1 vehicle maintenance workshop and 1 fuel-filling pit) |
| GFA  | About 1,485 m <sup>2</sup>  |
| PR   | Not more than 0.1   |
| No. of Storeys   | 1 storey  |
| BH   | Not more than 5.6m  |
| Site Coverage  | About 10 %  |
| Green Coverage   | Not less than 20%   |

- 1.3 In support of the rezoning application, the applicant has submitted a Wetland Creation Scheme with a Wetland Restoration Proposal, Landscape and Tree Preservation Proposal, Traffic Impact Assessment (TIA), Ecological Impact Assessment (EcoIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA) and Sewerage Impact Assessment (SIA).

**Proposed Development with WRA (Drawings Z-1 to Z-5)**

- 1.4 According to the applicant, though the Site is paved with no wetland habitat, it is located at the southern fringe of the continuous and contiguous wetland of the Deep Bay wetland system within the WBA. To take into account the existing wetland habitats in its vicinity, a WRA, which forms an integral part of the proposed development accounting for about 20% of the total site area, is proposed at the north-easternmost portion of the Site to serve as a buffer to separate the proposed driving school from the ecological sensitive wetlands in the north and east. A “dark

zone” with a minimum width of 20m from the northeastern boundary along Kam Tin River is also introduced with no regular lighting and night-time operation/activities in order to minimise the potential impacts on the firefly and waterbirds at the meander of Kam Tin River. The long-term management of the WRA will be supported by YLDS.

- 1.5 A landscape buffer along the periphery of the Site is proposed with shrub planting and existing trees preserved and enhanced where possible to provide an effective visual and landscape screening and to screen out any potential disturbance impact to the surrounding ecologically sensitive areas. The proposed layout has been carefully designed to avoid tree felling such that all existing live trees will be retained in-situ. Some 24 numbers of new trees of heavy standard will be planted within the Site to replace the 18 numbers of dead trees. A minimum of 20% greenery will be provided at the proposed development.

#### Ecology (Drawings Z-4 to Z-5)

- 1.6 According to the EcoIA and Wetland Creation Scheme, the proposed WRA, with a net gain of 0.35ha of wetland area in a form of reedbed creation, will increase the ecological value of the Site by providing habitats for wildlife as well as filtration functions for surface runoff before discharging to Kam Tin River which is the feeding ground for waterbirds. No piling will be required for the proposed development, and only small scale earthworks on reprofiling and planting will be involved for the creation of the WRA, of which there will be no night time construction and the earthworks will be scheduled in wet season. The proposed BH (of not more than 5.6m) which is the same as the existing condition will not impede the birds’ flight paths (**Drawing Z-4**). In terms of light level, there will be no increase in light glare compared with the existing situation. The peripheral landscape buffer, provision of “dark zone” which allows for a setback of lighting along Kam Tin River and the downward and inward-facing lighting within the Site would be able to minimise the light glare impact to the surrounding ecologically sensitive areas (including the firefly habitat and cormorant roost).

#### Operations of Driving School and Traffic Impact

- 1.7 The operation/training arrangements of the driving school will be largely the same as the existing situation except that the daily operation hours of YLDS (i.e. Monday to Sunday and Public Holidays) are shortened from 8:30 a.m. - 11:30 p.m to 8:30 a.m. to 10:30 p.m. No training of drivers on heavy vehicles and articulated vehicles outside the Site after 9:30 p.m. is allowed to minimise the disturbance in the area at night time. Training is also given outside YLDS in three training zones which were reviewed and approved by Transport Department (TD) and Yuen Long District Council (YLDC), i.e. Yuen Long Industrial Estate (YLIE), Tung Tau area and Tin Shui Wai area, where commercial vehicles and articulated vehicles are mainly trained in YLIE and only private cars and light goods vehicles will be trained in the Tung Tau area. The submitted TIA concluded that the proposed development is acceptable from traffic view point as it is expected that there is no significant change of traffic impact on road network and the junctions are expected to operate within capacity.
- 1.8 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 25.11.2019 (Appendix I)
- (b) Supplementary Planning Statement received on 25.11.2019 (including indicative MLP, LMP, Wetland Creation Scheme, Tree Preservation Proposal, EcoIA, EA, TIA, DIA and SIA)\* (Appendix Ia)
- (c) Further Information (FI)-1 received on 14.5.2020 and 27.5.2020 in response to departmental and public comments with revised indicative MLP, TIA, SIA, EcoIA, Wetland Restoration Scheme, and replacement pages of EA, LMP and Tree Preservation Proposal \* (Appendix Ib)
- (d) FI-2 received 29.9.2020 in response to departmental comments with revised TIA, EcoIA, Wetland Restoration Scheme and LMP \* (Appendix Ic)
- (e) FI-3 received on 4.1.2021 and 14.1.2021 in responses to departmental comments with revised TIA and indicative MLP, and replacement pages of EcoIA. The applicant also supplemented that should the subject application be approved and a temporary permission for a period of minimum 10 years be given by the Board in the subsequent s.16 planning application, he would commence the Wetland Restoration Scheme\* (Appendix Id)
- (f) FI-4 received on 19.3.2021 providing clarification of the BH of each structure, operation hours and details of the identified relocations sites (Appendix Ie)

