

WITHDRAWN BY APPLICANT

TOWN PLANNING BOARD

TPB Paper No. 11066

For Consideration by
the Town Planning Board on 3.7.2026

**REVIEW OF APPLICATION NO. A/STT/26
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**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**

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1. Background

- 1.1 On 3.6.2025, the applicant, Kenwell Limited represented by Lawson David & Sung Surveyors Limited, sought planning permission for proposed filling of ponds at the application site (the Site) under section 16 (s.16) of the Town Planning Ordinance (the Ordinance), for a proposed Innovation and Technology (I&T) Hub comprising permitted uses, including 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). The Site falls within an area zoned “Other Specified Uses” annotated “Innovation and Technology” (“OU(I&T)”) ¹ on the approved San Tin Technopole Outline Zoning Plan (OZP) No. S/STT/2 (**Plan R-1**). According to the Notes of the OZP for the “OU(I&T)” zone, while the aforementioned uses of the proposed I&T Hub are Column 1 uses which are always permitted, filling of pond requires planning permission from the Board.
- 1.2 According to the applicant in the s.16 application, the ponds located at the eastern portion of the Site (about 117,445m² / about 72%)² are proposed to be filled with soil with concrete on top for a depth of not exceeding 5.9m, for raising the site level to +6mPD (from a range of +0.1mPD to +3.19mPD) for site formation (**Drawing A-1 of Annex A**). The proposed filling of ponds is to facilitate the proposed I&T Hub with low-altitude economy operation, while providing space

¹ According to the Notes of the OZP for “OU(I&T)” zone, on land previously falling within “OU” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”) on the approved San Tin OZP No. S/YL-ST/8, any filling of pond (except all works as required/co-ordinated/implemented by the Government), requires planning permission from the Town Planning Board (the Board). The Site is located at an area previously falling within the said “OU(CDWEA)” zone.

² The remaining land portion of the Site (about 45,736m² / about 28%) is proposed to be filled with soil with concrete on top for a depth of not exceeding 5.18m, for raising the site level to +6mPD (from a range of +0.82mPD to +5.36mPD) (**Drawing A-1 of Annex A**). According to the Notes of the OZP for “OU(I&T)” zone, filling of land does not require planning permission from the Board.

for logistics use which could facilitate the relocation of existing logistics operations³ affected by the implementation of the San Tin Technopole (the Technopole). Details of the proposed filling of ponds and the major development parameters of the proposed I&T Hub are summarised in paragraphs 1.3 and 1.4, and Appendix II of the s.16 application paper at **Annex A**, and the proposed pond/land filling plan, master layout plans and floor plans of the proposed I&T Hub are at **Drawings A-1 to A-2g** of **Annex A**.

- 1.3 The Site forms an integral part of the 210-hectare (ha) planned I&T land in the Technopole and falls within the larger “OU(I&T)” zone in Area 19B of the OZP. The planned development of these I&T land, including the Site, is guided by the “Conceptual Outline of Development Plan for Innovation and Technology Industry in the San Tin Technopole” (the Conceptual Outline) promulgated by the Innovation, Technology and Industry Bureau (ITIB), as well as the endorsed Planning and Design Brief for I&T Sites on the San Tin Technopole OZP (PDB) (details in paragraphs 5.1 and 5.2 below). Besides, the Site falls within the project boundary of the Environmental Impact Assessment (EIA) Report (No. AEIAR-261/2024) submitted by the Civil Engineering and Development Department (CEDD) in support of the development of the Technopole, which was approved with conditions by the Director of Environmental Protection (DEP) under the EIA Ordinance (EIAO) on 17.5.2024 (details in paragraph 5.3 below). As part of the site formation and engineering infrastructure works of the Technopole, the pond filling works⁴ at the area where the Site is located is planned to be carried out by CEDD tentatively in mid-2027 after the commencement of the construction of the ecologically enhanced fishponds in the planned Sam Po Shue Wetland Conservation Park (SPS WCP).
- 1.4 On 13.3.2026, the Rural and New Town Planning Committee (RNTPC) of the Board decided to reject the application and the reasons were:
 - (a) the proposed filling of ponds was 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 was no ecological impact assessment (EcoIA) 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 was no strong justification for the proposed filling of ponds to be carried out by the applicant for the proposed I&T Hub as the proposed I&T Hub was 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.

³ According to the applicant’s submission in the s.16 application, five existing logistics sites managed by the applicant will be affected by the implementation of the Technopole. These logistics sites involve operations related to port-backup uses, logistics centre, container vehicle park and vehicle repair workshop, warehouses, car beauty service, cargo handling and forwarding facilities, open storage, motor vehicle showroom, etc.

⁴ To take forward the development of the Technopole, about 90 ha of existing ponds (including those at the Site) are required to be filled.

1.5 For Members' reference, the following documents are attached:

- (a) RNTPC Paper No. A/STT/26B (Annex A)
- (b) Extract of minutes of the RNTPC Meeting held on 13.3.2026 (Annex B)
- (c) Secretary of the Board's letter dated 27.3.2026 (Annex C)

2. Application for Review

- 2.1 On 15.4.2026, the applicant applied under section 17(1) of the Ordinance for a review of the RNTPC's decision to reject the application, with a review statement in support of the review application (**Annex D**).
- 2.2 In the review application, the applicant has not proposed any changes to the development parameters and layout of the proposed filling of ponds and the proposed I&T Hub.

