

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KC/452

- Applicant** : Driving Services Section, Transport Department
- Site** : 103 Lei Muk Road, Kwai Chung, New Territories
- Site Area** : About 3,760m²
- Land Status** : Government Land
[Under a temporary government land allocation (TGLA) No. TKT-1790 for the purpose of a driving test centre commencing from 1.3.2006 and extended up to 28.2.2018]
- Plan** : Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/29
(currently in force)
- Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/28
(in force at the time of submission. The zonings and development restrictions for the site remain unchanged on the current OZP)
- Zoning** : ‘Road’ (about 1,890m² or 50.2 %),
‘Residential (Group A)’ (“R(A)”) (about 1,570m² or 41.7%),
‘Green Belt’ (“GB”) (about 292m² or 7.8 %), and
‘Government, Institution or Community’ (“G/IC”) (about 12m² or 0.3%)
- [Development within “R(A)” zone is subject to a maximum domestic plot ratio (PR) of 5.0 or a maximum non-domestic PR of 9.5, and a maximum building height (BH) of 170mPD, or PR/BH of the existing building, whichever is the greater.
Development within “G/IC” zone subject to a maximum BH of 2 storeys.]
- Application** : Temporary Government Use (Driving Test Centre) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for Government Use (Driving Test Centre) at the application site (the Site) (**Plan A-1**) to continue the use of the existing driving test centre for a period of three years. The application site falls within the areas zoned “R(A)”, “GB”, “G/IC” and shown as ‘Road’ on the draft

Kwai Chung OZP No. S/KC/28 in force at the time of submission. The zonings and development restrictions for the application site remain unchanged on the current OZP No. S/KC/29 (**Plan A-2**).

- 1.2 According to the Notes of the OZP for “R(A)” and “G/IC” zones, the applied use which is considered as ‘Government Use (not elsewhere specified)’, is a Column 1 use and always permitted. Yet, the use requires planning permission from the Town Planning Board (the Board) within the areas zoned “GB” and shown as ‘Road’. Given the above, the temporary government use for a driving test centre as a whole falling within the areas shown as ‘Road’, “R(A)”, “GB” and “G/IC” zones requires planning permission from the Board.
- 1.3 The development was the subject of two previously approved applications (Nos. A/KC/382 and A/KC/427) for the same use for three years up to 28.2.2015 and 28.2.2018 which were approved with conditions by the Metro Planning Committee (the Committee) of the Board on 20.1.2012 and 6.2.2015 respectively.
- 1.4 The development under application involves two single-storey blocks for office use and lavatory use (**Drawing A-3**). The total gross floor area (GFA) and BH of the proposed development are about 93m² and 3.5m respectively. A total of 24 public light good vehicles/private car parking spaces will be provided within the Site. The development parameters of the subject application remain the same as that of the last approved scheme of Application No. A/KC/427, except that parking space increases from 23 to 24 (see **Drawing A-3**).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with a set of plans received on 9.1.2018 **(Appendix I)**
- 1.6 The location and layout of the development under application submitted by the applicant are shown in **Drawings A-1 to A-3**.

2. Justifications from the Applicant

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

- (a) The existing Shek Yam Driving Test Centre (SYDTC) at Lei Muk Road, Kwai Chung has been in operation since December 2008 under a temporary government land allocation (TGLA) which will expire on 28.2.2018. In order to continue the present use of the centre, it is proposed to extend the allocation for three more years.
- (b) SYDTC was constructed to replace the Shek Lei Driving Centre at Tai Pak Tin Lane, Kwai Chung, which was closed in 2007 to make way for a school after providing driving test services for over 30 years. Currently SYDTC provides driving test services for private cars and light goods vehicles.

- (c) SYDTC has conducted over 5,000 driving tests each year since 2012, which provides an important service to the public. Without SYDTC, learner drivers would have to take driving test in other driving test centres, which will increase the burden of other driving test centres, resulting in longer waiting time for driving test. It will also cause inconvenience to the private driving instructors operating in the Kwai Chung area. The overall demand of driving tests has been increasing by 53.8% from 2011 to 2017. To continue the service to public, it is necessary to renew the site allocation.
- (d) TD is currently exploring the feasibility for permanent re-provisioning of the driving test centre at the Sheung Kwai Chung Vehicle Examination Centre (SKCVEC) at Wo Yi Hop Road located in close proximity to SYDTC (**Plan A-2**). Preliminary studies reveal that the SKCVEC is suitable for setting up as a driving test centre. The tentative plan of the new VEC at Sai Tso Wan, Tsing Yi will be completed in the third quarter of 2020 and the three existing VECs under TD will be re-provisioned to the new centre in the first quarter of 2021.

3. Compliance with the Owner's "Consent/Notification" Requirement

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

4. Town Planning Board Guidelines

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

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

(e) The proposed development should not adversely affect slope stability.

5. Previous Applications (Plan A-1)

The Site is the subject of two previous applications Nos. A/KC/382 and A/KC/427 for Government Use (Driving Test Centre) to continue the existing driving test centre for a period of three years from 29.2.2012 to 28.2.2015 and from 1.3.2015 to 28.2.2018 respectively. The applications were approved with condition by the Committee on 20.1.2012 and 6.2.2015.

6. Similar Application

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

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

7.1 Part of the Site is currently used as a driving test centre by TD and the northwestern portion is vacant land with grass/shrubs which is also managed by TD under the same TGLA (**Plan A-3**).

