

TOWN PLANNING BOARD

TPB Paper No. 11072

**For Consideration by
the Town Planning Board on 4.9.2026**

**REVIEW OF APPLICATION NO. A/YL-LFS/585
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE**

**Filling and Excavation of Land for Permitted Agricultural Use
in
“Green Belt” (“GB”) zone
Lot 1236 S.B in D.D. 129, Lau Fau Shan, Yuen Long, New Territories**

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in “Green Belt” Zone,
Lot 1236 S.B in D.D. 129, Lau Fau Shan, Yuen Long**

1. Background

1.1 On 1.12.2025, the applicants, Mr. So Shu Yuen and Ms. Tang Lai Ha, sought planning permission for filling and excavation of land for permitted agricultural use at the application site (the Site) under the section 16 (s.16) of the Town Planning Ordinance (the Ordinance). The Site falls within an area zoned “Green Belt” (“GB”) on the Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/11 (**Plan R-1**).

1.2 On 23.1.2026, the Rural and New Town Planning Committee (the RNTPC) of the Town Planning Board (the Board) decided to reject the application for the following reason:

the applied filling and excavation of land was not in line with the planning intention of the “GB” zone and the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that there were no exceptional circumstances or very strong planning grounds in the submission to justify the need for the filling and excavation of land and a departure from the planning intention.

1.3 The Site (area about 3,800m²) is accessible via a local track leading from Deep Bay Road, with the ingress/egress located at the northeastern part of the Site while two pedestrian access points are located at the northeastern and southeastern parts of the Site respectively. As shown in the applicants’ layout plan (**Drawing R-1**), the current application seeks to regularise the filling and excavation of land which have already been undertaken at the eastern part of the Site, involving about 400m² (10.5%) and 55m² (1.5%) in area, and about 0.1m and 1.7m in depth respectively. According to the applicants, the hard-paved area is for a footpath while the excavated area is to accommodate a water tank to facilitate agricultural use within the Site. The paved footpath under application comprises three sections (i.e. entrance section, middle section and end section) and their dimensions are 20m x 11m, 13m x 8m and 25m x 3m (length x width) respectively. The applicants indicate that the applied land filling does not include areas underneath the proposed/existing structures at the Site.

1.4 As shown in **Drawing R-1**, there are ten structures (with a total floor area of about 315.8m² and building height of about 2.3m to 5.18m) along the proposed/applied footpath (applied filling of land area) for farm house, storage,

toilet, lookout, sheep shed, electric room and resting place uses at the eastern part of the Site. Furthermore, 30 solar panels with a total size of about 60m² have been installed atop a metal frame near the vehicular ingress/egress at the northeastern part of the Site to collect solar energy for the applicants' own use. The western part of the Site (about 3,040m² or 80% of the Site) would be used for agricultural use (for growing of grass and fruits, and rearing of sheep).

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

- (a) RNTPC Paper No. A/YL-LFS/585 (Annex A)
- (b) Extract of minutes of the RNTPC Meeting held on 23.1.2026 (Annex B)
- (c) Secretary of the Board's letter dated 6.2.2026 (Annex C)
- (d) Applicants' letter dated 27.2.2026 applying for review (Annex D)
- (e) Further Information (FI) received on 4.6.2026 (Annex E)
[accepted and exempted from publication and recounting requirements]

2. Application of Review

- 2.1 On 27.2.2026, the applicants applied, under section 17(1) of the Ordinance, for a review of the RNTPC's decision to reject the application with written representation in support of the review application (Annex D).
- 2.2 On 15.5.2026, the Board agreed to defer making a decision on the review application for two months as requested by the applicants. On 4.6.2026, the applicants submitted FI including site photos to show that the majority of the paved footpath within the Site has been reinstated (i.e. removal of fill materials and grassing) and clarifying that the review application is for applied/proposed filling and excavation works¹ (Annex E).

3. Justifications from the Applicants

The further justifications put forth by the applicants in support of the review application are detailed in his written representation and FI at **Annexes D and E** and summarised below:

History of Land Filling near the Site Entrance

- (a) Regarding the cause of previous land filling in the northeastern part near the site entrance, the applicants explain that the portion of land was filled with scrap and waste by the previous land owner. Before acquiring the Site², the applicants have lodged a complaint to the Central Enforcement and Prosecution Section of Planning Department (CEPS of PlanD) as the previous

¹ According to the site photos taken in July 2026 (Plan R-4f), the excavation work for water tank has already been completed.