3. Justifications from the Applicant

The justifications put forth by the applicant in support of the review application are detailed in the review statement at **Annex D** and summarised below:

Submission of EcoIA Methodology Paper

- (a) Regarding the rejection reason on the absence of EcoIA submission, as the approved EIA Report submitted by CEDD in support of the development of the Technopole covering the Site has already confirmed the feasibility of pond filling and development at the Site, requiring a separate EcoIA for the application is redundant and contradicts the Government's strategy of expediting land development.
- (b) The applicant has made genuine efforts in preparing an EcoIA and addressing comments of the Agriculture, Fisheries and Conservation Department (AFCD) on the EcoIA methodology paper. The applicant is committed to implementing appropriate mitigation and conservation measures and is willing to accept an approval condition requiring the submission and implementation of an EcoIA to the satisfaction of AFCD upon approval of the application.

In line with the Government's Development Policy and Park-led Model

- (c) The s.16 application was submitted to the Board in June 2025, prior to the promulgation of the Conceptual Outline by ITIB in November 2025. Notwithstanding, the proposed uses of the I&T Hub fall within Column 1 uses under the OZP which are always permitted and are fully in line with the planning intention of the "OU(I&T)" zone. The proposed I&T Hub is not merely a logistics warehouse but a comprehensive hub that combines logistics, manufacturing and services. Supported by supply chain infrastructure, the proposed I&T Hub could facilitate industrial innovation by transforming research and development results into physical products.

- (d) The applicant's proposal advocates for a public-private partnership model which could save public expenditure in land resumption compensation and infrastructure works, while avoiding the loss of industries and unemployment caused by the relocation of existing logistics industries. Park-led model should not be strictly limited to government-funded construction, but rather focus on unified planning, standards and management by the Government. The applicant is prepared to work with the Government to implement the proposed I&T Hub, contributing to Hong Kong's I&T development.

Exercise of Property Rights

- (e) The right to use the Site for any permitted uses derives from the Basic Law (BL) but not from the Ordinance. The proposed I&T Hub involves uses which are always permitted according to the Notes of the OZP for "OU(I&T)" zone, pursuant to the Ordinance. Developing the Site for uses which are always permitted is an exercise of constitutional right of the land owner and/or the tenant, and the Government has a constitutional obligation to protect this right under the BL. The Government's development policy of comprehensive planning and implementation does not have the force of law and should not be relied upon by the Board as a legal basis to restrict the land owner's property right.
- (f) The Remark in the 'Explanatory Note'⁵ of the OZP, which stipulates that pond filling requires planning permission under s.16 of the Ordinance, does not have legislative effect. Non-compliance with this Remark does not constitute a criminal offence or "unauthorized development" under the Ordinance. Besides, considering that ponds must be filled before any development at the Site, rejecting the application for pond filling would prevent the applicant from using the land for any permitted use, resulting in an absolute prohibition of the exercise of property rights.

4. The Section 16 Application

The Site and Its Surrounding Areas (Plans R-1 to R-4c)

- 4.1 The situation of the Site and its surrounding areas at the time of consideration of the s.16 application by RNTPC were set out in paragraph 8 of **Annex A**. There has been no material change of the situation of the Site and the surrounding areas since then.
- 4.2 The Site is:
- (a) mainly occupied by ponds in its eastern portion, whereas the south-western portion is paved and occupied by existing brownfield operations including open storage of containers and warehouse;
 - (b) currently accessible from San Tin Tsuen Road and Castle Peak Road – San

⁵ The 'Explanatory Note' of the OZP as mentioned by the applicant shall refer to the 'Notes' of the OZP which forms part of the OZP and have statutory effect. There is no document titled 'Explanatory Note' for an OZP.

Tin via local tracks and will be accessible from the planned Road L13;

- (c) mainly located within Wetland Conservation Area (WCA) (about 81%) in its eastern portion, with the remaining area in its south-western portion located within Wetland Buffer Area (WBA) (about 19%) of Deep Bay Area; and
- (d) falling within the larger “OU(I&T)” zone in Area 19B of the OZP for planned I&T development at the Technopole, and I&T Cluster 3 under the endorsed PDB (details in paragraph 5.1 below).

4.3 The surrounding areas are currently rural in character, predominated by ponds and brownfield uses which fall within the “OU(I&T)” zone for planned I&T development within the Technopole. Across the planned Road L13 to the southeast are existing village settlements (i.e. the San Tin ‘Seven Villages’) at the “Village Type Development” zone which will not be affected by the development of the Technopole. To the further north is the planned SPS WCP.

Planning Intention

- 4.4 There is no change in the planning intention of the “OU(I&T)” zone as mentioned in paragraph 9 of **Annex A**, which is primarily to provide development space for accommodating a variety of I&T uses, including research and development, production activities, data centre, staff accommodation/talent apartment, supporting commercial/retail facilities and other complementary infrastructure.
- 4.5 According to the Explanatory Statement of the OZP for “OU(I&T)” zone, as filling of pond may cause adverse drainage impacts on the area and adverse impacts on the environment, permission from the Board is required for such activities.