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) the Site is surrounded by formed slopes;
- (b) to the east and south-east of the Site are the public rental housing, namely Shek Yam East Estate and Tai Pak Tin Street;
- (c) to the south of the Site is the public rental housing, namely Shek Yam Estate;
- (d) to the south-west of the Site are Lei Muk Road, a refuse collection point and the Home Ownership Scheme, namely Ning Fung Court, North Kwai Chung Jockey Club Swimming Pool, Shek Yam Lei Muk Road Park and Shek Yam Shopping Centre;
- (e) to the west of the Site is the North Kwai Chung Tang Shiu Kin Sports Centre and Wo Yi Hop Road Sports Ground; and
- (f) to the north of the Site is the Sheung Kwai Chung Vehicle Examination Centre and a steep hill.

8. **Planning Intention**

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

9. **Comments from Relevant Government Departments**

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

Land Administration

- 9.1.1 Comment of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department (DLO/TW&KT, LandsD):
- (a) the Site is temporarily allocated to TD for the purpose of a driving test centre commencing from 1.3.2006 and extended up to 28.2.2018. The allocatee has applied to his office for a further extension up to 28.2.2021; and
 - (b) if the application is approved by the Board, his office will proceed to consider granting an extension of the allocation period subject to no adverse comments from departments.

Traffic

- 9.1.2 Comment of the Commissioner for Transport (C for T):

He has no comment on the application from traffic viewpoint provided that all future loading/unloading activities as a result of the captioned application will be confined within the subject site.

Environment

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

He has no comment on the application from the environmental planning perspective given it is a continuation of an existing use.

Building Matters

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

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

Water Supply

9.1.5 Comment of the Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD):

- (a) Existing water mains will be affected (**Plan A-2**). A waterworks reserve within 1.5 metres from the centreline of the water main shown in the enclosed plan shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes;
- (b) the Water Authority and his officers and contractors, his or their workmen shall have free access at all times to said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize;
- (c) the operator shall bear the cost of any necessary diversion works affected by the proposed development; and
- (d) the Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Fire Safety

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

- (a) He has no objection in principle to the application subject to the fire service installations and water supplies for firefighting being provided to the satisfaction of this Department; and

- (b) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. In addition, the arrangement of Emergency Vehicular Access (EVA) shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department.

Urban Design and Landscape

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

Visual

- (a) The application involves two temporary structures of 3.5m tall and 93m² in total on the proposed temporary driving test centre. Significant visual impact to the surrounding is not anticipated; and

Landscape

- (b) no objection to the application in view that the application site does not fall within any sensitive area and without significant landscape resources.

District Officer's Comments

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

His office has posted the subject application on notice boards of his office and Shek Lei Community Hall respectively from 19.1.2018 to 9.2.2018 and has not received any comments on the application.

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

- (a) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (b) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (c) Commissioner of Police (C of P); and
- (d) Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD).

10. Public Comments Received During Statutory Publication Period

On 19.1.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 9.2.2018, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The Site straddles “R(A)”, “GB”, “G/IC” zones and an area shown as ‘Road’ on the OZP. The applied government use for driving test centre is always permitted in “R(A)” and “G/IC” zones, but requires planning permission for “GB” zone and area shown as ‘Road’. The Site has been used as a driving test centre for private cars and light goods vehicles since April 2007. Planning permissions for a temporary of 3 years under the previous applications Nos. A/KC/382 and A/KC/427 were granted in 2012 and 2015. Since the last approval, there is no change in planning circumstances for the Site.
- 11.2 The largest portion covering about half of the Site is the area shown as ‘Road’. The zoning is intended for a proposed road linking up Tai Pak Tin Street and Wo Yi Hop Road. According to the information provided by TD, there is no development programme for this road portion. As such, the temporary use of the Site as a driving test centre would not jeopardise the implementation of the planned road shown in **Plans A-1** and **A-2**.
- 11.3 The second largest portion of the Site falls within “R(A)” zone, which is a long and narrow strip of land, is not considered suitable for residential development given the site condition. According to the OZP, the applied use is always permitted in “R(A)” zone.
- 11.4 Although the Site encroaches on the “GB” zone, the area concerned is relatively small (about 7.8%) and paved. As only some vegetation and no trees are found in the Site, no significant adverse landscape impact arising from the development under application is anticipated (**Plan A-4**). CTP/UD&L, PlanD has no objection to the application.
- 11.5 The “G/IC” portion of the Site only covers about 12m² or 0.3% of the Site. The driving test centre under application will not affect the normal operation of the North Kwai Chung Tang Shiu Kin Sports Centre in the concerned “G/IC” zone.
- 11.6 The driving test centre under application providing driving test services for private cars and public light buses is separated from surrounding residential developments, government uses and open space by slopes. Hence, it is considered not incompatible with the surrounding uses.
- 11.7 The driving test centre under application would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. All concerned departments including C for T, C of P, DEP and CE/Construction, WSD have no adverse comment on the application.
- 11.8 In view that TD is currently exploring the feasibility of permanent re-provision of the driving test centre at SKCVEC, consideration should be given to permit the continual operation of the driving test centre for a period of three years up to 2.3.2021 in order to continue the service to the public before the completion of the new VEC.

11.9 No public comments on the application have been received during the statutory publication period.

12. Planning Department's Views

12.1 Based on the assessment made in para. 11, the Planning Department has no objection to the temporary use of the Site as a driving test centre for a period of three years.

12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years from 2.3.2018 until 2.3.2021. The following condition of approval is also suggested for Members' reference:

Approval Condition

(a) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of the Fire Services or of the Town Planning Board by 2.9.2018.

12.3 There is no strong planning reason to recommend rejection of the application.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 9.1.2018
Drawing A-1	Location Plan
Drawing A-2	Block Plan
Drawing A-3	Proposed Layout Plan of the Development
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2018**