*Remark: \* accepted but not to exempt for publication and recounting requirements*

- 1.9 On 21.2.2020 and 7.8.2020 the Rural and New Town Planning Committee (the Committee) agreed to adjourn consideration of the application as the special work arrangement for Government departments due to the novel coronavirus infection. On 15.9.2020 and 18.12.2020 the Committee agreed to defer a decision on the application as requested by the applicant. Subsequently, FI (**Appendices Ib to Ie**) was received as detailed in paragraph 1.8. The application is scheduled for consideration by the Committee at this meeting.

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

The justifications put forth by the applicant in support of the application are detailed in the supplementary Planning Statement at **Appendix Ia** and the subsequent FIs at **Appendices Ib to Ie**. They can be summarised as follows:

### *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 DDS and the largest privately owned training facility serving the NWNT area. It also serves as TD's only DTC in the sub-region. Past and present enrolment numbers at the driving school demonstrate the facility is in demand and continues to serve public need.

Compatibility to the Emerging Residential Neighbourhood in Tung Tau area

- (b) YLDS has been operating for over two decades at the Site. It is deeply rooted in Yuen Long and the Tung Tau area. Two planned residential developments in the Tung Tau area have been completed and occupied since 2017. There is a general acceptance in the community that the operation of YLDS does not cause a nuisance. Indeed no significant complaints have been received by TD or the driving school in the past two/three years regarding its operation.

Effort in identifying a relocation site

- (c) The applicant has been identifying a relocation site for the driving school and has examined a minimum of 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 Shan Pui 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. The only 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.

Early Restoration of Wetland

- (d) The Site and the adjoining area on the eastern side of Chung Yip Road have been zoned “OU(CDWRA)” for over a decade. Housing development within this zone is difficult due to the wetland conservation and management requirements and the lengthy planning approval process. No planning application has been approved by the Board for permanent housing development with wetland restoration proposal within the subject zone. This application with the driving school will be the first restored wetland in the “OU(CDWRA)” zone. Its success will set a precedent for others to follow suit.
- (e) The applicant is prepared to commence the wetland restoration scheme even if the Board allows a temporary approval for a period of minimum 10 years in the subsequent s.16 planning application stage, should the subject rezoning application is approved. Relevant documents, including, but not limited to, a wetland creation scheme and an ecological impact assessment, will be provided in support of the future s16 planning application.

Will not jeopardise the planning intention of “OU(CDWRA)” zone

- (f) The application is for rezoning the Site from “OU(CDWRA)” to “OU(CDWRA1)” with ‘Driving School’ put under Column 2. These will not affect the planning intention of the Site. Since ‘Driving School’ is proposed to be a Column 2 use, the Board and relevant Government departments would have full control on the details of the proposed driving school and wetland restoration proposal under the subsequent s16 application with submission of supporting technical assessments, including EcoIA. Should there be future circumstances making the Site no longer required for the operation of a DDS, it could be released for housing development with wetland restoration proposal.

Comply with the Town Planning Board Guidelines No. 12C (TPB PG-No. 12C)

- (g) The proposed driving school with wetland restoration proposal fully complies with the principles set out in TPB PG-No. 12C. The EcoIA is based on a 14-month

ecological field survey, which confirms that the proposed development will not lead to any loss of wetland habitat, but a net gain of ecological benefits with the creation of about 0.35ha of reedbed.

