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宋梓華
Sung Tze Wah
FRICS FHKIS MSISV MCIREA ACIArb R.P.S.(GP)

吳恆廣
Ng Hang Kwong, BBS
FRICS FHKIS R.P.S.(GP)
Honorary World Valuer (WAVO)

宋樹鴻
Sung Shu Hung
FRICS MHKIS R.P.S.(GP)(PD) MCIREA
MHIREA BSc (Hons)

Consultant :

劉志光
Lau Chi Kwong
FRICS FHKIS ALS MHKIUS
R.P.S.(LS)(PFM) MSc

李霧儀
Lee Mo Yi
MPIA RPP MUDD BA (Hons)

林桂金
Daniel K.K. Lam
MRICS MHKIS MCIREA R.P.S.(GP) BSc

趙慧姿
Chiu Wai Chi
MRICS MHKIS MSc BBus (MKIlg)

陳志凌
Elwyn C. Chan
RPE PMgr CEnv FIHE FCIOB MICE
MHKIE MSOE FCMI MCIArb MSc

潘孝維
Pun How Wai
B.Arch.HK RIBA

By Hand

Date : 15 April 2026
Your Ref.: TPB/A/STT/26
Our Ref. : LDS/PLAN/7108

Secretary
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point, Hong Kong

Dear Sir/Madam,

S17 Review Application

Proposed Filling of Ponds for Permitted Innovation and Technology Hub (including Permitted Cargo Handling and Forwarding Facilities, Creative Industries, Eating Place, Flat (Staff Quarters only), Industrial Use, Information Technology and Telecommunications Industries, Office, Public Utility Installation, Research, Design and Development Centre, Shop and Services, Warehouse (excluding Dangerous Goods Godown)) at Lot No. 764 RP (Part) in D.D.99, San Tin, Yuen Long, N.T.

(Application No. A/STT/26)


We refer to your letter dated 27.3.2026 informing us that the captioned application was rejected.

As instructed by the Applicant, we write to seek a review of the decision of the Town Planning Board under Section 17 of the Town Planning Ordinance.

We submit herewith 4 hard copies of Review Statement which sets out the grounds for the review for your consideration.

Should there be any queries, please contact our Ms. Cannis Lee or Ms. Yancy Fung at [REDACTED]

Yours faithfully,
For and on behalf of
Lawson David & Sung Surveyors Limited

Lawson David & Sung 

Encl.

c.c. Client

Your Assets for Growth



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Ref: LDS/PLAN/7108

Application No. A/STT/26

Proposed Filling of Ponds for Permitted Innovation and Technology Hub (including Permitted Cargo Handling and Forwarding Facilities, Creative Industries, Eating Place, Flat (Staff Quarters only), Industrial Use, Information Technology and Telecommunications Industries, Office, Public Utility Installation, Research, Design and Development Centre, Shop and Services, Warehouse (excluding Dangerous Goods Godown)) at Lot 764 RP (Part) in D.D. 99, San Tin, Yuen Long, N.T.

Section 17 Review Statement

Applicant:

Kenwell Limited (信佳租務管理有限公司)

Prepared by:

Lawson David & Sung Surveyors Limited

In Association with:

K.M. Chong (Counsel for the Applicant)

Ks Solutions Limited

15 April 2026

TABLE OF CONTENTS

	<u>Page</u>
1. INTRODUCTION	1
2. REASONS FOR REJECTION	1
3. GROUNDS FOR REVIEW	2
Section A: Review of the Rejection Reasons	
Section B: Strategic Review of the “Park-led” Model and Merits of the Proposed Use	
Section C: Legal Reasoning and Representations	
4. CONCLUSION	8

List of Annexes

Annex 1	Town Planning Board’s Decision Letter with Minutes
Annex 2	Submissions to the AFCD in respect of Ecological Aspects
Annex 3	Letter from Ks Solutions Limited on the Strategic Review of the “Park-led” Model and Merits of the Proposed Use

1. Introduction

- 1.1 On 13.3.2026, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (TPB) considered Planning Application No. A/STT/26 for the proposed filling of ponds for permitted innovation and technology hub (including permitted cargo handling and forwarding facilities, creative industries, eating place, flat (staff quarters only), industrial use, information technology and telecommunications industries, office, public utility installation, research, design and development centre, shop and services, warehouse (excluding dangerous goods godown)) at Lot 764 RP (Part) in D.D. 99, San Tin, Yuen Long, N.T. The application was rejected by the TPB on the same day, and the decision was set out in the TPB's letter dated 27.3.2026 (see **Annex 1**).
- 1.2 After reviewing the reasons for rejection, the Applicant requests a review of the TPB's decision under Section 17 of the Town Planning Ordinance. This Review Statement outlines the grounds for the review and provides information relevant to the review hearing. Unless stated otherwise, the information remains applicable, including the planning statement, subsequent responses to departmental comments, technical assessment reports and plans submitted during the S.16 application stage.

