

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

**APPLICATION NO. A/YL-NSW/272**

- Applicant** : The Hong Kong School of Motoring Yuen Long Driving School (HKSM YLDS) Limited represented by Kenneth To and Associates Ltd
- Site** : Lot No. 1347 RP in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long
- Site Area** : About 18,182 m<sup>2</sup>
- Lease** : New Grant No. 157 (demised for fish pond purpose) varied by Short Term Waiver (STW) No. 1781 for the purpose of a temporary driving school with a maximum built-over area of about 1,485 m<sup>2</sup> and a maximum building height of 4.8m (one-storey)
- Plan** : Approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8
- Zoning** : “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”)
- [restricted to a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park.]
- Application** : Renewal of Planning Permission for Temporary Driving School and Ancillary Uses for a Period of 2 years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission under previous planning application No. A/YL-NSW/258 to continue to use the application site (the Site) for temporary driving school and ancillary uses for a period of 2 years (**Plan A-1**) from 6.9.2020 to 5.9.2022. The Site is located within an area zoned “OU(CDWRA)”. According to the Notes of the OZP, temporary use not exceeding a period of three years requires permission of the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use with valid planning permission.
- 1.2 The Site is involved in 12 previous applications (No. DPA/YL-NSW/7 and 14, and No. A/YL-NSW/16, 26, 67, 116, 165, 185, 209, 231, 247 and 258) for the same use and submitted by the same applicant. The current application (No. A/YL-NSW/272) is for renewal of the previous permission (No. A/YL-NSW/258) which was approved by the Committee on 25.8.2017 for a period of 2 years from 6.9.2018 to 5.9.2020. All the approval

conditions have been complied with.

- 1.3 According to the layout plan submitted by the applicant (**Drawing A-1**), the applied development which is the same as the previously approved application (No. A/YL-NSW/258), comprises mainly a driving training school and a driving test centre (GFA of about 1,485m<sup>2</sup>). Driving training and driving tests are provided for commercial vehicles (including articulated vehicles (AV), medium goods vehicles (MGV) and buses) and non-commercial vehicles (including light goods vehicles (LGV), private cars and motorcycles). The driving training area is mainly located in the central part of the Site, with administration building and vehicle maintenance workshop along the south eastern boundary near the site entrance and a fuel filling pit at the far northern tip.
- 1.4 According to the applicant, learner drivers would have training in the driving simulation room and on-site training area within the Site. It is only after the satisfactory completion of the training class which is conducted within the Site, the learner drivers can then practise off-site/on-street driving so as to ensure they would not cause nuisances or safety concerns on public streets. The on-street training/testing is conducted in 3 zones, i.e. Tung Tau Industrial Area (TTIA) training zone to its south, Yuen Long Industrial Estate (YLIE) training zone to its west (**Plan A-1**), and Tin Shui Wai area. Besides, learner drivers are not allowed to drive on public roads during peak hours from 7:30am to 9:30am, Mondays to Saturdays, and 4:30pm to 7:30pm on weekdays according to the Transport Department (TD)'s general restriction on learner drivers training. On-street driving tests for YLDS students take place normally on 3 weekdays from 9:15am to 12:00 noon and 2:00pm to 4:00pm.
- 1.5 To minimize possible environmental impact on the upcoming residential developments in the "Residential (Group E)" ("R(E)") zone at the TTIA, only one AV and one bus for on-street training is allowed from 7:30pm to 9:30pm. Whilst non-commercial vehicles are trained and tested at all zones, the driver training and driving test of large commercial vehicles are only carried out at YLIE and Tin Shui Wai zones. Large commercial vehicles and motorcycles are not allowed to enter TTIA.
- 1.6 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form received on 17.6.2019 (**Appendix I**)
  - (b) Planning Statement (**Appendix Ia**)
  - (c) Further information (FI) received on 25.6.2019 providing a Traffic Technical Note (**Appendix Ib**)
  - (d) FI received on 12.8.2019 providing details of the driving tests and further justifications for the subject renewal application (**Appendix Ic**)

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

The justifications put forth by the applicant in support of the application are detailed in at **Appendices Ia to Ic**. They can be summarised as follows:

### *Far from Residential Development*

- (a) The Site is located to the northeast of Shan Pui Chung Hau Tsuen, at the confluence of Kam Tin River and Shan Pui River. The Site is flat, paved and the peripheries are planted with trees to provide screening.