Town Planning Board Guidelines

4.6 The Site is mainly located within WCA (about 81%), with the remaining area within the WBA (about 19%) in Deep Bay Area (**Plan R-1**). 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) is relevant to the application. Relevant extract of the Guidelines is attached at Appendix II of **Annex A**.

Previous Applications

4.7 The Site, in whole or in part, is the subject of seven previous applications (No. A/DPA/YL-ST/19, 20, 24, 28, and A/YL-ST/20, 45 and 91⁶) for open storage of container trailers and tractors, temporary container trailer park, container vehicle parking and servicing uses, etc., with two approved and five rejected by the RNTPC or the Board upon review between 1993 and 2000. Considerations of these previous applications are not relevant to the current application due to

⁶ The application sites fell within the then “Unspecified Use” area, “Conservation Area” zone or “OU” annotated “Container Back-up Uses” zone on the respective previous version of the San Tin Development Permission Area Plan or OZP at the time of consideration by RNTPC or the Board upon review between 1993 and 2000.

different uses and zonings involved. Details of the previous applications are summarised at Appendix IV in **Annex A**.

Similar Application

- 4.8 During the past five years, there is no similar application within the same “OU(I&T)” zone of the OZP.

5. Background of the Development of the Technopole

5.1 In October 2023, the Government promulgated the Northern Metropolis (NM) Action Agenda (NMAA) and amongst the four major development zones proposed for the NM, the Technopole comprising the Hong Kong-Shenzhen Innovation and Technology Park (HSITP) at the Loop and the San Tin area forms part of the ‘I&T Zone’. The Technopole is positioned as the core of industry development of NM and a hub of clustered I&T development that creates synergy with Hetao Shenzhen-Hong Kong Science and Technology Innovation Co-operation Zone (Hetao Co-operation Zone) and contributes to the development of the ‘South-North dual engine (finance-I&T)’ industry pattern for the territory. To achieve the greatest synergy effect, a total of about 300 ha of I&T land is planned, comprising the 87-ha HSITP at the Loop⁷ as its core and an additional about 210 ha of I&T land in the San Tin area, which is zoned “OU(I&T)” on the OZP (the I&T sites), centred around and radiated from the Loop. While suitable flexibility has been allowed under the OZP, more detailed planning and design control should be achieved through the PDB for these I&T sites in the Technopole. Endorsed by the Board on 3.10.2025⁸, the PDB is an administrative document which sets out the broad planning parameters, key development requirements and urban design considerations for guiding the design and implementation of the future I&T developments. To ensure that the planning and design requirements under the endorsed PDB will be implemented in the future I&T developments in the Technopole, Master Plan(s) should be submitted by the project proponent(s) for consideration and approval by the Designated Committee under the Development Bureau (DEVB). The Site at Area 19B of the OZP falls within I&T Cluster 3⁹ under the endorsed PDB (**Plan R-5**).

5.2 In November 2025, ITIB promulgated the Conceptual Outline, which provides a top-level design for the 210 ha of I&T land in the Technopole, including the Site,

⁷ The 87-ha HSITP at the Loop falls within the approved Lok Ma Chau Loop OZP No. S/LMCL/2.

⁸ The endorsed PDB is available at <https://www.nm.gov.hk/downloads/pdb-for-iandt-sites-on-the-san-tin-technopole-ozp-oct-2025.pdf>.

⁹ According to the endorsed PDB for I&T Cluster 3, the total GFA is about 909,300m² and major potential I&T uses for this Cluster include life and health technology, AI and robotics, microelectronics and smart devices, and advanced industries (e.g. new materials, energy and green technology). Supporting facilities such as exhibition and venture capital platform, data centre and computing facilities, professional services, research and academic institutions, knowledge exchange venues and retail and dining facilities may be included, subject to ITIB’s agreement. The endorsed PDB also requires, amongst others, which are relevant to the Site, the provision of two non-building areas each with a minimum width of 15m aligning in north-west to south-east direction linking the San Tin ‘Seven Villages’ to wetlands in Sam Po Shue, with at least 300m separation distance in between and encourages a stepped BH profile for building(s) descending towards the existing villages in vicinity of Cluster 3.

in terms of development vision, objectives and positioning, industrial spatial layout, and development model, thereby setting a clear development strategy for the Technopole. In terms of industry development, the Technopole can provide land of larger scale to support the development of strategic I&T industries such as life and health technology, AI and robotics, microelectronics and smart devices, new materials, new energy, and green technology. According to the Conceptual Outline, the Site falls within an area designated for “Life and Health, AI and Robotics” and “Microelectronics, Smart Devices, New Materials, New Energy, and Green Technology” development zones (**Plan R-6**). Being part of the Phase 1 Stage 4 development under the Conceptual Outline, which refers to large-scale construction stage of the Technopole to form an industrial cluster effect, the Site is targeted to be developed between 2027 and 2035. In terms of development model, following the principle of a capable government and an efficient market, consideration can be given to the establishment of a dedicated company to take forward the development of the Technopole in collaboration with the market, thereby leveraging market resources to accelerate development and optimise development costs. As announced in the 2026-27 Budget, a dedicated company¹⁰ for the Technopole will be established this year to take forward the development while leveraging market resources to accelerate the progress. On 25.6.2026, the Government announced the establishment of the San Tin Technopole Company Limited, which is a non-statutory, limited company wholly owned by the Financial Secretary Incorporated. The Government will participate directly in the major decisions of the dedicated company through the official directors to ensure the development and operation of the Technopole completely align with the principles of the country and the HKSAR Government.