*No adverse technical impacts on the surrounding area*

- (h) As the proposed development will be the same as the existing driving school, except for the wetland restoration area, it will not create or subject to any adverse air quality, noise, water quality sewerage and drainage impacts. Prevailing environmental sensitive measures would be kept for the proposed driving school. The TIA confirmed that the development will not induce significant traffic impact.

### **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 Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12C) are relevant to the application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are summarised as follows:

- (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;
- (b) an 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; and
- (c) proposals for appropriate level of residential/recreation developments on degraded sites to remove/replace existing open storage or container back-up uses and/or to restore lost wetlands may be given sympathetic consideration by the Board subject to satisfactory ecological and other impact assessments.

### **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 in 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 temporary transitional housing in the same “OU(CDWRA)” zone and residential development in the adjacent “R(D)1” approved by the Committee on 23.10.2020 and 18.12.2020 respectively (**Plan Z-5**). For developments in the adjacent Tung Tau area, 4 applications (No. A/YL/182, 194, 201 and 257) (**Plan Z-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).
- Another Section 12A planning application within the subject “OU(CDWRA)” zone
- 5.4 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 Z-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 11.6.2021.

## 6. Previous Applications

- 6.1 The Site is the subject of 13 Section 16 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.
- 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) 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 above.
- 6.5 Details of the previous Section 16 applications are summarised at **Appendix III**.

## **7. Similar Application**

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

## **8. The Site and Its Surrounding Areas (Plans Z-1 to Z-5)**

- 8.1 The Site is:



- (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 temporary 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 Z-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 bureau and departments have been consulted and their views are summarised as follows:

### **Land Administration**

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

- (a) The Site involves one private lot and adjoining government land. The private lot is Lot 1347 RP in D.D 115 governed by the New Grant No. 157 for the purpose of fish pond.

- (b) The Lot 1347 RP in D.D. 115 is subject to a STW No. 1781 for the purpose of driving school with structures for the purpose of an administration building and other facilities including workshop and ancillary petrol filling station;
- (c) According to the preliminary land status checking, the boundary of the Site appears to be not entirely tally with the lot boundary of Lot 1347 RP in D.D. 115. As such, the applicant should clarify if the intention is to include the adjacent Government land in the Site. Subject to the applicant's clarification, the site area of about 17,320m<sup>2</sup> as stated in table 3.1 in p.14 of the Planning Statement may need to be reviewed.
- (d) According to the applicant's proposal, the Site could only be accessible through Chung Yip Road. Chung Yip Road is a non-exclusive Right-of-way ("ROW") delineated as Brown Area under STW No. 1781 held by the owner of Lot 1347 RP in D.D. 115 as mentioned above. According to the STW No. 1781, the Government reserves the right to take over the whole or any portion of Chung Yip Road. Chung Yip Road is currently not maintained or managed by the Highways Department (HyD) and TD.
- (e) Should the Board approve the planning application, the applicant should clarify if permanent use of driving school is intended to be implemented in the Site. If affirmative, the owner is required to apply to LandsD for land exchange/lease modification, if appropriate, for the long term establishment of the driving school. However, there is no guarantee that the said application, including the granting of any Government land (if any), will be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved, it will be subject to such terms and conditions including among others, the payment of such appropriate fees as may be imposed by LandsD.

### **Traffic and Driving Service**

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

He has no objection to the application.

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

##### Driving Service

- (a) The Driving Services Section of TD supports the application in view of the long-term need for a DDS in New Territories West (NTW).

##### *Roles of YLDS*

- (i) YLDS was introduced as a DDS in March 1994. It is now providing a wide range of driver training for private car, light goods vehicle and motorcycle as well as other commercial vehicles including medium goods vehicle, bus and articulated vehicle (AV). Currently, YLDS is the only DDS in NTW.

- (ii) Within the premises of YLDS, there is a Driving Test Centre (DTC) for TD to arrange driving tests for the learner drivers of YLDS. At present, this is the only DTC in Tuen Mun and Yuen Long Districts that serves members of the public.
- (iii) Furthermore, under the Road Traffic (Driving Licences) Regulations (Cap. 374B), learner drivers of motorcycle (MC) must complete a competence test as a pre-requisite before they can apply for a learner driving licence, and the MC competence tests shall be conducted at any one of the four DDS. Other than YLDS, the other three are distantly located in Ap Lei Chau, Kwun Tong and Shatin. In short, YLDS is an important driving school in NTW offering the aforesaid essential driver training and driving test services to learner drivers.