2. Reasons for Rejection

- 2.1 According to the TPB's letter dated 27.3.2026 (see **Annex 1**), the reasons for rejecting the application are stated as follows:
 - (a) the proposed filling of ponds is not in line with the TPB Guidelines for 'Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance' (TPB PG-No. 12C) in that there is no ecological impact assessment in the submission to demonstrate that the proposed development would not result in a net loss in wetland function and negative disturbance impact; and
 - (b) there is no strong justification for the proposed filling of ponds to be carried out by you for the proposed I&T Hub as the proposed I&T Hub is not in line with the Government's development policy of comprehensive planning and implementation including the site formation and pond filling works of the Technopole coordinated by the Government.
- 2.2 In light of the exceptional circumstances of the proposed development, the reasons for rejection are deemed unreasonable. A review of the decision is therefore requested.

3. Grounds for Review

- 3.1 In support of this request for a review of the TPB's decision on planning application No. A/STT/26, the Applicant respectfully submits the grounds for the review, organized into three sections. **Section A** addresses and clarifies the reasons for rejection raised by the TPB in its assessment of the application. **Section B** presents additional justifications and considerations put forward by the Applicant's consultant from a strategic perspective, reinforcing the merits of the proposed development. **Section C** sets out the legal reasoning and representations provided following independent advice sought from the Barrister K.M. Chong.

Section A: Review of the Rejection Reasons

Review of the Rejection Reason (a)

- 3.2 According to the TPB's letter dated 27.3.2026, one of the reasons for rejection was that no ecological impact assessment had been submitted to demonstrate that the proposed development would not result in a net loss in wetland function or cause negative disturbance impacts.
- 3.3 However, the Environmental Impact Assessment (EIA) Report (No. AEIAR-261/2024) prepared by the Civil Engineering and Development Department (CEDD) in support of the San Tin Technopole (STT) development was approved with conditions by the Director of Environmental Protection (DEP) under the EIA Ordinance (EIAO) on 17.5.2024. This EIA report covers the Application Site and confirms that pond filling and development within the STT Area are feasible. The Chief Executive (CE) has adopted a multi-pronged land development strategy with four key objectives: enhancing quantity, speed, efficiency and quality, to compress land-production procedures, expedite land production and build up a land reserve in the long run, with a view to tackling housing issues, providing a quality living environment and creating strong impetus for growth for Hong Kong. Now that the CEDD's EIA has been approved, requesting an EcolA for this application would be redundant and delay the development of STT, contradicting the CE's strategy of "enhancing speed".
- 3.4 Nevertheless, the Applicant has made genuine efforts (see **Annex 2**) to prepare the EcolA in response to comments from the Agriculture, Fisheries and Conservation Department (AFCD). The Applicant's consultant, Ecosystems Ltd., submitted the methodology paper to the AFCD and provided responses to the department's comments on it (see **Table 3.1** below). The Applicant will continue to provide updates until the EcolA is completed and is committed to implementing appropriate mitigation and conservation measures to safeguard and enhance the existing ecosystem. The Applicant further undertakes to submit the EcolA upon approval of this planning application. In light of the approved CEDD's EIA, it is clear that the proposed development would neither undermine the function of the wetlands nor cause unacceptable disturbance.

Table 3.1 The Submission Records of Methodology Paper to the AFCD

Date of Submission of Methodology Paper/Revised Methodology Paper to the AFCD	Date of the AFCD's Comments Received
10.11.2025	12.12.2025
25.2.2026	3.3.2026
16.3.2026	8.4.2026
9.4.2026	-

- 3.5 The Applicant is well prepared to accept the approval conditions imposed by the TPB for the submission and implementation of an EcolA to the satisfaction of the AFCD.

Review of the Rejection Reason (b)

- 3.6 Another reason cited by the TPB was that the proposed Innovation and Technology (I&T) Hub is not in line with the Government's development policy of comprehensive planning and implementation, including site formation and pond filling works of the Technopole coordinated by the Government.
- 3.7 It should be noted that the planning application was submitted to and received by the TPB on 3.6.2025, whereas the Innovation, Technology and Industry Bureau (ITIB) only promulgated its Conceptual Outline of the Development Plan for the Innovation and Technology Industry in the STT in November 2025. Therefore, the Applicant lodged the application prior to the announcement of the Government's STT development policy. Furthermore, all of the proposed uses of the "Innovation and Technology (I&T) Hub" fall under Column 1 uses of the "Other Specified Uses" ("OU") annotated "Innovation and Technology" ("OU(I&T)") zone on the approved San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/2. This demonstrates that the proposed I&T Hub is fully consistent with the planning intention of the "OU(I&T)" zone under the OZP, and the planning application should be regarded as a permitted use in line with the statutory planning framework.
- 3.8 The TPB has also expressed concerns that the proposed development does not align with the "park-led" model for the Technopole. The Innovation, Technology and Industry Bureau (ITIB) has indicated that this model would ensure coordinated and holistic development, synergy in industry mix and shared facilities, and alignment with Hong Kong's strategic positioning in the global I&T landscape. However, the Applicant respectfully submits that these objectives can also be achieved under the present proposal. The Applicant is well prepared to work with the government to implement the proposed I & T Hub, for which the TPB has development control. The proposed I&T Hub could deliver the same level of synergy, coordination, and strategic alignment as the "park-led" model, while contributing positively to Hong Kong's innovation and technology development.