No Programme for Redevelopment

- (b) The applicant is the sole land owner of the Site and has no intention to redevelop the Site. Moreover, it is difficult to materialize the long term planning intention of the “OU(CDWRA)” zone that covers the Site. As at May 2019, no planning application had been submitted to the Board for proposed housing development with wetland restoration proposal within the “OU(CDWRA)” zone where the driving school is located. There is no evidence that renewal of the planning permission for another 2 years would prejudice the housing development at the Site.

Need of a Driving School and Driving Test Centre to serve the Community

- (c) The Site is the only Government designated driving school (DDS) and the largest privately owned training facility serving the North West New Territories (NWNT) area. It also serves as TD’s only Driving Test Centre (DTC) in the sub-region. Past and present enrolment numbers at the driving school demonstrates the facility is in demand and continues to serve public need. Abrupt closure of the school or its relocation to a less accessible site would affect its capacity to continue to provide driving training and testing service for the community. If the subject driving school was to shut down before a new driving school could be put into operation, learner drivers in the sub-region would need to have their driving training on public roads in the district, which would cause nuisance to other road users and local communities and traffic congestion.

Effort in Identifying a Relocation Site

- (d) The applicant has been making great effort in identifying a relocation site for the driving school. Following a number of rigorous site searches, a replacement site zoned “Green Belt” (“GB”) near Wing Ning Tsuen, Long Ping Road in Yuen Long was identified and planning application (No. A/YL-PS/519) was submitted for temporary driving school for a period of 3 years (**Plan A-1**). However, the application was rejected by the Committee on 23.6.2017 and the Board on review on 3.11.2017 mainly on the grounds that the proposed development is not in line with the planning intention of the “GB” zone; not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) in that the proposed development is not compatible with the green belt character in surrounding areas and would affect the existing natural landscape; and the approval would set an undesirable precedent.
- (e) Subsequent to the last renewal approval and the rejection of the application for relocation site in Ping Shan in 2017, the applicant has been actively identifying suitable sites for relocating the driving school. The sites near Fung Ka Wai in Tin Shui Wai and Kiu Tau Wai in Ping Shan were considered. However, both sites were considered inappropriate since they are distant to the established training and test routes and the adjacent road network are not suitable for student drivers for on-street driving training. As an alternative, in view of recent experience that the YLDS co-exists harmoniously with the recently completed residential developments in Tung Tau Area, the applicant wishes to further enhance YLDS’s long term land use compatibility. The applicant has engaged a full consultancy team to study the potential of having a wetland restoration cum driving school proposal at the Site. The applicant is currently preparing the s.12A rezoning application for the permanent driving school development at the Site and various technical assessments, including a year-round ecological survey, tree survey, environmental assessments (EA), traffic impact assessment (TIA), drainage impact assessment (DIA), etc, have been

undertaken to facilitate the proposed permanent development. The renewal application is considered to be an acceptable interim solution before a suitable replacement site or alternative arrangement for YLDS is available.

- (f) TD supported the current renewal application up to year 2022 for continued operation of the YLDS and also considered that in order to reduce uncertainties on the driving test appointments arranged for members of the public (i.e. as at July 2019, the waiting time for driving test scheduled appointments in aggregate in YLDS has already reached almost 12 months), the Board would be invited to give an early decision on the planning application.

*No Adverse Impact*

- (g) The applicant has submitted a Traffic Technical Note (**Appendix Ib**) which evaluates the potential traffic impact of the driving school on the surrounding areas including the TTIA. The assessment has demonstrated that the extension of the driving school until 2022 will not induce additional traffic impact on the adjacent road network and is acceptable in traffic terms. Moreover, YLDS has not received any complaints on its operation in the past years.