#### *Demand of Driver Training and Driving Test*

- (iv) Currently, the market share of YLDS is about 28% of the total number of driving test forms sold for the four DDS. As revealed in the number of driving test forms sold for YLDS in the past 5 years (2014 to 2018), there has been an upsurge in demand by about 24% from 12,792 in 2014 to 15,806 in 2018. It is expected that the increasing trend will continue in the coming years.
- (v) It is noticeable that there is a substantial driver training and driving test demand being served by YLDS. Without YLDS, no off-street driving training will be available for the whole NTW, driving learners may need to learn such vehicle types on street. It is considered undesirable for large amount of driving training activities, especially AV driving training to be conducted on road, which will adversely affect the traffic. Moreover, the queuing time for the driving test appointment will be seriously lengthened.
- (vi) From the driver training and driving test service perspective, there is certainly a vital need to maintain the continued operation of YLDS so as to cope with the increasing demand and to facilitate learner drivers, particularly those living in Tuen Mun and Yuen Long Districts.

#### *Overall View of Driving Services Section*

- (vii) In light of the above considerations, TD's Driving Services Section supports the application for rezoning the Site to "OU(CDWRA1)" with 'Driving School' proposed as Column 2 use under the Notes for the proposed zone for the continued and permanent use of the Site as a driving school. This is vital to the Government to avoid disruption to the driving test

appointment and provision of driving test services to the general public.

Traffic Engineering

- (b) He has no comment from traffic engineering perspective on the application.
- (c) Having considered the revised TIA (**Appendix Id**) prepared by the applicant, no insurmountable traffic impact would be anticipated from the proposed use.

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

- (a) He has no comment on the application from highways maintenance point of view.
- (b) Chung Yip Road is not and will not be maintained by HyD.

10.1.5 Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD (CE/RD2-2, 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) He has no objection to the rezoning application.
- (b) The applicant proposed to rezone the Site from “OU(CDWRA)” to “OU(CDWRA1)” with ‘Driving School’ proposed as Column 2 use under the Notes for the proposed zoning to facilitate the proposed permanent driving school and ancillary uses at the Site subject to obtaining Section 16 planning permission. He understands that after the approval of the subject rezoning application, the ‘Driving School’ use at the Site would still require planning permission for the proposed driving school cum WRA and will be supported by an EA to demonstrate that the proposed use will not cause/be subject to unacceptable environmental impacts including noise, water quality and sewerage impacts.
- (c) The applicant submitted EA and SIA to support the application. He considers that there is inadequate information to support that the water quality within the proposed WRA (a future water sensitive receiver) can be maintained. It is expected that more detailed information on the operation of the WRA and appropriate mitigation measures would be provided to support that the WRA would not be subject to adverse water quality impact in the future Section 16 planning application.

- (d) It is expected that with implementation of appropriate environmental mitigation measures that will be further identified/confirmed and imposed as planning approval conditions in the future Section 16 planning application, the proposed permanent driving school use cum WRA will unlikely cause/be subject to unacceptable environmental impacts.
- (e) The applicant's responses that regular water quality monitoring for the WRA in the operation stage and the detailed design and operation information of the WRA will be provided in the future s16 planning application are noted.

### **Urban Design and Landscaping**

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

##### **Urban Design**

- (a) With the proposed WRA and not less than 20% of green coverage, the proposed development is unlikely to result in significant visual impact to the surroundings.
- (b) The Site is bounded by Shan Pui River in the northwest, Kam Tin River in the northeast, the WCA of Nam Sang Wai in the north and YLIE with BH ranging from 1 to 6 storeys in the west. The Site is occupied by the existing driving school and surrounded by temporary vehicle park, fish ponds, vacant land and village type developments with maximum 3 storeys in height. The proposed driving school with 3 single-storey structures is considered not incompatible with the surrounding rural context.