- 5.3 The Site falls within the project boundary of the EIA Report submitted by CEDD in support of the development of the Technopole, which was approved with conditions¹¹ by DEP under EIAO on 17.5.2024. To take forward the development of the Technopole, about 90 ha of existing ponds (including those at the Site) are required to be filled. The approved EIA Report concluded that the planned SPS WCP, with the implementation of the proposed ecological and fisheries enhancement measures, is anticipated to improve the connectivity of

¹⁰ The Government will inject \$10 billion as initial capital to take forward the development of the Technopole through the dedicated company. The Government can bear the land and construction costs in the form of equity investment, thereby ensuring that the development of the Technopole will align with Hong Kong’s long-term planning while making up for its commercial viability. The dedicated company for the Technopole may explore various co-operation models with enterprises, such as Build-Operate-Transfer, Build-Own-Operate, Joint Venture, and Design-Build Finance-Operate, to channel market capital for supporting the smooth execution of core parts of the project including development, construction and operation.

¹¹ The approval conditions of the approved EIA Report, amongst others, specified that the project proponent (i.e. CEDD) shall submit a detailed Habitat Creation and Management Plan (HCMP) and an Interim Wetland Enhancement Plan (IWEP) to the DEP for approval no less than nine months before commencement of pond filling works for the project (i.e. the Technopole); set up a working group with AFCD no less than three months before commencement of construction of the project to coordinate the programme and progress of pond filling works and implementation of the planned SPS WCP; and no pond filling works shall be allowed prior to commencement of construction of the ecologically enhanced fishponds at the planned SPS WCP. According to CEDD, the IWEP has been submitted to DEP for approval, while the working group has been formed. Besides, the Advisory Council on the Environment has also been consulted on the draft HCMP before its formal submission to DEP. The establishment of ecologically enhanced fishponds in planned SPS WCP is expected to commence by CEDD in 2026/2027 the earliest.

wetland habitats in the region and enhance the ecological and fisheries functions of the wetlands, thereby achieving no-net-loss in ecological function and capacity of the wetlands concerned. Specifically, one of the approval conditions of the approved EIA Report specified that no pond filling works shall be allowed prior to commencement of construction of the ecologically enhanced fishponds at the planned SPS WCP.

- 5.4 In respect of site formation and engineering infrastructure works, the Site falls within Phase 1 Stage 2 development of the Technopole and it is targeted to seek funding approval from the Legislative Council in 2026/2027 for the associated works. After the establishment of ecologically enhanced fishponds in planned SPS WCP, which is expected to commence by CEDD in 2026/2027 the earliest, the pond filling works at the area where the Site is located will tentatively commence by CEDD in mid-2027 after the construction of the ecologically enhanced fishponds. Given the works and land resumption programme¹², the estimated dates of departure for the Site are partly not earlier than second half of 2026 and partly not earlier than first half of 2027.

6. Comments from Relevant Government Bureaux/Departments

- 6.1 Comments on the s.16 application made by relevant government bureaux/departments (B/Ds) are stated in paragraph 10 of **Annex A**. Their advisory comments, if any, are at Appendix V of **Annex A** and recapitulated at **Annex E**.
- 6.2 For the review application, the relevant government B/Ds have been further consulted. While the Secretary for Innovation, Technology and Industry (SITI) and the Director of Agriculture, Fisheries and Conservation (DAFC) maintain their previous adverse views and provide further comments on the application, the Secretary for Development (SDEV), the District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD), Project Manager (North) of CEDD (PM(N) of CEDD) and Secretary for Transport and Logistics (STL) maintain their previous adverse views/concerns, which are recapitulated below. Other relevant government departments maintain their previous views of having no adverse comments on/ no objection to the s.16 application and have no further comment on the review application.

I&T Development

6.2.1 Comments of SITI:

- (a) does not support the application;
- (b) the application is not in line with “park-led” model for the Technopole. ITIB is inclined to adopt a “park-led” model for developing the land in the Technopole to ensure that the overall development of the area can be at any point of time in a more

¹² According to the Gazette Notice G.N. 3831 gazetted on 26.6.2026, the private lot of the Site will be reverted to the Government on 26.9.2026 (i.e. the Reversion Date).

coordinated and holistic manner, have more synergy (in terms of, for example, industry mix and/or provision of shared facilities), and be closely in keeping with Hong Kong's strategic positioning vis-à-vis the fast-changing global I&T landscape at all times. A more "fragmented" development mode by individual private lot owners/ developers would and could unlikely achieve such objectives;

- (c) to press ahead with the development of the Technopole, it has already been announced in the 2026-27 Budget that the Government will establish a dedicated company in 2026 and propose to inject \$10 billion as initial capital to take forward the development, with a view to leveraging market resources to accelerate the progress and promoting the development of the relevant sites. ITIB has sought the approval of the Financial Secretary to incorporate a non-statutory, limited company wholly owned by the Financial Secretary Incorporated, named the San Tin Technopole Company Limited to take forward the development of the 210-ha I&T sites in the Technopole; and
- (d) the application is not in line with the planned uses of the I&T sites as set out in the Conceptual Outline promulgated by ITIB in November 2025, the Site (Phase 1 Stage 4 as suggested in the Conceptual Outline) is designated for "Life and Health, AI and Robotics" and "Microelectronics, Smart Devices, New Materials, New Energy, and Green Technology" development zones (**Plan R-6**). Based on the information provided by the applicant, the main development component is mainly related to the supply chain management/ smart logistics which do not fall under the industries planned for the I&T sites in the Technopole.