*Provide Employment Opportunities*

- (h) The YLDS currently employs about 100 driving instructors and ancillary staff and the applicant intends to transfer and continue the employment to the new driving school. However, if the application of renewal of the planning permission is not approved, the applicant has to terminate the employment which affects the livelihood of the employees.

*In Line with TPB Guidelines*

- (i) All approval conditions under the last application No. A/YL-NSW/258 had been complied with. The applied use is in line with TPB PG-No. 34C for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

**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**

***Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)***

- 4.1 According to the TPB PG-No. 12C, 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; and

- (b) an ecological impact assessment (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

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

- 4.2 TPB PG-No. 34C is relevant to this application and the relevant assessment criteria are attached at **Appendix II**.

**5. Background**

- 5.1 Based on the findings of a comprehensive land use review on a piece of land to the north of TTIA, including the Site, the Committee agreed on 16.4.2004 that, among others, the Site be rezoned from "Residential (Group D)" ("R(D)") to "Comprehensive Development Area (1)" ("CDA(1)") with a maximum plot ratio of 0.4 and a maximum building height of 3 storeys, and the areas east of Chung Yip Road be rezoned to "CDA(2)" and "CDA(3)" with a maximum plot ratio of 0.6 and 1 and a maximum building height of 8 and 12 storeys respectively. On 16.4.2004, the draft Nam Sang Wai OZP No. S/YL-NSW/5, incorporating the above amendments was gazetted under section 5 of the Town Planning Ordinance.
- 5.2 In 2005, in giving preliminary and further consideration to the objections against the "CDA" clusters (i.e. "CDA(1)", "CDA(2)" and "CDA(3)"), the Committee considered that, given the proximity of the "CDA" clusters to the wetland area, it would be reasonable to adopt a development option at 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. On 12.8.2005, the Committee confirmed to rezone the "CDA(1)", "CDA(2)" and "CDA(3)" zones to "OU(CDWRA)", with a reduced overall development intensity at a maximum plot ratio of 0.4 and a maximum building height of 6 storeys (including car park). Since then, the Site has been designated "OU(CDWRA)" on the Nam Sang Wai OZP.
- 5.3 There are residential development proposals in the "R(E)1" zone in the adjacent TTIA. The transformation of the adjacent area to residential use is taking place with three planning applications No. A/YL/191, A/YL/194 and A/YL/201 for residential uses approved by the Committee on 21.12.2012, 11.1.2013 and 23.5.2014 respectively. The public and private housing developments under applications No. A/YL/194 and 201 were completed and occupied in 2017 (**Plan A-1**). Private residential development under application No. A/YL/191 has been in progress.

**6. Previous Applications (Plan A-1)**

- 6.1 The Site is the subject of 12 previous applications (No. DPA/YL-NSW/7 and 14, and No. A/YL-NSW/16, 26, 67, 116, 165, 185, 209, 231, 247 and 258) for the same

applied use as driving school submitted by the same applicant.

- 6.2 Applications No. DPA/YL-NSW/7 and 14 and No. A/YL-NSW/16, 26, 67, 116, 165 and 185 were approved by the Committee/Board between 1992 to 2008 mainly for periods of 3 years when the Site was then zoned “Unspecified Use”, “R(D)”, “CDA(1)”, and “OU(CDWRA)” respectively on the then DPA Plans/OZPs. The applications were approved 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 was no adverse comments from concerned departments.
- 6.3 Application No. A/YL-NSW/209 was approved with conditions on 19.8.2011 by the Committee for a period of 3 years up to 5.9.2014. In considering the application, the Committee noted that a strip of land in TTIA had been rezoned from “OU(Business)” to “R(E)1” for residential development and 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 at that stage and given that future development at the proposed “R(E)1” sites was still uncertain, the proposed renewal period of 3 years could still be tolerated. The applicant had been advised that favourable consideration might not be given by the Committee 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. All approval conditions under Application No. A/YL-NSW/209 had been complied with.
- 6.4 For Application Nos. A/YL-NSW/231 and A/YL-NSW/247, the Board approved the renewal applications for a shorter period of time, with the former approved for a period of 2 years instead of 3 years sought upon review on 19.12.2014 and the latter approved for 2 years instead of the 33 months sought by the Committee on 13.5.2016 to allow the Board to monitor the progress of the proposed relocation of the driving school and also monitor any possible environmental impacts cause by the temporary driving school at the Site. The applications were approved mainly on considerations that the applicant had made considerable efforts in identification of relocation sites; renewal of the permission would allow time for the applicant to identify suitable relocation sites; C for T supported the continued use of the Site to avoid service disruption to the appointment service and driving tests; no adverse impacts associated with the developments including traffic and noise impacts; and the on-street training of AV and bus at night time was to be further restricted to one AV and one bus training from 7:30pm to 9:30pm. However, it was considered that no further renewal will be allowed unless under very special circumstances. All approval conditions under both applications had been complied with.
- 6.5 The last Application No. A/YL-NSW/258 was approved by the Committee with conditions on 25.8.2017 for a period of 2 years from 6.9.2018 until 5.9.2020 on similar considerations as those detailed in para. 6.4. The Committee considered that sympathetic consideration could be given to renewal of the application for a further period of 2 years. This would allow the Board to monitor the progress of the proposed relocation of the driving school and also monitor any possible environmental impacts cause by the temporary driving school at the Site. The applicant was advised to

