

**Relevant Extract of Town Planning Board Guidelines No.34B on
'Renewal of Planning Approval and Extension of Time for Compliance with Planning
Conditions for Temporary Use or Development'
TPB PG-No. 34C**

1. The criteria for assessing applications for renewal of planning approval include:
 - (a) whether there has been any material change in planning circumstances since the previous temporary approval was granted (such as a change in the planning policy/land-use zoning for the area) or a change in the land uses of the surrounding areas;
 - (b) whether there are any adverse planning implications arising from the renewal of the planning approval (such as pre-emption of planned permanent development);
 - (c) whether the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments within the specified time limits;
 - (d) whether the approval period sought is reasonable; and
 - (e) any other relevant considerations.

2. Under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. In general, the Board is unlikely to grant an approval period exceeding three years unless there are strong justifications and the period is allowed for under the relevant statutory plans. Depending on the circumstances of each case, the Board could determine the appropriate approval period, which may be shorter than the time under request.

Previous s.16 Applications covering the Application Site

Approved Applications

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning under Application</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
1.	A/DPA/YL-NSW/7	Proposed Driving School (Permanent)	Unspecified Use ^(a)	11.9.1992 by TPB (3 Years)	1, 2, 3, 4, 5, 6, 7
2.	A/DPA/YL-NSW/14	Proposed Driving School (Permanent)	Unspecified Use ^(a)	4.6.1993 (3 Years)	1, 2, 3, 4, 5, 6, 7
3.	A/YL-NSW/16	Driving School (Permanent)	R(D) ^(b)	15.11.1996 (3 Years)	-
4.	A/YL-NSW/26	Driving School with Fuel Facilities (Permanent)	R(D) ^(b)	25.7.1997 (up 15.11.1999)	-
5.	A/YL-NSW/67	Temporary Driving School with Ancillary Fuel Filling Pit (3 Years)	R(D) ^(b)	5.11.1999 (3 Years)	8
6.	A/YL-NSW/116	Temporary Driving School with Ancillary Fuel Filling Pit (3 Years)	R(D) ^(b)	13.9.2002 (3 Years)	9
7.	A/YL-NSW/165	Temporary Driving School and Ancillary Uses (3 Years)	CDA(1) at s.16 ^(c) OU(CDWRA) at s.17	9.9.2005 (3 Years) 21.4.2006 by TPB	10a, 11, 12 10b, 11, 12
8.	A/YL-NSW/185	Renewal of Planning Approval for Temporary Driving School and Ancillary Uses (3 Years)	OU(CDWRA)	5.9.2008 (3 Years) (valid up to 5.9.2011)	10b, 11, 13, 14
9.	A/YL-NSW/209	Renewal of Planning Approval for Temporary Driving School and Ancillary Uses (3 Years)	OU(CDWRA)	5.9.2011 (3 Years) (valid up to 5.9.2014)	10b, 11, 13, 14

	<u>Application No.</u>	<u>Proposed Use(s)/ Development(s)</u>	<u>Zoning under Application</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Approval Condition(s)</u>
10	A/YL-NSW/231	Renewal of Planning Approval for Temporary Driving School and Ancillary Uses for a Period of 3 Year	OU(CDWRA)	22.8.2014 by RNTPC (1 year) 19.12.2014 by TPB (2 years)	10b, 11, 13, 15, 16
11	A/YL-NSW/247	Renewal of Planning Approval for Temporary Driving School and Ancillary Uses for a Period of 33 Months	OU(CDWRA)	13.5.2016 by RNTPC (2 year)	10b, 11, 13, 15, 16
12	A/YL-NSW/258	Renewal of Planning Approval for Temporary Driving School and Ancillary Uses for a Period of 2 Years	OU(CDWRA)	25.8.2017 by RNTPC (2 year)	10b, 10c, 11, 13, 15, 16

- (a) Rezoned from "Unspecified Use" under DPA Plan No. DPA/YL-NSW/1 to "R(D)" on the draft Nam Sang Wai OZP No. S/YL-NSW/1 on 3.6.1994
- (b) Rezoned to "CDA(1)" on the draft Nam Sang Wai OZP No. S/YL-NSW/5 on 16.4.2004
- (c) Rezoned to "OU(CDWRA)" on the draft Nam Sang Wai OZP No. S/YL-NSW/7 on 9.12.2005

Approval Conditions:

1. the provision of drainage impact assessment and drainage works together with necessary drainage mitigation measures and subsequent maintenance
2. the provision of sewage treatment and disposal facilities
3. the design, construction and subsequent maintenance of the right of way of the proposed access road and its junction with the service land in Tung Tau Industrial Estate
4. the provision of necessary improvements to the service land and its junction with Tak Yip Street in Tung Tau Industrial Estate to cater for the increase in traffic
5. the provision of necessary control on the proposed number of learner drivers on the road and the design of the training routes
6. the provision of the details of the environmental and drainage impact assessment of the proposed access road and the implementation of mitigation measures
7. the provision and implementation of a Master Landscape Plan
8. the maintenance of the access road (Chung Yip Road) leading to the application site

9. the provision of fire service installations
- 10a. no training of drivers of heavy vehicles or articulated vehicles is allowed outside the application site after 7:30pm at night
- 10b. no training of drivers of heavy vehicles or articulated vehicles is allowed outside the application site after 9:30pm at night
- 10c. only one articulated vehicle and one bus are allowed for training of drivers outside the application site from 7:30pm to 9:30pm
11. existing landscape planting on site should be maintained in good condition
12. provision of water supply for fire fighting and fire service installations
13. existing drainage facilities implemented should be maintained
14. existing fire service installations should be maintained
15. the submission of records of the existing drainage facilities on site
16. the submission and implementation of fire service installations proposal for the site

Detailed Comments of Transport Department

1. The Driving Services Section, Transport Department (TD) supports the application. Details of her views are as follows:

Designated Driving School in Yuen Long

2. YLDS was introduced as a designated driving school (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 MGV, bus and AV. Within the premises of YLDS, there is also a driving test centre (DTC) for Transport Department 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. It should also be pointed out that 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. According to Cap. 374B, 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 Tuen Mun and Yuen Long Districts offering the aforesaid essential training and driving test services to learner drivers.

3. 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 the 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.

4. It is noticeable that there is a huge driver training and driving test demand being served by YLDS and the waiting time for a driving test at YLDS is very long. As at 8 July 2019, the waiting time of a driving test for non-commercial vehicles (i.e. private cars, LGV and motorcycles) at YLDS is as long as about 348 days (11.4 months). Given that the demand remains high and the queuing time may be further increasing, it is anticipated that the test appointments to be arranged in or after mid-September 2019 will be scheduled beyond 5 September 2020. In order to secure the public service without disturbance, there is a genuine need for YLDS to obtain the approval for renewal of the planning permission at an opportune time which is much earlier than the normal schedule. Otherwise, the driving test appointment will be seriously affected.

5. TD fully appreciates the TPB's concern over the long term use of the site as a driving school and TPB has requested the school operator to identify a suitable site for relocation. YLDS planned to relocate the school to another location near Wing Ning Tsuen, Long Ping Road and they submitted a planning application to TPB for the replacement site in 2016. Nevertheless, the planning application and the associated review were rejected by the RNTPC of TPB on 23 June 2017 and 3 November 2017 respectively. Given the above, it is clear that YLDS has made tremendous efforts and actively worked towards the relocation of driving school with a view to fulfilling TPB's requirements. As an alternative, YLDS is also studying the feasibility of incorporating a wetland restoration scheme into the driving school with a view to addressing TPB's advice (as mentioned in paragraph 4.1.2 of YLDS's Supporting Planning Statement).

6. In view of the long-term need for a designated driving school to be located in the NT West, TD has

been liaising with concerned Government departments for searching a suitable replacement site. At the current stage, a site underneath proposed flyovers has been identified under the Feasibility Study of Preliminary Land Use Study for Lam Tei Quarry and the Adjoining Areas being carried out by the Planning Department and the Civil Engineering and Development Department for the development of a new driving school in NT West in the long run.

7. TD also notes that the local community has concern over the driving training activities which may affect the noise level of adjacent area. On this aspect, TD understands that the driver training activity of large commercial vehicles (i.e. AV, MGV and bus) is not busy and part of the training is carried out within the school premises. The total no. of driving test forms sold for these vehicle types is about 4% of all the driving test forms sold for YLDS in 2018. The noise level generated from that kind of training activity should be minimal.

8. Following the condition of the current planning permission, no training of driver of heavy vehicle or articulated vehicle is permitted after 9:30 pm and only one articulated vehicle and one bus are allowed for training of drivers outside the site from 7:30 pm to 9:30 pm. Besides, there is general restriction that no learner drivers should drive any training vehicles out of the driving school during peak hours (i.e. from 7:30 am to 9:30 am & 4:30 pm to 7:30 pm on Mondays - Fridays; from 7:30 am to 9:30 am on Saturdays; and after 11:30 pm each day). The restriction should be able to minimise the impacts of vehicle training activities on noise and general traffic in the vicinity of training areas.