Project Interface

6.2.2 Comments of SDEV:

the implementation mode or disposal of I&T land in the Technopole is under the purview of ITIB. DEVB notes that ITIB does not support the application, having considered that the application is not in line with the "park-led" model which ITIB is inclined to adopt for developing the I&T land in the Technopole, as well as the planned uses of the I&T sites as set out in ITIB's promulgated Conceptual Outline. Accordingly, she does not support the application from the perspective of coordinating the overall development of the NM.

6.2.3 Comments of PM(N) of CEDD:

- (a) the Site falls within Phase 1 Stage 2 development of the Technopole. The pond filling works at the area where the Site is located will tentatively commence in mid-2027;
- (b) if the proposed pond filling works for the I&T Hub are taken

forward by the applicant entirely under private initiative without coordination by the Government (e.g. CEDD), the effectiveness and comprehensiveness of the implementation of the relevant requirements/ recommendations/ proposed mitigation measures and approval conditions in the approved EIA Report at the Site could not be ascertained;

- (c) the applicant should observe the requirements/ recommendations/ proposed mitigation measures in the approved EIA Report and its approval conditions, associated Environmental Monitoring and Audit Manual, submissions specified in the approval conditions, and Environmental Permits issued/ to be issued for the Designated Projects as stated in the approved EIA Report, that are applicable to the Site and associated development and pond filling proposal, in particular:
 - (i) the applicant should liaise and coordinate with CEDD and relevant authorities regarding the pond filling sequence and programme to ensure that potential adverse impacts on the wetlands due to proposed construction activities can be minimised; and
 - (ii) no pond filling works shall be allowed prior to commencement of construction of the ecologically enhanced fishponds at the planned SPS WCP; and
- (d) the construction access routes proposed by the applicant will traverse, and may consequently be affected by, the proposed site formation works, roadworks and the revitalisation works of San Tin Western Main Drainage Channel. The applicant should keep close liaison with CEDD.

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site falls within portions of private lot, i.e. Lot 764 RP in D.D. 99, which is an Old Schedule Agricultural Lot held under the Block Government Lease. No structure shall be erected without prior written approval of the Government; and
- (c) no approval from any relevant authority(ies) has been given for the development of the proposed I&T Hub.

Agriculture, Fisheries and Nature Conservation

6.2.5 Comments of DAFC:

- (a) does not support the application from nature conservation perspective;
- (b) the Site involves pond filling works which have interface with the site formation works under the development of the Technopole to be carried out by CEDD as well as the approved EIA and its approval conditions;
- (c) the applicant aims to establish a large-scale I&T base for the emerging low-altitude economy interface in Hong Kong with a point-to-point low-altitude logistics linkage with Futian Free Trade Zone in Shenzhen. The proposed point-to-point low-altitude logistics linkage with Futian Free Trade Zone in Shenzhen would inevitably pass through the fishponds and wetlands in the planned SPS WCP, which forms part of the flight path for migratory birds. However, no specifics of such linkage, as well as the potential impacts from the perspectives of ecology and daily operation and management of the SPS WCP were provided in the Planning Statement and/or other application materials in the application;
- (d) the Site is in close proximity to a constructed wetland provisioned under a drainage project, namely San Tin Constructed Wetland (Lotus Pond) (**Plan R-3**). The applicant shall consider any indirect ecological impacts affecting the Lotus Pond arising from the project and the interface with other ongoing/ planned projects in the vicinity, including the New Nature Conservation Policy Management Agreement projects administered by Countryside Conservation Office;
- (e) no EcoIA has been submitted by the applicant to demonstrate that the proposed filling of ponds will not lead to wetland loss and will not cause negative impacts on the ecological value of the WCA. It is understood from the Review Statement that an EcoIA is being prepared. He would reserve comments upon the receipt of the EcoIA that assesses the potential impacts from the perspectives of nature conservation and daily operation and management of the SPS WCP, as well as other relevant information such as the specifics of the low-altitude logistics linkage with Futian Free Trade Zone in Shenzhen; and
- (f) there is no information related to fisheries except for the applicant's confirmation that no pond filling works will be carried out prior to commencement of construction of ecologically enhanced fishponds in the planned SPS WCP. He cannot comment on whether the proposed filling of ponds for the permitted I&T Hub is acceptable from fisheries perspective.

Aviation Safety

6.2.6 Comments of STL:

- (a) cross-boundary operation of low-altitude flights is one of the application scenarios tested under the Low-altitude Economy Regulatory Sandbox X. Based on the information provided, it does not appear that the applicant is involved in applications submitted under Sandbox X. Any future operation of such application scenarios would be subject to the prevailing policies and regulatory guidelines to be promulgated taking into account the experience of Sandbox X;
- (b) the Planning Statement and the submission materials have not specified any flight routes for cross-boundary low-altitude flying activities. While the Site is in close proximity to the North Border and ecologically sensitive areas (including Mai Po Nature Reserve and the planned SPS WCP), no specific mention has been made by the applicant to the potential bird strike hazard on the low-altitude flying activities. Further details on how aviation and public safety of low-altitude flying activities will be safeguarded against the potential bird strike hazard are necessary for the Transport and Logistics Bureau and the Civil Aviation Department to provide more specific comments; and
- (c) noting the Site is in the vicinity of ecologically sensitive areas, the applicant should consult the related environmental groups, local communities and B/Ds.