##### **Landscaping**

- (c) He has no objection to the application from landscape planning perspective in the view that further significant adverse landscape impact arising from the continued use of driving school is not anticipated and part of the Site will be formed as the WRA to fulfil the requirement under the "OU(CDWRA)" zone.
- (d) According to the aerial photo of 2018, the Site is situated in an area of rural landscape character. The surrounding area of the Site comprises village houses, open storages, ponds and clustered tree groups. Although similar land use cannot be found in proximity, given the proposed development is mainly at ground level with only 3 one-storey blocks, the proposed use is considered not incompatible with the landscape setting in proximity.
- (e) It is noted that the Site is currently used as a driving school. According to the planning statement, about 20% of the Site will be transformed as WRA. Moreover, all 150 nos. of existing trees within

the Site, except 18 nos. dead trees within the Site, are proposed to be retained, and 4 riparian tree species of standard to heavy standard are proposed to be planted at the Riparian Buffer Area. Also, a landscape buffer of minimum 5m width is proposed at northern corner of the Site (**Drawing Z-2**).

### **Drainage and Sewerage**

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

#### **Drainage**

- (a) He has no objection in principle to the proposed 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 s16 application No. A/YL-NSW/272. The applicant should clarify if the drainage arrangement has been changed.

#### **Sewerage**

- (c) The existing sewer rising main exposed over the verge area beside Chung Yip Road is noted for temporary use that its design shall be reviewed to tally with the permanent works requirement. The rising mains are normally constructed with covers, i.e. buried underground, according to DSD's Sewerage Manual Part 2 Chapter 7.7.
- (d) An SIA with proposed permanent sewage facilities shall be submitted in the subsequent s16 application should the subject s12A application be approved.
- (e) This rising main is considered serving exclusively for the subject development which would not be taken over by DSD that the applicant shall be responsible for the construction, maintenance and operation works.

### **Building Matters**

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

He has no objection in-principle to the application under the Buildings Ordinance.

### **Nature Conservation**

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

While it is noted in the submission that “the applicant has no objection to have regular monitoring including the conditions, performance and water quality of the wetland in the operation stage. Detail design and operation information of the wetland will be provided in the s16 planning application stage.”, the applicant should ensure there will be proper ecological and water quality monitoring of the proposed WRA in the wetland restoration/creation scheme to demonstrate that the discharge from the WRA will not add any net increase in pollution load in Deep Bay as stated in the TPB PG-No. 12C and the WRA itself can serve as habitats for wildlife after implementation as well as act as a buffer to minimise potential impacts to the adjacent wetland habitats in WCA.

### **Fire Safety**

#### 10.1.11 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to the water supplies for firefighting and fire service installations being provided to his satisfaction.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.
- (c) The emergency vehicle access (EVA) provision in the Site shall comply with the standard as stipulated in Section 6, Part D of Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation (B(P)R) 41D which is administered by BD.

### **Other Aspect**

#### 10.1.12 Comments of the Director of Food and Environmental Hygiene (DFEH):

He has no adverse comment on the application. For any waste generated from such activity/operation, the applicant should arrange disposal properly at their own expenses.

### **District Officer's Comments**

#### 10.1.13 Comments of the District Officer (Yuen Long) (DO(YL)):

His office has received a total of 8 letters from the Indigenous Inhabitant Representative of Shan Pui Tsuen and a villager of Shan Pui Tsuen objecting to the application. These letters (**Appendix IVb**) were also received by the Board during the statutory public inspection periods.

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

- (a) Chief Engineer/Construction, Water Supplies Department;
- (b) Director of Electrical and Mechanical Services;
- (c) Director of Leisure and Cultural Services;
- (d) Project Manager/New Territories North and West, Civil Engineering and

- Development Department (CEDD);
- (e) Head (Geotechnical Engineering Office), CEDD; and
- (f) Commissioner of Police.

## 11. **Public Comments Received During the Statutory Publication Periods**

During the four statutory public inspection periods, a total of 29 public comments were received. Amongst the comments received, 26 are objecting comments submitted by a YLDC Member (**Appendix IVa**), Indigenous Inhabitant Representative of Shan Pui Tsuen and a villager of Shan Pui Tsuen (**Appendix IVb**), representative of Shan Pui Tsuen (**Appendix IVc**), 3 green groups (including Kadoorie Farm and Botanic Garden Corporation, Green Power and The Conservancy Association) (**Appendix IVd**), Hong Kong Science and Technology Parks Corporation (**Appendix IVe**) and private individuals (**Appendix IVf**) mainly on the grounds that the training vehicles from the driving school would adversely affect the road network and induce pedestrian safety issue; the applicant should identify another relocation site; water pollution on Shan Pui River and Kam Tin River will be worsened; and the proposed development would induce adverse ecological impacts to the area. The remaining 3 comments are submitted by individuals supporting the application for the permanent driving school use with supporting assessments demonstrating that the ecological impacts could be minimised (**Appendix IVg**).