Section B: Strategic Review of the “Park-led” Model and Merits of the Proposed Use

- 3.9 The proposed development is compatible with the Technopole development and carries significant merits for Hong Kong’s economy and fiscal management. The Applicant’s consultant, **Ks Solutions Limited**, has elaborated on these justifications from a strategic perspective in **Annex 3**.

Section C: Legal Reasoning and Representations

- 3.10 This section of the submission, prepared by the Applicant’s Counsel, K.M.Chong, deals with the issues of law arising from the application and it is made *without prejudice* to the Applicant’s submission raised in Sections A and B.
- 3.11 Instructing solicitors act for Kenwell Limited (*‘Lay Client’*), the applicant under s.17, Town Planning Ordinance, to support its intended *landfill* at part of Lot 764RP in DD 99 (*‘the said land lot’*). It is common ground that, as the tenant and agent of *‘Man Shui Tong Wui’* (*文水塘會*) (*‘the Wui’*), the latter being the owner of 25 land lots covering an aggregate area of some 6 million square feet, inclusive of the subject matter of application - *part of* Lot 764RP (*‘the said land lot’*), the latter, by itself, covers an area of over 5 million square feet.
- 3.12 I am instructed that Lay Client’s application is with the blessing and support of the Wui.
- 3.13 Consequential upon rejection of Lay Client’s application, under s.16, Town Planning Ordinance and, in support of its application for s.17, New Territories Ordinance *for the same purpose*, I am instructed to express an opinion for consideration of the Town Planning Board on the merits of Lay Client’s application.
- 3.14 I make myself clear from the outset that, for the purpose of my opinion, I would only deal with and address *issues of law* arising from Lay Client’s application and, for such purpose, I propose to deal with the following issues as they arise:-

The constitutional *rights* of the Wui and Lay Client as owner and tenant of the said land lot and the constitution *obligation* of the HKSAR Government to protect the exercise of such right

- (A) The combine effect of Articles 6 and 105
- 3.15 The combined effect of the following articles of the **Basic Law** is to:-
- (a) confer a *constitution right* upon owners (and tenants) of land to use the same *according to law*; and
 - (b) impose *an obligation* upon the Hong Kong SAR Government to protect landowners (and tenants) in the exercise of their right:-

Article 6

The Hong Kong Special Administrative Region shall protect the right of private ownership of property in accordance with law.

Article 105

The Hong Kong Special Administrative Region (HKSAR) protects the right to private property, including lawful...use.

- 3.16 It is well-established law on construction of legislation that when the word '*shall*' is used in a legislation, in its ordinary and natural meaning, it imposes a *duty* upon the person involved subject to a '*mandatory obligation*'.
- Law Mei Mei v. Airport Authority & Anr. [2018] HKCFI 1940**, judgment delivered by Chow J. on 23.8.2018
- 3.17 All legislations enacted *prior* to the Basic Law but deviate from it would be considered *impliedly repealed* and all legislations enacted (and to be enacted) since then could not contravene the Basic Law. This include the *Town Planning Ordinance*.
- 3.18 Since ,under the relevant OZP made pursuant to the Town Planning Ordinance, the said land lot has been zoned '*IT*' and it is uncontroversial that Lay Client's intended *use* thereof falls within *Column 1* of the *Explanatory Note*, in my view, the combined effect of Articles 6 and 105 being that:-
- (a) Lay Client has been conferred a *constitutional right* to *use* the said land lot for any purpose falling within *Column 1*; and
 - (b) the HKSAR Government is under a *constitutional obligation* to protect Lay Client's *use* of the said land lot for such purpose.
- 3.19 It is interesting to point out the following *Explanatory Note* under *Column 1* which suggest that uses for such purpose are:-
- '...Use always permitted...'*
- thereby suggesting that such uses are permitted under the *Town Planning Ordinance*.
- 3.20 A careful analysis of the relevant legal concept shows that the right to use the said land lot for a purpose falling within *Column 1* is the exercise of a constitutional right of the Wui and Lay Client and such use does not need to be permitted under the *Town Planning Ordinance*.
- 3.21 If use of the said land lot falls within those set out in *Column 1* and further that it has become a *constitutional right* which the HKSAR Government is also under a constitutional *duty* to protect, on what legal basis can it be contended that such use is '*permitted*' under the *Town Planning Ordinance*?
- 3.22 The *Explanatory Note*, insofar as its use and adoption of the phrase '*Use always permit*' to refer to exercise of Lay Client's constitutional right is contradiction in terms and at variance with and *ultra vires* the Basic Law.
- 3.23 In my view, the *right to use* the said land lot for any purpose falling with *Column 1* derives from the Basic Law but not from the *Town Planning Ordinance* and it is contradiction in term for the *Explanatory Note* (made pursuant to the *Town Planning Ordinance*) to '*permit*' the exercise of the constitutional right of the landowner and/or the tenant.

