

**For discussion
on 26.4.2002**

LegCo Panel on Planning, Lands and Works

**“COMPREHENSIVE DEVELOPMENT AREA”
ZONING ON STATUTORY PLANS**

PURPOSE

1. This paper is to brief Members on the current practice of “Comprehensive Development Area” (“CDA”) zoning on statutory plans.

BACKGROUND

2. On 2 November 2001, when the Secretary for Planning and Lands briefed Members on the Chief Executive’s 2001 Policy Address, Members raised some queries on the “CDA” zoning. The Director of Planning undertook to prepare an information paper on the subject covering the concept, criteria for zoning and provisions for development of “CDA” as well as the number and distribution of sites zoned “CDA” on statutory plans.

THE “COMPREHENSIVE DEVELOPMENT AREA” ZONING

3. Comprehensive development usually refers to development or redevelopment in accordance with a carefully formulated comprehensive plan. The “CDA” zoning is one of the planning tools to address the problems of redevelopment of old urban areas, to open up new opportunities for development in the rural areas and to ensure proper layout design for special areas.

4. The “Other Specified Uses” annotated “Comprehensive Development/Redevelopment Area” zoning was first introduced in outline zoning plans (OZPs) in 1976 and later enshrined in the Town Planning Ordinance (the Ordinance) in 1988 as “Comprehensive Development Area”. The Town Planning Board (the TPB) is empowered under section 4(1)(f) of the Ordinance to designate an area as “CDA” on

statutory plans. Development in a “CDA” zone requires planning permission from the TPB. Application for development in a “CDA” zone has to be made in the form of a master layout plan (MLP) to ensure that it is planned comprehensively, and, as far as possible, implemented as a whole.

CURRENT SITUATION

5. In September 1998, the total number of sites designated as “CDA” on statutory plans was 157 covering a site area of 822 ha. In March 2002, the total number was reduced to 130 covering an area of 750 ha. After excluding those sites which the TPB has recently agreed to rezone to other uses⁽¹⁾, the number of remaining “CDA” sites is 114. A breakdown of these 114 “CDA” sites by broad geographical location, type of land and site area is shown in Table 1 below.

Table 1: Location, Site Area and Types of Land Zoned as “CDA”

Broad Location	Types of Land Number (Site Area in ha)			Total
	Govt. Land	Quasi-Government Bodies *	Private Land	
Hong Kong	3 (8.2)	10 (11.2)	5 (7.6)	18 (27.0)
Kowloon	4 (11.7)	20 (91.1)	22 (66.7)	46 (169.5)
New Territories	5 (52.4)	10 (89.2)	35 (318.0)	50 (459.6)
Total	12 (72.3)	40 (191.5)	62 (392.3)	114 (656.1)

* Land allocated/to be allocated to quasi-government bodies

6. “CDAs” were often designated at the request of development agencies including quasi-government bodies, such as the Hong Kong Housing Society, the Mass Transit Railway Corporation, the Kowloon-Canton Railway Corporation, the ex-Land Development Corporation (LDC)⁽²⁾, as well as private developers. Some of them were designated to meet the objections against the zonings of specific plans. Out of the 114 sites, over 80% fell within these 2 categories. For the remaining sites, the “CDA” zoning was designated based on different circumstances. The status of these 114 sites is summarized in Table 2 below.

(1) In the latest “CDA” review endorsed by the TPB on 15.3.2002, a total of 12 sites were agreed in principle for rezoning to other uses. The gazetting of these sites, together with other 4 sites agreed to be rezoned in the 2001 review, will be made upon agreement of the detailed rezoning proposals by the TPB.

(2) On 1.5.2001, the Urban Renewal Authority (URA) was established to replace the LDC.

Table 2: Status of the 114 “CDA” Sites

Status	No. of Sites		
	Sites with Approved MLP	Sites without Approved MLP	Total
Sites designated in response to requests of quasi-government bodies and private developers	58	26	84
Sites designated to meet objections to statutory plans	5	6	11
Sites on Government land which has been/will be disposed of for private development	2	10	12
Sites designated to ensure comprehensive control especially for environmental reasons	0	2	2
Sites originally designated for environmental improvements in the rural area but their development intensity and land use are subject to review	0	5	5
Total	65	49	114

Of the 114 “CDA” sites, 65 or 57% already have approved MLPs for developments.