## 12. **Planning Considerations and Assessments**

- 12.1 The Site is zoned “OU(CDWRA)” on the Nam Sang Wai OZP with the planning intention 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 and to phase out existing sporadic open storage and port back-up uses and degraded wetlands.
- 12.2 The applicant, being the land owner of the Site, proposes to rezone the Site from “OU(CDWRA)” to a new sub-zone “OU(CDWRA1)” on the approved Nam Sang Wai OZP No. S/YL-NSW/8 and amend the Notes of the “OU(CDWRA)” zone to include ‘Driving School (on land designated “OU(CDWRA1)” only)’ in Column 2. The applicant claims that he is prepared to implement the WRA if the Board allows a temporary approval for 10 years in the subsequent s16 application after approval of the rezoning. According to the indicative scheme submitted, the proposed development includes a driving school comprising 3 structures of not more than 5.6m high. The location of the structures and layout are largely the same as the current driving school, except for the WRA proposed at the north-easternmost portion of the Site accounting for about 20% of the total site area.

### *History and the Need of the Driving School*

- 12.3 YLDS has been operating at the Site since 1994 providing a wide range of driver training services including private cars, light goods vehicles and motor cycles as well as other commercial vehicles including medium goods vehicles, buses and articulated vehicles. 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 29 years.



- 12.4 According to TD, YLDS is the only DDS in NTW. The demand for driving test in YLDS has increased by 24% in the period of 2014 to 2018. TD considers that YLDS would provide off-street driving training which will otherwise adversely affect traffic if it is conducted on-street, and this is vital to the Government to avoid disruption to the driving test appointment and provision of driving test services to the general public. TD therefore supports the application in view of the long-term need for a DDS in NTW. TD also anticipates that no insurmountable traffic impact would be resulted from the proposed use. STH has no objection to the application.

*Compatibility with Planning Intention and Urge for Relocation*

- 12.5 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 Z-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. In 2011, another strip of land to the further southwest of the subject “OU(CDWRA)” zone was rezoned from “OU(B)” to “R(E)1” to facilitate residential development (**Plan Z-5**).
- 12.6 Over the years, the areas to the south of the Site in the “R(D)1” zone and the fringe of the Tung Tau area to the further southwest have been gradually converted to residential use (**Plans Z-4b and 5**). Three residential developments were completed in the Tung Tau area in 2017, of which 2 are within the “R(E)1” zone. To the immediate west in the “R(D)1” zone is a proposed land sale site with planning approval for residential use. The Committee has also approved an application for transitional housing to the south of the Site within the same “OU(CDWRA)” zone. With these completed/committed developments, the residential intention for the area has gradually been realised. Another rezoning proposal for the entire “OU(CDWRA)” zone which also covers the subject Site for residential use has been received (No. Y/YL-NSW/6) which will be considered by the Committee in due course.
- 12.7 Back in 2011, the Committee, when considering the applicant’s renewal application (No. A/YL-NSW/209) for the temporary driving school, took the view that the temporary driving school should gradually be phased out to allow implementation of the “OU(CDWRA)” zone. In 2014, the Board gave a strong message to the applicant to relocate the driving school (A/YL-NSW/231) and the Board/Committee have since then shortened the temporary permission period of the applicant’s renewal applications for the driving school to 2 years for monitoring its progress of relocation. Although the applicant claims that all relocation efforts were in vain for various reasons, this does not justify that the Site is suitable for a permanent or a 10-year temporary driving school in light of the gradual transformation of the area into a residential neighbourhood.
- 12.8 The driving school use, which involves the operation of heavy vehicles, is considered incompatible with the surrounding developments which are characterised with

residential developments and ecologically sensitive features. Including the driving school use in Column 2 of the “OU(CDWRA)” zone is not compatible with its planning intention for residential and/or recreational development. Besides, allowing the driving school to continue its operation at the Site on a permanent basis would deviate from the Board’s long-term intention to phase out incompatible use including the driving school. The temporary driving school at the Site is so far only tolerated through temporary planning permission. The applicant should step up effort to relocate the driving school from the Site.