² According to the record in the Land Registry, the applicants have become the owners of the Site since August 2018.

land owner had only covered the filled land with artificial grass on top without removing the scrap and waste underneath. However, their complaint had been neglected by the concerned officers³. After acquiring the Site, the applicants had to cover the land in question with cement as they could not verify the depth of filled scrap and waste and also wished to stabilise the slope to address villagers' concern regarding potential risk of landslides.

- (b) The applicants claim that they have removed the fill materials and grassed the land as per PlanD's requirements (**Annex E**). If the application is approved by the Board, the applicants would implement the filling and excavation works¹ according to the proposed scheme.

Land Filling for Footpath and Emergency Vehicular Access (EVA)

- (c) The paved footpath further down the Site is needed for providing an EVA of at least 3m wide as required by the relevant fire safety legislation. Should the Board consider it not necessary to follow the fire safety requirements, the applicants could reduce the width of the paved footpath.

Excavation of Land for Water Tank

- (d) The water tank is used for irrigation and fire safety purposes as there are no fire service installations within the Site and the surrounding areas.

Truck at the Site

- (e) In response to CEPS of PlanD's advice to remove the container structures in excess, the applicants have purchased a crane truck for lifting away the structures while awaiting further instructions from CEPS of PlanD⁴.

Storage of Items at the Site

- (f) According to the law, it should be allowed to place private items within private land. The items, including timber, could serve as fertilizers for plants after being burnt.

4. Background

- 4.1 The Site is the subject of two previous planning enforcement cases (No. E/YL-LFS/381 and 433) and an active planning enforcement case (No. E/YL-LFS/490) (**Plan R-2**).

³ Before acquiring the Site, the applicants made enquiry/complaint to CEPS of PlanD regarding the status of enforcement action against the previous land owner. As detailed in paragraph 4.3 below, the previous land owner was subject to previous planning enforcement action under case No. E/YL-LFS/433 against unauthorized filling of land.

⁴ According to the Reinstatement Notice (RN) (for enforcement case No. E/YL-LFS/490) issued on 29.8.2019, the concerned parties (i.e. the current applicants) are required to remove the leftover, debris and fill materials (including hard-paving) on the land and to grass the land by 29.11.2019 (detailed at paragraph 4.4 below).

- 4.2 For case No. E/YL-LFS/381, Enforcement Notice (EN) was issued against unauthorized development (UD) involving storage use (including deposit of containers) at majority of the Site on 24.11.2015 requiring the UD to be discontinued by 24.2.2016. Subsequently, Compliance Notice (CN) was issued on 5.8.2016.
- 4.3 For case No. E/YL-LFS/433, EN was issued against UD involving filling of land at majority of the Site on 23.10.2017 requiring the UD to be discontinued by 6.11.2017. RN was issued on 8.2.2018 requiring the concerned parties to remove the leftover, debris and all fill materials on the land and to grass the land near the entrance by 8.5.2018. As the Planning Authority was satisfied that the concerned UD had been discontinued as required by the EN and the land had been reinstated as required by the RN, CNs for the EN and RN were issued on 10.7.2018 and 13.7.2018 respectively⁵.
- 4.4 Regarding the active planning enforcement case (No. E/YL-LFS/490) (**Plan R-2**) against UD involving filling of land at the Site, EN was issued to the registered land owners (i.e. applicants of the current application) on 12.7.2019 requiring the UD to be discontinued by 26.7.2019. RN was issued on 29.8.2019 requiring the concerned parties to remove the leftover, debris and fill materials (including hard-paving) on the land and to grass the land by 29.11.2019. As the Site had not been reinstated upon expiry of the RN, three rounds of prosecution action were taken and the concerned parties were convicted and fined in June 2022, June 2025 and April 2026 respectively. Recent site inspection reveals that the Site has been largely grassed. The case is currently under monitoring.

5. **The Section 16 Application**

The Site and Its Surrounding Areas (**Plans R-1 and R-2**, aerial photos on **Plans R-3a to R-3d** and site photos on **Plans R-4a to R-4f**)

- 5.1 The situation of the Site and its surrounding areas at the time of consideration of the s.16 application by the RNTPC were described in paragraph 8 of **Annex A**. According to the site photos taken in July 2026, apart from the paved footpath within the Site had been largely grassed with the hard-paving removed (**Plans R-4a to R-4e**), there has not been any major change in the planning circumstances of the Site since then.
- 5.2 The Site is:
- (a) accessible via a local track leading from Deep Bay Road;
 - (b) partly covered with vegetation, and partly occupied by several temporary structures, converted containers and a water tank in the eastern part (**Plans R-3a and R-4a to R-4e**). Hard-paving, not forming part of the