actively identify suitable sites for relocation and that favourable consideration might not be given to any further renewal application unless under very special circumstances. All approval conditions under Application No. A/YL-NSW/258 had been complied with. The planning permission is valid until 5.9.2020.

6.6 Details of the above applications are summarized at **Appendix III**. Their locations are shown on **Plan A-1**.

## 7. **Similar Applications**

There is no similar application for driving school in the same “OU(CDWRA)” zone.

## 8. **The Site and Its Surrounding Areas (Plans A-1 to A-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 ancillary fuel filling pit with valid planning permission;
- (c) within the WBA of Deep Bay; and
- (d) accessible via Chung Yip Road leading from TTIA.

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 Wetland Conservation Area of Deep Bay Area;
- (b) to its immediate south is a pond; further south are some vacant land, open storage of vehicles and parking of vehicles within the same “OU(CDWRA)” zone;
- (c) to its immediate west are vacant land and unused land; further west across Shan Pui River is the YLIE; and
- (d) to its southwest is the residential settlement of Shan Pui Chung Hau Tsuen within “R(D)1” zone; further south is the TTIA and a strip of land along the nullah of which the western and northern edges had been rezoned to “R(E)1” on the approved Yuen Long OZP No. S/YL/23 (**Plan A-1**).

## 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 departments have been consulted and their views are summarised as follows:

### **Land Administration**

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

- (a) He has no comment on the renewal application from district land administration point of view.
- (b) 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 m<sup>2</sup> 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.

### **Traffic**

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

The planning application for YLDS is supported.

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

- (a) The Driving Services Section of TD strongly supports the renewal application so as to allow continued use of the Site for a DDS cum DTC until a replacement site could be secured. This is necessary to avoid service disruption to the appointment service and conduct of driving tests to the general public in Yuen Long and Tuen Mun districts. Any mismatch in the implementation programmes of the two sites may lead to the suspension in the driver training and driving test services. The proposed renewal application was supported for the continued use of the Site at the interim.
- (b) As at 8.7.2019, the waiting time of a driving test for non-commercial vehicles at YLDS was more than 11 months. Given that the demand remains high and the queuing time may be further increased, it is



anticipated that the test appointments to be arranged in or after mid-September 2019 will be scheduled beyond 5.9.2020. In order to secure the driving test service without disturbance and uncertainties, there is a genuine need for YLDS to obtain early approval for renewal of the planning permission. Otherwise, the driving test appointment will be seriously affected. From the driving test service perspective, there is a vital need to maintain the operations of YLDS in order to cope with the increasing demand and to facilitate learner drivers living in Tuen Mun and Yuen Long districts undertaking off-street driving training, which is in line with the Government's driving training policy.