(B) The effect of the 'Note' in the Explanatory Note purporting to impose a *condition* for use under Column 1

3.24 It is noteworthy from the following '*Remarks*' appearing in the bottom of the Planning Intention of the Explanatory Note that, notice was given to readers that, irrespective of the uses in term of '*IT*' (i.e. under the '*uses always permitted*' of Column 1), landfill for the purpose of use in terms of Column 1 would, nevertheless, require application:-

*'(d) ...any **filling of pond**, including that to effect a change of use to any of those specified in the Columns 1 and 2 above or the uses or developments always permitted under the covering Note (except all works as required/ co-ordinated/implemented by the Government, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the San Tin Interim Development Permission Area Plan No. IDPA/YL-ST/1 without the **permission** from the Town Planning Board under section 16 of the Town Planning Ordinance.'*

3.25 In my view, the Remark does not have *legal* force nor would it be required to be complied with on a number of reasons.

3.26 Firstly, the *Remark* does not have *legislative effect* and non-compliance with the *Remark* does not constitute a *criminal offence* under the Town Planning Ordinance. Suffice it to say that no part of the Town Planning Ordinance imposes *criminal sanction* for violation of the *Remark*.

3.27 This could be tested by a landowner filling in land as a necessary step to use the same for '*IT*' purpose. In such case, the only means for the Town Planning Department to censor breach of the Remark would be to take enforcement action (inclusive of by criminal prosecution) for under s.23 for '*unauthorized development*'.

3.28 However, the Director of Town Planning does not have power to enforce s.23(1) for breach of the Remark as his power is only confined to '*unauthorized development*' which carries the following *restrictive* meaning:-

*'means development in **contravention of this Ordinance**'* (see s.2)

3.29 If filling-in the landowner's land is a course of action to enable him to use for '*IT*' purpose, the filling-in would not be a contravention of '*this Ordinance*'. Suffice it to say that '*contravention of the **Remark***' does not constitute '*unauthorized development*'.

3.30 It is established legal principle that, to create a criminal offence, there must be *clear* and *specific* provisions in the legislation to do so. A *prohibition* imposed by the government authority (e.g. in a licence) to prevent or restrict certain acts (e.g. of the licensee of a pleasure vessel) does not create a criminal offence.

Wong Wai Fat & Anr. v. The Queen 1982 CACC 176/1982, the judgment Roberts CJ, judgment delivered on 18.3.1982

3.31 Secondly, should a use falls within Column 1, the use thereof, inclusive of the process of exercising right to use, would be lawful and hence protected by the HKSAR Government, any restriction imposed by, inter alia, the Director of Town Planning to use the same would be *unlawful* and breach of the HKSAR Government's constitutional duty.

3.32 In my view, imposing a further *condition* for a landowner to exercise his constitutional right for Column 1 use, ***without creating a criminal offence for such use***, would be a restriction imposed upon the exercise of one's constitutional right and, hence, violation of Articles 6 and 105.

The reason given by the Town Planning Department to reject Lay Client's s.16 application

3.33 Leaving aside my opinion that for a use falling within Column 1, no s.16 permission is required and that the *Remark* does not have legislative force, it would nevertheless, necessary for me to deal with and address the reasons given by the Town Planning Department rejecting Lay Client's application.

3.34 Essentially, the following 2 reasons were given by the Town Planning Department in rejecting Lay Client's s.16 application:-

- (a) no ecological impact assessment report has been submitted; and
- (b) the intended use is *not in line with* the Government's development policy at the San Tin area.

3.35 For reasons hereinafter set out, in my view, none of these reasons constitute valid reasons in the eyes of the *law*.

(A) No ecological impact assessment report

3.36 Since it is common ground that Lay Client's intended use of the said land lot falls within *Column 1*, this couple with *such use* being guaranteed under Articles 6 and 105 of the Basic Law, to impose an *additional condition* for the use of the said land lot constitutes:-

- (a) a deviation from the '*uses always permitted*' Column 1 and resulting in such use falling within Column 2, i.e. an '*uses always permitted*' would have become a '*uses subject to conditions*'; and
- (b) restriction of the exercise of Lay Client's *constitutional right* otherwise than in accordance with the law.