Early Restoration of Wetland

- 12.9 The Site falls within the WBA which is intended to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. The applicant has included a WRA within the proposed development which brings about a net gain of 0.35ha of wetland in the form of reedbed and a “dark zone” with a minimum width of 20m from Kam Tin River to minimise the potential impacts to the firefly and waterbirds at the meander of Kam Tin River (**Drawing Z-1**). While wetland restoration at the YLDS may be conducive to achieving the planning objective of the “OU(CDWRA)” zone, similar wetland restoration proposal should also be required if the Site is proposed for residential use for consideration by the Board. Regarding the technical feasibility of the WRA proposed, DAFC points out that the applicant has to ensure monitoring such that there is no net increase in pollution load in Deep Bay arising from the discharge of the WRA and the WRA itself can serve as habitats for wildlife as well as a buffer for the adjacent wetland habitats in WCA. DEP has no objection but considers that more information on the WRA and measures to avoid the WRA being subject to adverse water quality impact should be submitted in the future s16 application if the current application is approved by the Committee.

Other Technical Aspects

- 12.10 The proposed scheme is unlikely to result in significant visual impact or adverse landscape impact as advised by CTP/UD&L of PlanD. Other relevant Government departments including DSD and FSD have no objection to the application.

Public Comments

- 12.11 A total of 29 public comments were received during the publication periods of the application, including 26 objections and 3 supporting comments. The grounds of the public comments are stated in paragraph 11 above. Comments from relevant Government bureau and departments in paragraph 10 and the planning considerations and assessments as mentioned in the above paragraphs are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department does not support the rezoning application for the following reasons:
- (a) the current “OU(CDWRA)” zoning is considered appropriate having regard to the existing and planned uses in the surrounding areas. There is no strong planning justification to support the proposed rezoning application; and

- (b) 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. The proposed development is not compatible with the surrounding uses including existing/committed residential use.

13.2 Should the Committee decide to agree or partially agree to the subject application for rezoning the Site to “OU(CDWRA1)” with ‘Driving School’ proposed as Column 2 use under the Notes for the proposed zone, PlanD would work out the proposed amendments to the Nam Sang Wai OZP for the Committee’s agreement prior to gazetting under Section 5 of the Ordinance.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 14.2 Should the Committee decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

#### **15. Attachments**

|                              |  |
|------------------------------|--|
| <b>Appendix I</b>            | Application Form received on 25.11.2019  |
| <b>Appendix Ia</b>           | Supplementary Planning Statement received on 25.11.2019  |
| <b>Appendix Ib</b>           | FI-1 received on 14.5.2020 and 27.5.2020   |
| <b>Appendix Ic</b>           | FI-2 received on 29.9.2020   |
| <b>Appendix Id</b>           | FI-3 received on 4.1.2021 and 14.1.2021  |
| <b>Appendix Ie</b>           | FI-4 received on 19.3.2021   |
| <b>Appendix II</b>           | Proposed Amendments to the “OU(CDWRA)” zone of the Notes of the OZP                                    |
| <b>Appendix III</b>          | Previous Section 16 application within the Site  |
| <b>Appendices IVa to IVg</b> | Public comments received (excluding duplicated comments)   |
| <b>Drawing Z-1</b>           | Comparison of Layout of Proposed and Existing Driving School   |
| <b>Drawing Z-2</b>           | Landscape Master Plan  |
| <b>Drawing Z-3</b>           | Green Coverage   |
| <b>Drawing Z-4</b>           | Habitat Map with Major Flight Paths and Locations of Waterbirds and Species of Conservation Importance |
| <b>Drawing Z-5</b>           | The Reedbed System   |
| <b>Plan Z-1</b>              | Location Plan  |
| <b>Plan Z-2</b>              | Site Plan  |
| <b>Plan Z-3</b>              | Aerial Photo   |
| <b>Plans Z-4a and Z-4c</b>   | Site Photos  |
| <b>Plan Z-5</b>              | Neighbouring Residential Developments  |