9. For understanding of the full picture of driving training in Hong Kong and the role of YLDS in the relevant policy, some background information are provided in the following paragraphs:-

Driver Training Policy

10. The Government has been adopting a "two-pronged approach" in respect of driver training. On one hand, off-street driver training through the establishment of DDS is promoted. On the other hand, a sufficient supply of Private Driving Instructors for on-street driver training is maintained.

Designation of DDS

11. Under Section 88K of Road Traffic Ordinance (Cap. 374), the Commissioner for Transport (the Commissioner) may designate any place as a DDS and may impose such conditions relating to that designation as she thinks fit. A designation shall be valid for a maximum period of five years.

12. At present, there are four DDS and their current land status is shown below:

	DDS	Land Status
(i)	Yuen Long (Introduced since 21.3.1994)	Private Land
(ii)	Siu Lek Yuen (Introduced since 3.8.2000)	Government Land
(iii)	Ap Lei Chau (Introduced since 31.12.2006)	Government Land
(iv)	Kwun Tong (Introduced since 1.1.2006)	Government property at Kwun Tong Dangerous Goods Ferry Pier sublet from the ferry operator licenced by GPA under commercial concession. The school site will be resumed by the

		Energizing Kowloon East Office in Q3 of 2019. A reprovisioned DDS located at Yau Shun Street, Kwun Tong will commence operation upon closure of the existing Kwun Tong DDS.
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Overall View of Driving Services Section, TD

13. From the driver training and driving test service perspective, there is certainly a vital need to maintain the continued operations of the driving school in Yuen Long so as to cope with the increasing demand and to facilitate learner drivers, particularly those living in Tuen Mun and Yuen Long Districts undertaking off-street driving training, which is in line with the driving training policy. In 2018, TD conducted more than 15,000 driving tests at YLDS, being one of the four DDS in Hong Kong. The Government has to maintain an uninterrupted driver training and driving test service provided to members of the public.

14. In light of the above consideration, TD strongly supports YLDS's application for extending the temporary planning approval for a further period of two years for the continued use of site as a driving school in the interim. This is definitely necessary to avoid service disruption to the appointment service and conduct of driving tests to the general public.

Recommended Advisory Clauses

- (a) the approval is granted for 2 years, the applicant should expedite the actions in identifying suitable sites for relocation, and that favourable consideration may not be given by the Committee to any further renewal unless under very special circumstances. This would allow the Town Planning Board to monitor the progress of the proposed relocation of the driving school and also monitor any possible traffic and environmental impacts cause by the temporary driving school at the Site;
- (b) to note the comments of the District Lands Officer/Yuen Long of Lands Department that the Site is situated on New Grant Agricultural Lot restricted for fish pond purposes only, upon which no structure is allowed to be erected without prior approval from his Office. However, Short Term Waiver (STW) No. 1781 was granted in 1993 with an agreement supplementary to the same in 1999 to the lot owner for coverage of structures [with maximum built-over area of 1,485 m² and maximum building height of 4.8m (one-storey)] erected on the lot for the purpose of an administration building and other facilities including workshop in connection with a driving school. His Office reserves the right to take appropriate action should any breach of the conditions of the STW be found;
- (c) to note the comments of the Director of Environmental Protection that the Site is located to the immediate south of the Shan Pui River and Kam Tin River, and that the applicant should strictly comply with relevant pollution control ordinances, in particular the Waste Disposal Ordinance, the Water Pollution Control Ordinance, avoiding any improper storage of chemical wastes within the Site and any illegal discharge of wastewater from the Site;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should maintain the same drainage facilities as those implemented under previous Application No. A/YL-NSW/258. The applicant should inform the concerned departments if the drainage arrangement has been changed;
- (e) to note the comments of the Chief Building Surveyor/New Territories West of Buildings Department that the relevant Temporary Building Permits No. NT 8/94 & NT 16/98 and the associated Temporary Occupation Permits No. NT 16/95 (T.O) & NT 21/98 (T.O) have expired on 5.9.2018. The granting of any planning approval should not be construed as an acceptance of any existing building works on the Site under the Building Ordinance (BO). Approval and consent by the BD on the renewal of the relevant Temporary Building Permits and the associated Temporary Occupation Permits should be obtained, otherwise they are unauthorized building works (UBW) under the BO and enforcement action may be taken by the BD;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and application for the dangerous goods licence; and
- (g) to note the comments of Director of Food and Environmental Hygiene that for any

waste generated from such activity/operation, the applicant should arrange disposal properly at their own expenses