3.37 Filling-in the said land lot forms part of the steps for the intended *use* falling within Column 1. Suffice it to say that practically uses falling within Column 1 cannot be built on *ponds*. It is noteworthy that neither the Town Planning Department nor the Town Planning Board contend that the intended fill-in land deviate from a use falling within Column 1.

3.38 Rejection of application to fill-in land would effectively prevent Lay Client and the Wui from *any use* falling within Column 1 as none of the uses falling within Column 1 could be built on ponds.

3.39 Hence, rejection of s.16 application would tantamount to an *absolute prohibition* of the exercise of property right of a landowner and his tenants subject to the pleasure of the government. This is a complete deviation from the Basic Law's guaranteed of the exercise of one's constitutional right and the HKSAR Government's constitutional obligation.

(B) Use not in line with the government's development policy of comprehensive planning and implementation including the site formation and pond filling works

3.40 If the constitutional right of Lay Client under Articles 6 and 105 is to be respected, since the legal requirement for exercise of his right being:-

'...in accordance with the law...',

when the *'government's development policy of comprehensive planning and implementation including the site formation and pond filling works'* remains, at all times, a **government policy which, in my view, does not have force of law**, on what basis can the Town Planning Board take into consideration government policy to restrict the landowner's exercise of its constitutional right?

3.41 This is not to mention that, should the government policy come into conflict with Lay Client's constitutional right, Articles 6 and 105 oblige the HKSAR Government to yield to Lay Client's constitutional right.

4. Conclusion

4.1 This Review Statement outlines the grounds for reviewing the decision made by the RNTPC on 13.3.2026. The Applicant has responded to the considerations raised by the TPB; and has provided reasons from multiple perspectives, including strategic and legal grounds. In light of the above, the Applicant considers that there are sufficient grounds to request for a review of the planning application.

4.2 The proposed development is deemed acceptable and in line with the government policy of developing the STT through a public-private partnership. It is therefore requested that the TPB reconsider and approve the application.

Lawson David & Sung Surveyors Ltd.

April 2026

Annex 1

Town Planning Board's Decision Letter with Minutes

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/STT/26

By Email

27 March 2026

Lawson David & Sung Surveyors Ltd.



(Attn.: Cannis Lee)

Dear Sir/Madam,

Proposed Filling of Ponds for Permitted Innovation and Technology (I&T) Hub (including Permitted Cargo Handling and Forwarding Facilities, Creative Industries, Eating Place, Flat (Staff Quarters only), Industrial Use, Information Technology and Telecommunications Industries, Office, Public Utility Installation, Research, Design and Development Centre, Shop and Services and Warehouse (excluding Dangerous Goods Godown)) in “Other Specified Uses” annotated “Innovation And Technology” Zone, Lot 764 RP (Part) in D.D. 99, San Tin, Yuen Long

I refer to my letter to you dated 26.1.2026.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed filling of ponds is not in line with the TPB Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) in that there is no ecological impact assessment in the submission to demonstrate that the proposed development would not result in a net loss in wetland function and negative disturbance impact; and
- (b) there is no strong justification for the proposed filling of ponds to be carried out by you for the proposed I&T Hub as the proposed I&T Hub is not in line with the Government’s development policy of comprehensive planning and implementation including the site formation and pond filling works of the Technopole coordinated by the Government.

A copy of the TPB Paper in respect of the application is available at TPB website at this link (https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/784_rnt_agenda.html). The relevant extract of minutes of the TPB meeting held on 13.3.2026 is enclosed herewith for your reference.

Under section 17(1) and 17(1A) of the Town Planning Ordinance (the Ordinance), an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. The application must be in writing and must set out the grounds for the review. If you wish to seek a review, you should inform me and provide the grounds for review within 21 days from the date of this letter (on or before 17.4.2026). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Kimson Chiu of the Fanling, Sheung Shui & Yuen Long East District Planning Office at 3168 4033.

Yours faithfully,



(Leticia LEUNG)

for Secretary, Town Planning Board

Extracted Confirmed Minutes of 784th Meeting of RNTPC held on 2026.3.13

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/STT/26 Proposed Filling of Ponds for Permitted Innovation and Technology Hub (including Permitted Cargo Handling and Forwarding Facilities, Creative Industries, Eating Place, Flat (Staff Quarters only), Industrial Use, Information Technology and Telecommunications Industries, Office, Public Utility Installation, Research, Design and Development Centre, Shop and Services and Warehouse (excluding Dangerous Goods Godown)) in “Other Specified Uses” annotated “Innovation and Technology” Zone, Lot 764 RP (Part) in D.D. 99, San Tin, Yuen Long (RNTPC Paper No. A/STT/26B)