- (c) TD fully appreciates the Board's concern over the long term use of the Site and the request to the school operator to identify a suitable site for relocation. It is understood that the applicant planned to relocate the school to another site near Wing Ning Tsuen, Ping Shan in Yuen Long. However, the application (No. A/YL-PS/519) was rejected by the Committee on 23.6.2017 and the Board on review on 3.11.2017. Given the above, it is clear that the applicant has made tremendous efforts and actively worked towards the relocation of YLDS with a view to fulfilling the Board's requirements. As an alternative, the applicant is also studying the feasibility of incorporating a wetland restoration scheme into the driving school development scheme with a view to addressing the Board's advice.
- (d) In view of the long-term need for a DDS cum DTC to be located in the NT West, TD has also been liaising with the concerned departments for searching a suitable site for DDS cum DTC. At the current stage, a site underneath proposed flyover has been identified under the Feasibility Study of Preliminary Land Use Study for Lam Tei Quarry and the Adjoining Areas carried out by Planning Department (PlanD) and Civil Engineering and Development Department (CEDD) for the development of a new driving school in NT West in the long run.

#### Environmental Concern

- (e) As regards the local community's concern over the driving training activities which may have noise impact on the adjacent area, especially on the new residential developments nearby, TD notes that the driver training activity of large commercial vehicles (i.e. AV, MGV and bus) from YLDS is not busy and part of the training is carried out within the school premises. The noise level generated from that kind of training activity should be minimal.
- (f) No training of driver of heavy vehicle or AV is permitted after 9.30 pm, and only one AV and one bus are allowed for training of drivers outside the Site from 7:30pm to 9:30pm. Besides, there is 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. TD did not receive any

complaint arising from the operations of the YLDS in the past five years.

Traffic Engineering Perspective

- (g) TD has no comment on the renewal application from a traffic engineering point of view. As regards the Traffic Technical Note (**Appendix Ib**) submitted by the applicant to demonstrate that the extension of the planning approval for the driving school up to 2022 will not induce additional traffic impact on the adjacent road network, he considers the traffic assessment in the technical note being satisfactory and has no further comment.
- (h) Should the application be approved, he suggests that the following approval condition should be imposed (same as application no. A/YL-NSW/258):
  - (i) no training of drivers of heavy vehicles or articulated vehicles is allowed outside the Site after 9:30pm, as proposed by the applicant, during the approval period; and
  - (ii) only one AV and one bus are allowed for training of drivers outside the Site from 7:30pm to 9:30pm.
- (i) Detailed comments are at **Appendix IV**.

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

He has no comment on the renewal application from highways maintenance point of view. The previous approval conditions for the last application No. A/YL-NSW/258 should remain valid. It should be noted that Chung Yip Road will not be maintained by HyD.

10.1.5 Comments of Chief Highway Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CHE/RD2-2, RDO, HyD):

He has no comments from railway development viewpoint as the Site neither falls within any administrative route protection boundary, gazetted railway scheme boundary, nor railway protection boundary of heavy rail systems.

**Environment**

10.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) Should the renewal application be approved, the approval condition in relation to ‘training of drivers of heavy vehicles and AV outside the Site at night after 9:30pm is prohibited’ should be imposed.
- (b) One environmental complaint related to water pollution at the Site was recorded in the past 3 years. As Site is located to the immediate south

of the Shan Pui River and Kam Tin River, the applicant should strictly comply with relevant pollution control ordinances, in particular the Waste Disposal Ordinance and the Water Pollution Control Ordinance, avoiding any improper storage of chemical wastes within the Site and any illegal discharge of wastewater from the Site.

### **Urban Design and Landscape**

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

- (a) He has no objection to the application from the landscape planning perspective.
- (b) According to the site photo of 2018, the surrounding area of the Site is comprised of village houses, open storages, ponds and clustered tree groups. The proposed use is considered not incompatible with the landscape setting in proximity.
- (c) Comparing the aerial photo of 2018 to that of 2017, there is no significant change on the landscape characters. The Site is used as driving school and some existing trees along the site boundary provide effective landscape screening to the Site. Further significant adverse landscape impact arising from the continued uses of driving school is not anticipated.
- (d) In consideration that the existing trees along the site boundary have provided effective landscape screening to the Site, it is opined that the landscape condition in the planning permission is not recommended, should the application be approved by the Board.

