

Town Planning Appeal No.8 of
1996

IN THE MATTER of the Town
Planning Ordinance Chapter 131

and

IN THE MATTER of an Appeal
under section 17B by Messrs.
Leung Wing-nin, Mak Pui-kee,
Yeung Yu-sun and Lee
Ping-Kwong

Date of hearing : 12th June 1997

Date of decision : 21st July 1997

Panel : Mr Robert C. Tang S.C., J.P. (Chairman)
Mr Nicholas D. Burns
Mr Lam Hoi Ham
Mr John C.N. Tong
Mr Anthony R. Upham

DECISION

This appeal concerns a site at Lot 349 BRP (part) in D.D.114, Kam Tin Road. Pat Heung, Yeung Long (“the Site”) It is zoned “open storage” on the Outline Zoning Plan No.S/YL-PH/1.

2. The appellants applied for permission to use the Site, inter alia, for vehicles (or parts) trading and as a car repairing workshop.

3. As vehicles (or parts) trading is neither a Column 1 nor Column 2 use, the application has been refused by the Board.

4. On appeal, the appellants informed us that since in any event the proposed vehicles (or parts) trading would constitute a very small part of the proposed activity they were prepared not to pursue it.

5. However, the Board objected to the car repairing workshop application, notwithstanding that it falls within Column 2, because the appellants had not submitted sufficient information regarding the provision of a proper vehicular access to the proposed car repairing workshop or any information to demonstrate that the proposed car repairing workshop would not generate adverse environmental and visual impacts to the surrounding environment.

6. Mr. Leung Wing Nin who appeared on behalf of himself and the other appellants did not dispute the fact that there is no evidence to show that the proposed car repairing workshop would not generate adverse environmental and visual impacts to the surrounding environment.

7. As Miss Adela Au, Crown Counsel, reminded us, 8.3.2. of the Explanatory Statement to the OZP requires that

"Development proposals for (workshops) have to clearly demonstrate that they would have no adverse environmental, drainage, traffic and other impacts on the surroundings"

8. In the result, at the conclusion of the hearing, we dismissed the appeal.

9. The appellants were informed that if they wish to apply to use the Site as a car repairing workshop, they have to make a fresh application. Miss Au has informed us that the District Planning Office may be able to give some assistance to the appellants as to what may be required by way of evidence to demonstrate there would be no adverse environmental or traffic and impacts. There can be no guarantee that a new application will succeed. However, unless the new application is supported by satisfactory evidence, it will have no chance of success. The appellants will be well advised to seek professional help.