Presentation and Question Sessions

41. With the aid of a PowerPoint presentation, Mr Kimson P.H. Chiu, STP/FSYLE, briefed Members on the background of the application, the proposed works, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The application site (the Site) fell within the project boundary of the Environmental Impact Assessment (EIA) Report submitted by the Civil Engineering and Development Department (CEDD) in support of the development of the San Tin Technopole (the Technopole), which was approved with conditions in 2024, with one of the conditions stipulating that no pond filling works would be allowed prior to commencement of construction of the ecologically enhanced fishponds at the planned Sam Po Shue Wetland Conservation Park (SPS WCP). The application, being a piecemeal development by private initiative, was not in line with the “park-led” model under the Government’s policy of developing the Technopole in a coordinated and holistic manner. The Planning Department (PlanD) did not support the application.

42. A Member asked whether it was mandatory to coordinate and implement the pond filling works for the Technopole by the Government. In response, Mr Kimson P.H. Chiu, STP/FSYLE, explained that the project proponent (i.e. CEDD) was required to comply

with the approval conditions of the approved EIA Report, including the condition prohibiting pond filling works prior to commencement of construction of the ecologically enhanced fishponds at the planned SPS WCP as mentioned above. CEDD considered that despite the applicant's commitment to adhering to the approval conditions and recommendations of the approved EIA Report, the effectiveness and comprehensiveness of the implementation of the relevant requirements/mitigation measures and approval conditions in the approved EIA Report at the Site could not be ascertained should the proposed pond filling works be taken forward under private initiative without coordination by the Government.

43. The Chairperson supplemented that the development of the Technopole was a government-led project. Based on the approved EIA Report, its development necessitated systematic and cross-disciplinary coordination, including but not limited to land resumption and site clearance for site formation and infrastructural works to ensure that the development of the Technopole was implemented in a coordinated and holistic manner, and the relevant approval conditions of the approved EIA Report were duly complied with. There was no intention for the development to be carried out by private initiative without coordination by the Government.

44. In response to two Members' enquiries, Mr Kimson P.H. Chiu, STP/FSYLE, said that the Site only comprised a private lot, which was not owned by the applicant and subject to land resumption by the Government.

Deliberation Session

45. The Chairperson recapitulated that the application was for the proposed filling of ponds, while the proposed Innovation and Technology Hub was a permitted use. The Site fell within the project boundary of the Technopole which was supported by various technical assessments, including an EIA approved with conditions under the EIA Ordinance. It was the intention of the Government to implement the Technopole in a coordinated and holistic manner, and any piecemeal development would jeopardise such intention. Moreover, no ecological impact assessment was submitted by the applicant to ascertain the ecological acceptability of the proposed pond filling works.

46. A Member, while concurring with PlanD's recommendation, was concerned

whether the general public was aware of the implementation programme of the Technopole under the Government's initiatives. In response, the Chairperson said that the Government had announced to the public the implementation and phased development programme of the Technopole, as well as the consideration of establishing a dedicated company to take forward the development of the Technopole in collaboration with the market. The applicant would have the opportunity to participate in the development at the tendering stage.

47. Another Member expressed the potential difficulties in implementing the Technopole under private initiatives without the coordination of the Government. Should the application be approved, a number of clauses with details for implementation of the approval conditions and recommendations of the approved EIA Report would have to be incorporated into the contract of the applicant with the contractor, and it would be most difficult, if not impossible, for the Government to vet the contract and ascertain that it could adhere to the said approval conditions and recommendations. In that connection, it was not the intention to allow the private sector to carry out the works without the Government's coordination, otherwise, there would be risk of non-compliance with the approval conditions and recommendations, and hence disputes with the applicant. As such, the application should not be approved.

48. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the proposed filling of ponds is not in line with the Town Planning Board Guidelines for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C) in that there is no ecological impact assessment in the submission to demonstrate that the proposed development would not result in a net loss in wetland function and negative disturbance impact; and
- (b) there is no strong justification for the proposed filling of ponds to be carried out by the applicant for the proposed Innovation and Technology (I&T) Hub as the proposed I&T Hub is not in line with the Government's development policy of comprehensive planning and implementation including the site formation and pond filling works of the Technopole coordinated by the

Government.”

Annex 2

Submissions to the AFCD in respect of Ecological Aspects

Dear Dr. Wong,

We attach the revised method paper for your consideration. The revised sections are highlighted in yellow.

Should you have any queries, please feel free to call me at 2877-1636. Thank you.

Best Regards,

Cannis Lee

Lawson David & Sung Surveyors Ltd.



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If you have received this email in error please contact the sender.