### **Drainage**

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

- (a) He has no objection in principle to the application provided that the applicant would 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.
- (b) Should the application be approved, he suggests imposing a condition to require the applicant to maintain the drainage facilities implemented under previous application No. A/YL-NSW/258; and to submit records of the existing drainage facilities on site to the satisfaction of the DSD or of the Board.

### **Building Matters**

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

He has no comment on the subject application. According to BD's record, 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. No application for renewal is received so far. 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.

### **Nature Conservation**

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

As the Site is an existing formed land being used for the same applied use as previously approved, he has no strong view on the application. Nevertheless, it is noted that the Site is zoned as "OU(CDWRA)" and has been the subject of a number of planning approvals for the same use. Consideration should be given if the proposed continued use is in line with the planning intention of the "OU(CDWRA)" zoning.

### **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 fire service installations being provided to the satisfaction of his department.
- (b) Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and application for the dangerous goods licence.

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

10.1.12 Comments of the District Officer (Yuen Long) (DO/YL):

DO(YL) has received two local comments from Shan Pui Village

Representatives (**Appendix V**). The main objection grounds are summarized as follows:

- (a) the temporary driving school, in operation for more than 20 years, had created disturbance to Shan Pui Tsuen;
- (b) the driving school is not compatible with the surroundings which are the wetland conservation and buffer areas. The driving school brought about vehicle emission and waste discharge to Shan Pui River and Kam Tin River, affecting the Nam Sang Wai wetland conservation area;
- (c) planning applications in the vicinity of the Site were rejected by the Board due to ecological reason. However, temporary applications for the driving school have been approved for 27 years since 1992. At the time when the Board approved the renewal application in 2011, it was considered that further permission for renewal would not be granted and the applicant was advised to identify other suitable sites. The Board has however continued to grant permissions to the renewal applications for the same driving school. It is also doubted whether the applicant had been requested to submit ecological and environmental assessments; and
- (d) the training vehicles from the driving school which moved at a slow pace had affected road traffic and the nearby residents.

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

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (e) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (f) Director of Food and Environmental Hygiene (DFEH); and
- (g) Director of Leisure and Cultural Services (DLCS).

## **11. Public Comments Received During Statutory Publication Period**

On 28.6.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one comment was received from a member of the public who raised concerns that the restoration of wetland was more important than the use of a driving school at the Site (**Appendix VI**).

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

### *Planning Intention and Background of YLDS at the Site*

- 12.1 The application is for renewal of planning permission to continue to use the Site for temporary driving school (i.e. YLDS) and ancillary uses for a period of 2 years from 6.9.2020 to 5.9.2022. The Site falls within an area zoned “OU(CDWRA)”, which is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. The subject temporary driving school use is not in line with the planning intention of the zone. Nevertheless, as there is no known programme for any development in this part of the “OU(CDWRA)” zone and the applicant, which is the sole land owner of the Site, has no intention to redevelop the Site for residential development, approval of the application on a temporary basis for 2 years would not frustrate the long term planning intention of the “OU(CDWRA)” zone.
- 12.2 The YLDS has been operating as a DDS at the Site since March 1994 providing driver training services for private cars, LGV and motorcycles as well as other commercial vehicles including MGV, buses and AV, and it is TD’s only DDS cum DTC in Tuen Mun and Yuen Long Districts. It is the subject of 12 previously approved applications with the first application approved in 1992. Since then, temporary approvals had been granted 7 times mainly for 3 years for the driving school use until 2011. It is until the 8<sup>th</sup> renewal application No. A/YL-NSW/209 in 2011 that there was a change in planning circumstances as a strip of land in the adjacent TTIA had been rezoned from “OU(Business)” to “R(E)1” to facilitate redevelopment for residential uses, and the Committee considered that the temporary driving school should gradually be phased out. While the application was renewed for a further period of 3 years, the Board advised the applicant that further renewal of the temporary driving school would need to take into account prevalent circumstances at the time of renewal.
- 12.3 For the last 3 renewal applications (No. A/YL-NSW/231, 247 and 258), the Board approved the renewals with a shorter period of 2 years for close monitoring of the progress of the proposed relocation of the driving school and any possible environmental impacts caused by the temporary driving school, and the applicant was advised to identify suitable sites for relocation. Nevertheless, identification of a suitable site for relocation is still in progress. C for T strongly supports the renewal application so as to allow continued use of the Site for a DDS cum DTC until a replacement site could be secured, which is essential to avoid service disruption to the appointment service and conduct of driving tests to the general public in Yuen Long and Tuen Mun districts. As such, sympathetic consideration could be given to tolerate the continued operation of the driving school at the Site. Details of the applications are at paragraph 6.