⁵ The applicants had made similar claims, i.e. the previous land owner did not properly remove the construction waste, to the Shatin Magistracy during the trial of enforcement case No. E/YL-LFS/490 in 2022 and to the Appeal Board Panel (Town Planning) ("the Appeal Board Panel") during the appeal for the previous application No. A/YL-LFS/359 in 2023 (detailed at paragraphs 5.7 and 5.8 below).

application, is found underneath some of the structures (**Plans R-4a, R-4c and R-4f**). The two structures at the southeast indicated for resting room uses (i.e. TS 1 and TS 2) in the applicants' submission (**Drawing A-1 of Annex A**) are currently covered by a much larger temporary structure with blue metal roof mainly used for dwelling/storage purpose (**Plans R-4b and R-4f**). Storage of used furniture is also observed at some of the structures and/or underneath the solar panels (**Plans R-4b and R-4c**); and

(c) mainly vegetated in the western part.

- 5.3 The surrounding areas are predominated by shrubland, woodland and fallow agricultural land. To the north and east is a permitted burial ground No. YL/62. To the further south are residential dwellings (about 60m away) in the "Village Type Development" ("V") zone of Mong Tseng Wai.

Planning Intention

- 5.4 There has been no change in planning intention of the concerned "GB" zone as mentioned in paragraph 9 of **Annex A**, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is a general presumption against development within this zone. As filling of land/pond and excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

Town Planning Board Guidelines

- 5.5 Town Planning Board Guidelines for "Application for Development within the Green Belt Zone under Section 16 of the Town Planning Ordinance" (TPB PG-No. 10) are relevant to the application. The relevant assessment criteria are detailed at **Appendix II of Annex A**.
- 5.6 According to Town Planning Board Guidelines for "Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance" (TPB PG-No. 12C), the Site falls within the Wetland Buffer Area (WBA). The relevant assessment criteria are detailed at **Appendix III of Annex A**.

Previous Applications

- 5.7 As detailed in paragraph 6 of **Annex A**, the Site was involved in two previous applications (No. A/YL-LFS/359 and 540) submitted by the same applicants for filling and excavation of land for permitted agricultural use at the same site. The planning appeal against the Board's decision on the former application was dismissed by the Appeal Board Panel in 2023 while the latter application was rejected by the RNTPC in 2025. Details of the previous applications are summarised at **Appendix IV of Annex A** and their locations are shown on **Plan R-1**.

- 5.8 Application No. A/YL-LFS/359 for filling and excavation of land for permitted agricultural use, involving a larger land filling area (about 1,130m²) was rejected by the Board upon review on 17.7.2020 mainly on the grounds that the application was not in line with the planning intention and TPB PG-No. 10 due to incompatibility with the surrounding areas and adverse landscape impact in that the applied filling and excavation of land had involved vegetation clearance. Also, the applicants failed to justify the need for land filling and excavation for agricultural activities. Subsequently, the applicants lodged an appeal against the Board's decision which was dismissed by the Appeal Board Panel on 6.12.2023 on the grounds that the appellants failed to provide strong justifications to justify the need for the applied land filling and excavation. As detailed in the decision of the appeal, although the appellants claimed that the previous land owner did not remove the construction waste as required by the Planning Authority, the Appeal Board Panel considered that this justification was irrelevant as even if the appellants' claim was true, it did not mean the appellants could carry out filling of land at the Site at will, and the appellants' justification should focus on why filling of land was needed to facilitate agricultural use.
- 5.9 Application No. A/YL-LFS/540 for filling and excavation of land for permitted agricultural use, with a reduced land filling area (about 700m²), was rejected by the RNTPC on 11.4.2025 mainly on similar grounds that the application was not in line with the planning intention and TPB PG-No. 10 due to incompatibility with the surrounding areas and the applicants failed to demonstrate the applied filling and excavation of land would not have adverse landscape impact on the surrounding areas. Also, the applicants failed to justify the need for the applied land filling and excavation. While the applicants claimed that the applied land filling and excavation was for fire safety purpose, the Director of Fire Services (D of FS) advised that the applied land filling was not the requirement of his department.

Similar Applications

- 5.10 When the s.16 application was considered by the RNTPC on 23.1.2026, there were two similar applications for land filling for agricultural use within the same "GB" zone (**Plan R-1**). There is no additional similar application since then. Details of these two applications are summarised at **Appendix IV** of **Annex A** and their locations are shown on **Plan R-1**.