From: azaria_ky_wong@afcd.gov.hk <azaria_ky_wong@afcd.gov.hk>

Sent: Friday, December 12, 2025 4:42 PM

To: Cannis Lee [Redacted]

Cc: 'Klinsmann Cheung' [Redacted]

Subject: Re: Planning Application No. A/STT/26 - Comments from AFCD

Dear Ms. Lee,

I refer to your email of 10/11/2025. Please find our comments on the methodology paper below.

Regards,
Dr. Azaria K.Y. WONG
Nature Conservation Officer (Yuen Long)
Agriculture, Fisheries and Conservation Department
Tel: 2150 6932

From: "Cannis Lee" [Redacted]
To: <azaria_ky_wong@afcd.gov.hk>
Cc: "'Klinsmann Cheung'" [Redacted]
Date: 10/11/2025 16:46
Subject: Planning Application No. A/STT/26 - Comments from AFCD

Dear Dr. Wong,

We refer to your comments on the captioned planning application which were forwarded to us by the Planning Department.

Our consultant, Ecosystems Ltd., will prepare a 12-month ecological survey for the EcoIA. We enclose herewith a methodology paper for your in-advance comments.

Should you have any queries, please feel free to contact our consultant, Mr. Klinsmann Cheung, [REDACTED] or the undersigned at [REDACTED]. Thank you.

Best Regards,
Cannis Lee

[REDACTED]

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If you have received this email in error please contact the sender.

寄件者: Pak Him CHIU/PLAND [<mailto:phchiu@pland.gov.hk>]
寄件日期: Thursday, 17 July 2025 8:11 pm
收件者: [REDACTED]
副本: Karen Kei Yee CHAN/PLAND <kkychan2@pland.gov.hk>; Timothy Yuet Sang CHAN/PLAND <tyschan@pland.gov.hk>; Yen PY LEUNG/PLAND <pyleung@pland.gov.hk>
主旨: A/STT/26 - Comments from EPD, AFCD and DSD on Original Submission

Dear Cannis,

I refer to your submission on the subject planning application, please see attached comments from EPD, AFCD and DSD for information and/or necessary action please.

[See attachment "A_STT_26_Departmental Comments (EPD+AFCD+DSD)_20250717.pdf"]

Besides, public comments have been received for the subject application. You may wish to provide responses to the received public comments if considered necessary.

Should you have any questions, please do not hesitate to contact the undersigned or Ms Karen CHAN at 3168 4041.

Regards,
Kimson CHIU
STP/YLE(1)
FSYLEDPO, PlanD
Tel: 3168 4033

[attachment "San Tin S16_Methodology Paper_20251015_ecosys.pdf" deleted by Azaria KY WONG/AFCD/HKSARG] [attachment "San Tin S16_Methodology Paper_20260220.docx" deleted by Azaria KY WONG/AFCD/HKSARG] [attachment "San Tin S16_Methodology Paper_RtC_20260220.docx" deleted by Azaria KY WONG/AFCD/HKSARG] [attachment "San Tin S16_Methodology Paper_20260316.docx" deleted by Azaria KY WONG/AFCD/HKSARG] [attachment "San Tin S16_Methodology Paper_RtC_20260316.docx" deleted by Azaria KY WONG/AFCD/HKSARG]

Annex 3

Letter from Ks Solutions Limited on the Strategic Review of the "Park-led" Model and
Merits of the Proposed Use

Registered Post

Date: 10th April 2026
Prepared for: Kenwell Limited
Prepared by: Ks Solutions Limited

Town Planning Board
15/F North Point Government Offices
333 Java Road, North Point

Dear Sir / Madam

Subject: Submission for further reasons Review under Section 17 of the Town Planning Ordinance – Application No. A/STT/26

Elaboration on Planning Philosophy and Industrial Positioning: Redefining "Park-Led" and "Innovation"

In response to the Town Planning Board's (TPB) and the Innovation, Technology and Industry Bureau's (ITIB) concerns regarding the project being "not park-led" and "not related to innovation," Ks Solutions believes these concerns stem from a narrow interpretation of modern industrial development logic. We hereby reiterate that Kenwell's vision is highly aligned with the government's blueprint for the Northern Metropolis and possesses stronger execution capabilities.

Firstly, regarding the definition of "Park-Led," it should not be limited to hardware construction wholly funded by the government, but should be reflected in the ecosystem construction of "unified planning, unified standards, and unified management." As a stakeholder holding land rights of over **500,000 square meters** in the area, Kenwell possesses a macro-level regional development perspective. In the land exchange application, the area applied for exchange is **367,375 square meters**, while the final area applied for planning application and pond filling is precisely controlled at **160,000 square meters**. This figure is not a coincidence but is deliberately formulated to benchmark against the standard area for "District Development" (approx. 150,000 to 160,000 square meters) advocated by the government. This fully demonstrates that Kenwell is fully willing and capable of integrating this project into the unified system of the future Northern Metropolis industrial park under the guidance of the Science and Technology Park Corporation, serving as a "pilot module." We commit to maintaining absolute synchronization with the Science and Technology Park Corporation in terms of development timelines, technical standards, and infrastructure alignment. This model of "Government-led planning, Private-sector construction" is precisely the most efficient path for park development.