*Effort Shown in Identifying Relocation Site*

- 12.4 In response to the Committee’s request to actively identify suitable sites for relocation, the applicant has demonstrated effort in identifying relocation site, including submission of planning application for a site near Wing Ning Tsuen, Ping Shan in Yuen Long (application no. A/YL-PS/519) in 2016. However, the application was rejected by the Committee on 23.6.2017 and by the Board on review on 3.11.2017. Subsequent to the rejection by the Board and the latest approval of the renewal application on 25.8.2017, the applicant has been exploring other possible replacement sites for the temporary driving school, namely the areas near Fung Ka Wai in Tin Shui Wai and Kiu Tau Wai in Ping Shan. However, those sites were not

pursued in consideration that they are distant to the established training and test routes and the adjacent road network are not suitable for student drivers for on-street driving training. In the meantime, the applicant has been studying the feasibility of the permanent driving school with incorporation of a wetland restoration scheme at the Site and undertaking various technical assessments, i.e. ecological survey, tree survey, EA and TIA, etc., to facilitate the submission of a rezoning application for the permanent driving school. It is considered that the applicant has made considerable efforts and actively worked towards the relocation of driving school and the development of a permanent driving school.

- 12.5 Besides, TD has been liaising with concerned departments for searching a suitable site for a DDS cum DTC in the NT West, and a site has been identified under the Feasibility Study of Preliminary Land Use Study for Lam Tei Quarry and the Adjoining Areas carried out by PlanD and CEDD for the development of a new driving school in NT West in the long run.

Land Use Compatibility and Traffic Impacts

- 12.6 The Site is located at the northern fringe of the “OU(CDWRA) zone abutting the Kam Tin River. The surrounding area is a mix of village settlement, vehicle parks, open storage of vehicles and unused land. The Shan Pui Chung Hau Tsuen is located to the south-west (about 80m) of the Site. The Site has been hard paved, fenced off with trees planted on the peripheries to avoid/minimize adverse environmental impacts on the adjacent village. The Site is accessible via Chung Yip Road and there is no residential development along the access road. The use is considered not entirely incompatible with the surrounding uses.
- 12.7 The applicant has submitted a Traffic Technical Note (**Appendix Ib**) to demonstrate that renewal of the planning approval up to 2022 will not induce additional traffic impact and C for T considers the Technical Note satisfactory. As regards the local concern over the driving training activities which may have noise impact on the surrounding area, especially the new/upcoming residential development at the TTIA, whilst part of the driver training activity of large commercial vehicles (i.e. AV, MGV and bus) is carried out within the school premises, no training of driver of heavy vehicle or AV is permitted after 9.30 pm and only one AV and one bus for on-street training is allowed from 7:30pm to 9:30pm. Besides, there is 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 to Fridays; from 7:30 am to 9:30 am on Saturdays; and after 11:30 pm each day). On noise issue, both C for T and DEP advise that they have not received any complaint on noise nuisance arising from the operations of the YLDS in the past 5 years.

Renewal Application

- 12.8 According to TPB PG-No. 34C, application for renewal of a planning approval should normally be submitted to the Board no less than 2 months and no more than 4 months before the expiry of the temporary approval. The current renewal application was submitted to the Board on 17.6.2019 which is 15 months earlier than the expiry of the temporary approval, i.e. 5.9.2020, under No. A/YL-NSW/258. As the YLDS is the only Government designated DTC in Tuen Mun and Yuen Long Districts and there is already a 11-month aggregate waiting time for scheduling driving test appointments, C for T considers there is a genuine need for YLDS to obtain the early approval from the Board for renewal of the planning permission in order to reduce uncertainties on

the driving test appointments arranged for members of the public. In view of the special circumstances, consideration could be given to processing the subject renewal application at this stage.