6. Comments from Relevant Government Departments

- 6.1 Comments on the s.16 application made by relevant government departments are stated in paragraph 10 of **Annex A**. Their advisory comments, if any, are at **Appendix V** of **Annex A** and recapped at **Annex I**.
- 6.2 For the review application, the relevant government departments have been further consulted. Except for the Director of Agriculture, Fisheries and Conservation (DAFC), D of FS and District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD) whose comments are summarised below, the other relevant government departments maintain their previous comments on the

application and have no further comments on the review application.

Agriculture and Nature Conservation

6.2.1 Comments of the DAFC:

- (a) The Site falls within the “GB” zone and is generally abandoned with some structures. As there is no agricultural activity on the Site, he has no comment on the applied/proposed development from agricultural perspective.
- (b) Although the Site falls within the WBA under TPB PG-No. 12C, the Site is partly paved and partly covered with vegetation of common species. He has no comment on the application from nature conservation perspective.
- (c) His office had received an application for a Letter of Approval by another applicant to erect agricultural structures at the Site in August 2017. Subsequently, the application was withdrawn in 2018.

Fire Safety

6.2.2 Comments of the D of FS:

- (a) He has no objection in principle to the application.
- (b) The applied/proposed filling of land and excavation of land as fire safety measure is not the requirement of his department.

District Officer’s Comments

6.2.3 Comments of DO/YL, HAD:

His office has received one comment from the Village Representative (VR) of Mong Tseng Wai Tsuen (**Annex H**) objecting to the review application mainly on grounds that land filling should not be needed for genuine agricultural cultivation; the applied/proposed works would affect the fung shui of the adjacent burial grounds; there is insufficient information on the safety measures and drainage facilities for the applied/proposed works in the applicants’ submission.

7. Public Comment on the Review Application Received During the Statutory Publication Period

- 7.1 On 13.3.2026, the review application was published for public inspection. During the statutory public inspection period, one public comment from Kadoorie Farm and Botanic Garden Corporation was received (**Annex G**) objecting to the review application mainly on grounds that the proposal is not in line with the

planning intention of the “GB” zone and the TPB PG-No. 10; the previous application for the same development was rejected; and the potential cumulative impacts to the “GB” zone if the application is approved.

- 7.2 Three public comments objecting to the application were received at the s.16 application stage, which are set out in paragraph 11 of **Annex A**.

8. Planning Considerations and Assessments

- 8.1 The application is to review the RNTPC’s decision on 23.1.2026 to reject the subject application for filling and excavation of land for permitted agricultural use at the Site zoned “GB” on the OZP for reason as detailed in paragraph 1.2 above. To support the review application, the applicants have submitted written representations as summarised in paragraph 3 above. While majority of the paved footpath within the Site had been grassed with hard paving removed (according to the site photos taken in July 2026), the general site condition remains largely the same. Part of the Site is still occupied by several temporary structures, converted containers and a water tank, and hard-paving⁶ are found underneath some of the structures. The remaining western part of the Site remains largely vegetated but no agricultural activities are observed. There has been no material change in the planning circumstances concerning the Site since the RNTPC’s consideration of the subject application in January 2026.

Justifications for the Review Application

- 8.2 In support of the review application, the applicants put forward additional justifications including that (i) the cause of land filling near the site entrance is attributed to the previous land owner who filled the land concerned with scrap and waste which the applicants subsequently had to cover with cement; (ii) the land filling for footpath is necessary for fire safety purpose to provide an EVA of at least 3m wide as required by the relevant fire safety legislation; (iii) the excavation of land is for accommodating a water tank used for irrigation and fire safety purposes; (iv) the crane truck at the Site is for lifting away container structures; and (v) storage of private items, which could serve as fertilizer for plants after being burnt, should be allowed under the law.
- 8.3 The major development parameters and layout of the applied/proposed filling and excavation of land remain unchanged in the review application. Having considered the written representations provided by the applicants in the review application, the planning considerations and assessment as set out in paragraph 12 of **Annex A** remain valid and the planning considerations and assessments on the review application are detailed below.