7. Public Comments Received During Statutory Publication Period

- 7.1 On 24.4.2026, the review application was published for public inspection. During the statutory public inspection period, three public comments were received (**Annex F**). One comment from the San Tin Rural Committee (STRC) supports the application mainly on the grounds that the approval of the proposed pond filling works could provide sufficient space for the business operators affected by land resumption, create job opportunities for and improve livelihood of the locals. Two comments respectively from Kadoorie Farm & Botanic Garden Corporation and an individual express concerns mainly on grounds that it is uncertain whether approval of the application would affect the Government's commitment to starting the pond filling works after commencement of works for the planned SPS WCP; and that wetlands are important breeding ground and foraging ground for birds and should be protected from pollution caused by pond filling works.
- 7.2 At the s.16 application stage, 16 public comments were received, including five supporting comments from STRC, Lok Ma Chau-Hong Kong Freight Association and companies; six objecting comments from the Hong Kong Bird Watching Society and individuals; and five comments from the Conservancy Association,

Kadoorie Farm & Botanic Garden Corporation and individuals providing views. The summary of the comments is in paragraphs 11.1 to 11.3 of **Annex A**.

8. Planning Considerations and Assessments

8.1 The application is for a review of the RNTPC's decision on 13.3.2026 to reject the s.16 application for proposed filling of ponds at the Site zoned "OU(I&T)" (**Plan R-1**) with reasons stated in paragraph 1.4 above. Whilst the proposed uses to be accommodated at the proposed I&T Hub (as mentioned in paragraph 1.1 above) are always permitted within "OU(I&T)" zone, filling of ponds requires planning permission from the Board. To support the review application, the applicant has submitted a review statement with justifications summarised in paragraph 3 above. Since the consideration of the s.16 application by RNTPC, there has been no material change in planning circumstances in relation to the Site. Having considered the applicant's review statement, the planning considerations and assessments on the review application are detailed below.

TPB PG-No. 12C and Ecological Aspect

8.2 The Site falls within WCA and WBA under TPB PG-No. 12C. The intention of the WCA is to conserve the ecological value of the fishponds which form an integral part of the wetland ecosystem in the Deep Bay Area, and any development within the WCA should be supported by an EcoIA. However, no EcoIA is submitted in both the s.16 and review applications by the applicant. The applicant argues that the Site is covered by an approved EIA which has already confirmed the feasibility of pond filling and development at the Site, and requiring a separate EcoIA is redundant. Notwithstanding this, the applicant claims that an EcoIA methodology paper has been submitted to AFCD and an EcoIA under preparation would be submitted after the approval of the application.

8.3 As mentioned in paragraph 5.3 above, the EIA Report submitted by CEDD and approved by DEP under EIAO on 17.5.2024 is to support the comprehensive development of the Technopole, including the pond filling works required and the measures to mitigate the potential ecological impacts. It is not intended to support piecemeal development and pond filling works, such as the proposed I&T Hub at the Site under the application. According to the approval conditions of the EIA Report, the project proponent (i.e. CEDD) should submit HCMP and IWEP to the DEP for approval, set up a working group to coordinate pond filling works and implementation of SPS WCP, and construct ecologically enhanced fishponds at the planned SPS WCP before commencement of pond filling works. PM(N) of CEDD maintains her view that should the proposed pond filling works for the I&T Hub be taken forward by the applicant entirely under private initiative without coordination by the Government, the effectiveness and comprehensiveness of the implementation of the relevant requirements/recommendations/proposed mitigation measures and approval conditions in the approved EIA Report at the Site could not be ascertained.

8.4 In fact, in accordance with TPB PG-No. 12C, it is necessary to confirm the ecological acceptability of the proposed filling of ponds before the Board

considers granting a planning permission. While the applicant claims that an EcoIA will be submitted upon approval of the application, DAFC maintains his view of not supporting the application from nature conservation perspective as no EcoIA has been submitted to demonstrate that the proposed filling of ponds would not lead to wetland loss and would not cause negative impacts on the ecological value of the WCA. In this regard, the applicant fails to demonstrate that the proposed filling of ponds would not have adverse ecological impact within the WCA and the application is considered not in line with TPB PG-No. 12C. Besides, for the low-altitude economy operation proposed for the I&T Hub, STL and DAFC maintain their views that no information has been provided by the applicant on how aviation and public safety of the proposed low-altitude flying activities will be safeguarded against the potential bird strike hazard, and on the potential impacts from ecological perspective.