- 12.9 The current application generally complies with TPB PG-No. 34C in that there are no adverse planning implications arising from the renewal of the planning approval and the planning conditions under previous approval have been complied with to the satisfaction of relevant Government departments.
- 12.10 Concerned departments including C for T, DLO/YL of LandsD, CTP/UD&L of PlanD, DAFC, D of FS, CBS/NTW of BD and DEMS have no objection to or no adverse comment on the application on relevant aspects. STH supports the renewal application. DEP advises that an environmental complaint on water pollution was received and advises that the applicant should strictly comply with relevant pollution control ordinances, avoiding any improper storage of chemical wastes within the Site and any illegal discharge of wastewater from the Site. The technical requirements raised by C for T, CE/MN of DSD and D of FS regarding the training hours of AV and bus, maintenance of drainage facilities and the submission and implementation of FSIs proposal could be addressed by way of approval conditions as recommended in paragraphs 13.2 (a) to (f) below.
- 12.11 In view of the above, and that time is needed for the applicant to identify suitable relocation site and explore the feasibility of the development of a permanent driving school with incorporation of the wetland restoration scheme at the Site, it is considered that sympathetic consideration could be further given to the renewal application for a further period of 2 years. This would also allow the Board to monitor the progress of the proposed relocation of the driving school and on any possible environmental and traffic impacts caused by the temporary driving school under application. The applicant should be advised to expedite the actions in identifying suitable sites for relocation, and that favourable consideration may not be given by the Committee to any further renewal application unless under very special circumstances.
- 12.12 One objecting public comment was received raising concerns that the restoration of wetland is more important than the use of a driving school at the Site. Two local comments relayed by DO(YL) objecting to the application mainly on the grounds of land use incompatibility, environmental and traffic impacts and disturbance to nearby residents. In this regard, the planning assessments and departmental comments above are of relevance.

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

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the local comments conveyed by DO(YL) and public comments mentioned in paragraphs 10.1.12 and 11 above, the Planning Department considers that the temporary driving school under the current application could be tolerated for a further period of 2 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a further period of 2 years, and be renewed from 6.9.2020 until **5.9.2022**. The following conditions of approval and



advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no training of drivers of heavy vehicles or articulated vehicles is allowed outside the Site after 9:30pm, as proposed by the applicant, during the planning approval period;
- (b) only one articulated vehicle and one bus are allowed for training of drivers outside the Site from 7:30pm to 9:30pm during the planning approval period;
- (c) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (d) the submission of records of the existing drainage facilities on site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.12.2020**;
- (e) the submission of fire service installations proposal for the site within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.3.2021**;
- (f) in relation to (e) above, the implementation of fire service installations proposal for the site within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.6.2021**;
- (g) if any of the above planning conditions (a), (b) or (c) 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;
- (h) if any of the above planning conditions (d), (e) or (f) 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; and
- (i) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[All the approval conditions are the same as those imposed under the previously approved Application No. A/YL-NSW/258, except the condition on maintenance of existing trees at the Site has been deleted to accord with the latest departmental comment.]

Advisory clauses

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

13.3 Alternatively, should the Committee decide to reject the application, the following reason

for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone which is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. There is no strong planning ground to justify a departure from the planning intention, even on a temporary basis.

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

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 17.6.2019
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	FI received on 25.6.2019
<b>Appendix Ic</b>	FI received on 12.8.2019
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)
<b>Appendix III</b>	Previous applications covering the application site
<b>Appendix IV</b>	Detailed Comments of C for T
<b>Appendix V</b>	Local Comments relayed by DO(YL)
<b>Appendix VI</b>	Public comment received during the statutory publication period
<b>Appendix VII</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos
<b>Plan A-5</b>	Traffic Circulation Diagram

**PLANNING DEPARTMENT  
AUGUST 2019**