Planning Intention of the “GB” Zone

- 8.4 The application is for filling and excavation of land (involving a total area of

⁶ The applicants have not applied for planning permission for filling of land to regularise these hard paving within the Site in the current application (**Appendix Ia** of **Annex A**).

about 455m² or 12% of the Site) at the eastern part of the Site to facilitate the permitted agricultural use at the Site zoned “GB”. The “GB” zone is primarily intended for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. According to the applicants, the Site will be used for permitted agricultural use, and the land filling area under application (about 400m² or 10.5% of the Site) would serve as a footpath and EVA while the excavated area is mainly to accommodate a water tank (about 55m² or 1.5% of the Site) for irrigation and fire safety purposes. According to the layout plan submitted by the applicants (**Drawing R-1**), ten structures at the eastern part of the Site along the land filling area under application would be used for farm house, storage, toilet, lookout, sheep shed, electric room and resting place uses while the western part would be used for growing of grass and fruits and rearing of sheep. Whilst ‘Agricultural Use’ is always permitted within the “GB” zone, filling and excavation of land within the “GB” zone is subject to planning permission as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, the applied/proposed filling and excavation of land are considered not in line with the planning intention of the “GB” zone and no strong justifications have been provided in the submission to demonstrate the necessity of the land filling and excavation works to facilitate the permitted agricultural use at the Site (as detailed in paragraphs 8.7 to 8.11 below).

TPB PG-No. 12C

- 8.5 The Site falls within the WBA designated under TPB PG-No. 12C, and is situated in an area of rural landscape character predominated by shrubland, woodland and fallow agricultural land with a permitted burial ground located to the east and north and the village proper of Mong Tseng Wai in the further south (**Plans R-2 and R-3a**). While DAFC has no adverse comment on the application from both agricultural and nature conservation perspectives, the applied/proposed excavation and filling of land, with their necessity yet to be justified, is considered not compatible with the surrounding areas.

TPB PG-No. 10

- 8.6 According to TPB PG-No. 10, an application for new development within “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. The development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape. The design and layout of any proposed development within “GB” zone should also be compatible with the surrounding areas. The issue on land use compatibility has been discussed in paragraph 8.5 above. Regarding the impact on existing natural vegetation and landscape, by comparing the aerial photos between 2015 and 2025 (**Plans R-3a to R-3d**), it is noted that extensive vegetation clearance and filling and excavation of land had been undertaken at the eastern part of the Site and only until recently that majority of the paved footpath has been grassed with hard paving removed. Although the Chief Town Planner/Urban Design and Landscape of PlanD has no adverse comment on the application from landscape planning perspective as the applied/proposed land

filling area has been reduced and no tree felling would be involved as compared to the previously rejected application no. A/YL-LFS/540, given the circumstances and assessments detailed in paragraphs 8.7 to 8.11 below, the application is considered not in line with TPB PG-No. 10 as there are no exceptional circumstances or very strong planning grounds in the submission that warrant approval of the application.

Justifications for the Filling and Excavation of Land

- 8.7 As claimed by the applicants during the s.16 application, the applied/proposed filling and excavation works are to provide a footpath and a water tank for agricultural purpose respectively. However, the applicants have not provided strong planning justifications to substantiate why about 10.5% of the Site is required to be paved with cement of about 0.1m in depth to provide a footpath with a width ranging from 3m to 11m to facilitate the agricultural use (i.e. growing of grass and fruits and rearing of sheep).
- 8.8 In Justification (i) of the review submission, the applicants explain that the land near the site entrance was filled with scrap and waste by the previous land owner which the applicants subsequently had to cover it with cement (details at paragraphs 3(a), 4.3 and 5.8 above). By comparing the aerial photos taken in September 2018 and October 2019 (**Plans R-3c and R-3b**), the Site had been transformed from vegetated land to partly hard-paved land erected with structures in the eastern part of the Site while the western part of the Site remained largely covered with soil. Extensive vegetation clearance and filling of land had been undertaken at the eastern part of the Site after the applicants acquired the Site in August 2018. While noting that majority of the paved footpath has recently been grassed, there are insufficient details provided on the agricultural activities and operation at the Site and no explanation given in the submission to justify the necessity of a hard-paved footpath for the agricultural use, not to mention that more than half of the footpath (i.e. 33m in length) are considered excessively wide (i.e. 8 to 11m) (**Drawing R-1 and Appendix Ia of Annex A**).
- 8.9 In Justifications (ii) and (iii) of the review submission, the applicants state that the applied/proposed filling and excavation of land within the Site is necessary for providing an EVA and water tank for fire safety purpose. However, D of FS advises that the applied/proposed filling and excavation of land as fire safety measure is not the requirement of his department. Although D of FS has no adverse comment on the application from fire safety perspective, there is insufficient information in the submission to justify the need for the applied/proposed filling and excavation of land to facilitate the agricultural use at the Site.
- 8.10 In Justification (iv) of the review submission, the applicants state that the crane truck at the Site is for lifting away the container structures. According to the site photos taken on 14.7.2026, no crane truck was observed at the Site.
- 8.11 In Justification (v) of the review submission, the applicants claim that the private items stored at the Site could serve as fertilizer for plants after being burnt. According to the site photos taken on 13.7.2026 and 14.7.2026 (**Plans R-4a to**