Comprehensive Planning and Implementation of the Technopole

- 8.5 According to the NMAA, the Technopole forms part of the ‘I&T Zone’ in the NM and will become a hub for clustered I&T development that creates synergies with the nearby Hetao Co-operation Zone, and the “OU(I&T)” zone within the Technopole will provide the necessary development space for accommodating a variety of I&T uses. To provide a clear development strategy for the holistic and co-ordinated development of the 210-ha I&T sites in the Technopole, ITIB promulgated the Conceptual Outline as detailed in paragraph 5.2 above. According to the Conceptual Outline, the Site is designated for “Life and Health, AI and Robotics” and “Microelectronics, Smart Devices, New Materials, New Energy, and Green Technology” development zones (**Plan R-6**) and a development model with the establishment of a dedicated company is recommended to take forward the development in the Technopole in collaboration with the market. Under the 2026-27 Budget, the Government has announced that a dedicated company will be established for the implementation of the Technopole.
- 8.6 The applicant considers that the proposed I&T Hub is not merely logistics warehouse but a comprehensive hub that combines logistics, manufacturing and services supported by supply chain infrastructure which could facilitate industrial innovation and is therefore in line with the Conceptual Outline. However, the applicant has not provided details on how the logistics operations¹³ are related to the proposed I&T Hub under both s.16 application and the review application. SITI considers that the proposed I&T Hub, with a focus on supply chain management/ smart logistics, is not in line with the I&T uses (as mentioned in paragraphs 5.2 and 6.2.1(d) above) recommended in the Conceptual Outline. On implementation aspect, the applicant claims that the current application advocates for a public-private partnership model, saving the need for land

¹³ In the s.16 application, the applicant claimed that the proposed I&T Hub with low-altitude economy operation to be taken forward solely by private initiative will provide both I&T space and relocation space for the existing logistics operators affected by the implementation of the Technopole. No information on how the existing logistics operations, such as logistics centre, motor vehicle showroom, vehicle repair workshop, etc., will be relocated to and accommodated at the proposed I&T Hub, and how they are related to the proposed I&T Hub are provided in both the s.16 application and review application.

resumption at the Site, and that the applicant is prepared to work with the Government to implement the proposed I&T Hub. In this regard, SITI maintains his view of not supporting the application as the proposed I&T Hub is not in line with the “park-led” model for the Technopole, which aims to develop the I&T land in the Technopole in a more coordinated and holistic manner. ITIB has sought the approval of the Financial Secretary to incorporate a non-statutory, limited company wholly owned by the Financial Secretary Incorporated, named the San Tin Technopole Company Limited¹⁴, to take forward the development of the 210-ha I&T sites in the Technopole. The Government will participate directly in the major decisions of the dedicated company to ensure that the development and operation of the Technopole completely align with the principles of the country and HKSAR Government. SDEV also maintains her view of not supporting the application from the perspective of coordinating the overall development of the NM. Without policy supports from relevant bureaux including ITIB and DEVB, it could hardly be confirmed that the proposed I&T Hub and the public-private partnership model proposed by the applicant could align with the “park-led” model for the Technopole, under which the Government will take the lead in setting up the dedicated company to achieve a comprehensive planning and co-ordinated implementation of the Technopole.

- 8.7 To achieve more detailed planning and design control for I&T sites under the OZP, a PDB for I&T sites on the OZP has been endorsed by the Board to guide the design and implementation of the future I&T developments. As required under the endorsed PDB, its planning and design requirements will be implemented via the submission of Master Plan(s) by project proponent(s) for consideration and approval by the Designated Committee under DEVB. The Site falls within I&T Cluster 3 under the endorsed PDB (**Plan R-5**). It is noted that no Master Plan for the proposed I&T Hub in accordance with the endorsed PDB has been submitted for the consideration by the Designated Committee under DEVB.
- 8.8 While the uses involved in the proposed I&T Hub are always permitted under the OZP, taking into account the comments of SITI, SDEV and PM(N) of CEDD above, the approval of the planning application for pond filling works to support the proposed I&T Hub would in fact jeopardise the comprehensiveness of the overall development of the Technopole, including site formation and pond filling works as well as implementation of environmental mitigation measures, to be implemented or coordinated by the Government. It should also be noted that according to the Gazette Notice G.N. 3831 gazetted on 26.6.2026, the land within the Site will be reverted to the Government on 26.9.2026. It is considered that the applicant fails to demonstrate that the proposed I&T Hub is in line with the Government’s development policy of comprehensive planning and implementation of the Technopole and hence, there is no strong justification for the filling of ponds for the proposed I&T Hub.

¹⁴ On 25.6.2026, the Government announced the establishment of the San Tin Technopole Company Limited.