Secondly, regarding the definition of "Innovation," we must break the myth of "R&D-only." Innovation is not merely technological breakthroughs in laboratories but the restructuring of industrial chains and the

upgrading of business models. Our proposal is not merely logistics warehousing but a composite ecosystem of "Logistics + Manufacturing + Services" anchored by "Supply Chain Infrastructure." Logistics is the nervous system of the physical industry; without efficient supply chains, upstream R&D results cannot be transformed into products, and downstream market demands cannot be fed back to the production side. Our "Customer-led" strategy is based on Kenwell's existing vast international logistics network, which connects over 50 international renowned brands covering high value-added sectors such as apparel, electronics, and healthcare.

The "New Quality Productive Forces" we define is about transforming these potential industrial demands into tangible economic output. By introducing "C2M-like Smart Production Lines," we enable enterprises to perform the last-mile value-added processes in Hong Kong after R&D, and leverage Hong Kong's advantages in high-end services such as finance, law, and certification to help Chinese enterprises "go global by borrowing ships." This fully aligns with the strategic deployment in the *Policy Address and Budget* regarding "catering to the trend of mainland producers extending their industrial chains overseas." We are not engaging in "armchair strategy" blindly pursuing frontier technology but are providing fertile soil for industrial innovation by integrating supply chains and financial services as two engines, allowing seeds to take root and sprout in the Northern Metropolis.

Elaboration on Project Model and Public Interest: Creating a New PPP Paradigm for "Proactive Government and Efficient Market"

Having clarified the industrial positioning, we must emphasize the strategic value of this project for Hong Kong's public finance and the development model of the Northern Metropolis. Kenwell's planning/land exchange application is, in essence, a public-private partnership proposal designed to save public funds and accelerate regional development.

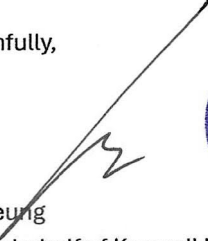
The government currently plans to resume and level the site uniformly, which will involve huge fiscal expenditures. In contrast, approving Kenwell's application means that private capital will bear the costs of all pond filling and infrastructure construction. Preliminary estimates indicate that this model will directly save the government approximately **HKD 4 billion** (i.e. $\text{area } 367,375 \text{ sq.m.} \times 10.7639 = 3,954,387 \text{ sq.ft.} \times \text{ex gratia } \$1,043 / \text{sq.ft.}$) in land resumption compensation and in land resumption compensation and engineering costs. Against the backdrop of the government's current commitment to maintaining fiscal prudence, this model of "Private funding, Government benefit" is the best embodiment of the perfect integration of a "Proactive Government" and an "Efficient Market."

Furthermore, we must remind the Board to consider the social responsibility and economic stabilizing role behind this project. Kenwell's existing logistics park is not merely a building on land but a mature industrial ecosystem involving employment opportunities for hundreds of local workers. Refusing the application and proceeding with compulsory resumption may lead to the forced relocation of these high value-added service industries out of Hong Kong, causing irreversible industrial loss and unemployment. Approving this application is not just about approving land development but about preserving a mature industrial chain and avoiding the social costs triggered by government resumption.

We propose to turn this project into a "PPP Module" for the future development of the Northern Metropolis. Through this module, the government can rapidly acquire an innovative park with a mature industrial ecosystem without investing huge upfront capital. This not only solves the funding issue but also the challenge of investment promotion - because what Kenwell brings is not empty buildings but over 50 connected international brands and their underlying industrial chains.

In conclusion, we earnestly request the TPB and ITIB to review this application from a more macro-economic and strategic perspective. We are not seeking privileges but providing a win-win-win solution for the government, the industry, and society. We pray that the Board approves the planning permission for this project, allowing us to join hands with the **Industrial Park Company** to build San Tin Technopole into a benchmark for Hong Kong's New Industrialization.

Yours faithfully,


Kammy Leung
For and on behalf of Kenwell Limited



Founder, KS Solutions Limited
Vice Chairman, Hong Kong E-commerce Logistics Association
Executive Committee Member, Hong Kong Transport and Logistics Association
Former General Manager, Cainiao Smart Logistics Network, HK
Former Director, ZTO International Logistics, HK

Encl.: Land Exchange Application dated 4 July 2024

c.c. Clients
Lawson David & Sung Surveyors Limited
Development Bureau (Attn.: Ms. Linn Hon Ho, Bernadette)
Deputy Financial Secretary (Attn.: Mr. Wong Wai Lun, Michael)