R-4f), some structures are used to store furniture and miscellaneous items apparently not related to agricultural use. According to DAFC, there is currently no application for Letter of Approval to erect agricultural structures at the Site. Thus, it cannot be ascertained whether the applied/proposed filling and excavation of land is genuinely intended to facilitate agricultural use. Furthermore, despite the land underneath some of the structures have already been paved, apart from the applied/proposed filled area of about 400m², the applicants have not applied for planning permission for filling of land for other filled areas within the Site in the current application.

Other Departmental Comments

- 8.12 The District Lands Officer/Yuen Long of Lands Department's (DLO/YL, LandsD) has raised concern on the application regarding the unauthorised structures erected within the Site. Other relevant government departments consulted including the Director of Environmental Protection, Commissioner for Transport and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the review application from environmental, traffic and drainage perspectives respectively.

Previous and Similar Applications

- 8.13 The Site was involved in two rejected previous applications (No. A/YL-LFS/359 and 540) for filling and excavation of land for permitted agricultural use submitted by the same applicants as detailed in paragraph 5 above. Compared with the last application (No. A/YL-LFS/540), despite the extent of land filling has been reduced by 300m² in the current application, the application is considered not in line with TPB PG-No. 10 as explained in paragraph 8.6 above.
- 8.14 While there is an approved similar application (No. A/YL-LFS/382) for land filling for permitted agricultural use, it was approved by the RNTPC in 2021 mainly on the considerations that the applicant had demonstrated the need for the land filling works; being not incompatible with the surrounding areas; there was no adverse comment from concerned government departments in general and the applicant had proposed to replace the leftover soil on-site with soil suitable for cultivation. The current application does not warrant the same planning considerations as the applicants have not demonstrated the necessity for the applied/proposed land filling and excavation works and the application is considered not in line with TPB PG-No. 10. In fact, the Board rejected a similar application (No. A/YL-LFS/434) in 2022 on ground of failure to justify the need for the applied land filling works involving concrete-paving. Rejecting the current application is generally in line with the RNTPC/the Board's previous decisions.

Public Comments

- 8.15 Regarding the local view conveyed by DO/YL of HAD and the public comment received objecting to the review application on the grounds as detailed in paragraphs 6.2.3 and 7 above, the planning considerations and assessments in paragraphs 8.1 to 8.14 above are relevant. It should be noted that fung shui is not a material planning consideration.

9. Planning Department's Views

- 9.1 Based on the assessments made in paragraph 8, having taken into account the local view and public comment mentioned in paragraphs 6.2.3 and 7 above, and given that there is no change in the planning circumstances since the consideration of the subject application by the RNTPC on 23.1.2026, the Planning Department maintains its previous view of not supporting the review application for the following reason:

The applied/proposed filling and excavation of land is not in line with the planning intention of the “GB” zone and the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that there are no exceptional circumstances or very strong planning grounds in the submission to justify the need for the filling and excavation of land and a departure from the planning intention.

- 9.2 Alternatively, should the Board decide to approve the application, it is suggested that the permission shall be valid until **4.9.2030**, 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) the submission and implementation of a drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.6.2027**; and
- (b) if the above planning condition (a) is not complied with by the above specified date, 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 I**.

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 applicants.
- 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

Drawing R-1	Layout Plan
Plan R-1	Location Plan
Plan R-2	Site Plan
Plans R-3a to R-3d	Aerial Photos in 2025, 2019, 2018 and 2015
Plans R-4a to R-4f	Site Photos
Annex A	RNTPC Paper No. A/YL-LFS/585
Annex B	Extract of minutes of the RNTPC meeting held on 23.1.2026
Annex C	Secretary of the Board's letter dated 6.2.2026
Annex D	Applicants' letter dated 27.2.2026 applying for review
Annex E	Applicants' FI dated 4.6.2026
Annex F	Previous and Similar Applications
Annex G	Public comment received during the statutory publication period of the review application
Annex H	Local Views conveyed by District Officer/Yuen Long
Annex I	Recommended advisory clauses

**PLANNING DEPARTMENT
SEPTEMBER 2026**