Statutory Effects of the OZP and Property Rights

- 8.9 The applicant asserts that the Remarks of the ‘Explanatory Note’⁵ of the OZP for “OU(I&T)” zone requiring permission for pond filling works does not have legislative effect, and non-compliance with this Remark does not constitute a criminal offence or “unauthorized development” under the Ordinance. The applicant also claims that developing the Site for uses which are always permitted is an exercise of a constitutional right of the land owner and/or the tenant, and the Government has a constitutional obligation to protect this right under the BL. Besides, the Government’s development policy of comprehensive planning and implementation does not have the force of law and should not be relied upon by the Board as a legal basis to restrict the land owner’s property right. Rejecting the application for pond filling would prevent the applicant from using the land for any permitted use, prohibiting the right to develop the Site which should be protected under the BL rather than the Ordinance.
- 8.10 It should be noted that the Notes of the OZP, including the Remarks contained therein, form part of the OZP and have statutory effect. According to section 4(1) of the Ordinance, any matter whatsoever may be shown or provided for or specified in or in respect of the plans by means of such diagrams, illustrations, notes or descriptive matter as the Board thinks appropriate; and any such diagrams, illustrations, notes and descriptive matter shall be part of the plans. Therefore, the Remarks of the Notes for the subject “OU(I&T)” zone, including the requirement for planning permission for pond filling works, forms an integral part of the statutory OZP and have statutory effect. Any development¹⁵ at the Site in contravention of section 20(7) of the Ordinance would constitute an unauthorized development and may be subject to enforcement under the Ordinance.
- 8.11 In terms of property rights, it should be noted that the requirement for planning permission from the Board for pond filling works at the “OU(I&T)” zone under the Notes of the OZP would not take properties away from the applicant, the land owner and/or the tenant of the Site. Relevant court decisions have established that BL Articles 6 and 105 protect “existing property rights”, but not anticipated rights or rights still uncertain as to their delineation. Besides, BL Articles 6 and 105 do not extend their protection to what in effect is no more than expectation. Since the proposed I&T Hub at the Site has not been materialised pending planning permission for the proposed pond filling works, it is arguable that such a right is no more than a “claim” or expectation. Accordingly, there appears to be no sufficient basis to argue that the applicant, the land owner and/or the tenant of the Site enjoys “existing property right” to the proposed I&T Hub under the application. Furthermore, the requirement of planning permission for pond filling works has been incorporated for respective land use zonings of the Site on previous versions of the relevant statutory plans. It is therefore unclear how the existence of such requirement would constitute additional restriction on the property rights. Besides, such requirement does not leave the property without

¹⁵ Under section 1A of the Ordinance, *development* means carrying out building, engineering, mining or other operations in, on, over or under land, or making a material change in the use of land or buildings. The proposed filling of ponds is regarded as a development under the Ordinance.

meaningful or economically viable use, including that the Site can still be used for its existing permitted purposes under the OZP.

- 8.12 The requirement for planning permission from the Board for pond filling works at the “OU(I&T)” zone under the Notes of the OZP and the planning considerations as reflected in the rejection reasons of the s.16 application (as mentioned in paragraph 1.4 above) are to achieve the legitimate aims to conserve the ecological value of the ponds in the area, and to ascertain the effectiveness and comprehensiveness of the implementation of the approval conditions and recommendations of the approved EIA Report for the development of the Technopole, bearing in mind that the development is a Government-led project. Hence, the requirement for planning permission for pond filling works and the planning considerations of the s.16 application have struck a reasonable balance between public and private interests, and will not result in an unacceptably harsh burden on the applicant, the land owner and/or the tenant of the Site. In view of the above, there is a reasonable argument that rejecting the application would not constitute an unreasonable infringement of the property rights of the applicant, the land owner and/or the tenant of the Site.

Technical and Other Considerations

- 8.13 On technical aspects, the applicant has submitted sewerage impact assessment, drainage impact assessment, environmental assessment and construction traffic impact assessment in support of the application in the s.16 application stage and no new or updated assessment is submitted under the review application. Apart from the B/Ds mentioned in the planning assessments above, other relevant government departments further consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection, Commissioner for Transport and Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD), maintain their previous views of having no objection to or no adverse comment on the review application, while DLO/YL of LandsD maintains his adverse comment on the application as no approval from relevant authority(ies) has been given for the proposed I&T Hub at the Site.
- 8.14 Regarding the public comments expressing concerns on the review application as detailed in paragraph 7 above, the departmental comments and the planning assessments above are relevant.

9. Planning Department’s Views

- 9.1 Based on the assessments made in paragraph 8, having taken into account the public comments in paragraph 7 and given that there is no material change in the planning circumstances since the consideration of the subject application by the RNTPC, PlanD maintains its previous view of not supporting the review application for the following reasons:
- (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 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.

9.2 Alternatively, should the Board decide to approve the application, it is suggested that the permission shall be valid until 3.7.2030, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no filling of ponds should commence before commencement of the construction of the ecologically enhanced fishponds at the planned Sam Po Shue Wetland Conservation Park;
- (b) the submission of an ecological impact assessment and fisheries impact assessment for the proposed filling of ponds, and the implementation of the ecological and fisheries mitigation measures identified therein before commencement of the filling of ponds to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (c) the submission of a revised drainage impact assessment before commencement of the filling of ponds to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) in relation to (c) above, the implementation of the drainage proposal identified in the revised drainage impact assessment upon completion of the proposed filling of ponds to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (e) if any of the above planning condition (a), (b), (c) or (d) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Annex E**.

10. Decision Sought

- 10.1 The Board is invited to consider the application for a review of the RNTPC's decision and decide whether to accede to the application.
- 10.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 10.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.

11. Attachments

Annex A	RNTPC Paper No. A/STT/26B
Annex B	Extract of minutes of the RNTPC Meeting held on 13.3.2026
Annex C	Secretary of the Board's letter dated 27.3.2026
Annex D	Applicant's letter dated 15.4.2026 applying for review
Annex E	Recommended Advisory Clauses
Annex F	Public Comments on the Review Application
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4a to R-4c	Site Photos
Plan R-5	Clusters of I&T Sites in the PDB for the Technopole
Plan R-6	Planning Framework of the Technopole in the Conceptual Outline

**PLANNING DEPARTMENT
JULY 2026**