WHY “CDA” ?

7. The “CDA” zoning has been an effective planning tool in bringing about urban renewal/restructuring. Common problems in old urban areas such as obsolete street layout, inadequate provision of infrastructure, community facilities or open space, and proliferation of incompatible uses cannot be readily solved through the piecemeal “demolish and build” process by the private developers under such conventional zonings as “Commercial” or “Residential” which permit piecemeal development as of right. Under the “CDA” zoning, developers are encouraged to assemble land to form sites large enough to enable comprehensive developments with provision of community facilities and open space. Site amalgamation facilitates optimizing the development potential and achieving a more efficient layout. Most “CDA” sites in the urban area fall within this category. Notable ones include Whampoa Garden, City Garden/Provident Centre, Times Square and the former LDC schemes such as The Center and Grand Millennium Plaza. As illustrated in the Discovery Park development in Tsuen Wan, the “CDA” zoning would also provide a better scope to address the industrial/residential interface problem in the course of restructuring of an industrial area.

8. In the rural context, “CDA” zoning opens up opportunities for development in areas where development potential is very often constrained by the inadequacy or lack of infrastructural facilities and the presence of incompatible and non-comforming land uses. Through a comprehensive development approach, adequate provision of infrastructural and community facilities could be ensured and non-comforming uses could be phased out. The Grand Pacific Views/Grand Pacific Heights development in Siu Lam is a successful example.

9. Also, in special areas such as environmentally sensitive areas, or areas of high urban design, amenity, architectural, historical or landscape values, “CDA” could provide a mechanism for the TPB to vet the design and layout of a development to ensure compatibility. Within this category are the “CDA” sites at the West Kowloon Reclamation, which are subject to severe environmental constraints from the adjacent West Kowloon Highway and are located in a prominent waterfront setting; and the King’s Park Rise and the ex-Kowloon Tsai Married Quarters, which are located in areas of high landscape and amenity values.

CRITERIA FOR DESIGNATING “CDA”

10. As a general principle, “CDAs” would only be designated if there are no other alternative planning mechanisms to achieve the desired planning objectives. They are designated after very careful consideration of the planning intention of the area, land status, ownership, prospect for implementation and other development constraints. Size is a consideration but there is no hard and fast rule to determine what is an optimal size for a “CDA”. Each site would be considered on its individual merits. The criteria for designation of “CDA” adopted by the TPB are set out in Appendix I.

PROVISIONS IN “CDA” ZONING

11. Under the “CDA” zoning, applicants are required to submit MLP to the TPB for approval, and applications are considered by the TPB within two months of receipt. The planning intention of a “CDA” zone is clearly stated in the Explanatory Statement accompanying the relevant OZP. The basic planning parameters of a “CDA” such as plot ratio/gross floor area and the detailed requirements for MLP submission are stipulated in the Notes of the OZP. To provide certainty, planning

brief would be prepared to set out clearly the requirements such as the location of the main uses, disposition of building blocks, vehicular access, parking and loading/unloading arrangements, and provision of GIC facilities and open space.

12. To ensure comprehensive development, “CDAs” are intended to be implemented as a whole but phased development is allowed. For “CDA” sites which are not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), the TPB could consider phased development, or even sub-dividing the “CDA” site into smaller ones, to facilitate its implementation on request made by the developer.

MONITORING THE IMPLEMENTATION OF “CDA” ZONING

13. In response to some comments from the development-related sectors that the “CDA” zoning may result in planning blight due to the freezing of piecemeal individual developments, the TPB has undertaken since 1998 annual review of all “CDA” sites which have been designated for more than 3 years. The “CDA” zoning will only be retained for sites with positive prospects of implementation, or where there are other good reasons for retaining the “CDA” zoning. Otherwise, the sites will be rezoned for other uses so as not to hold up property development; at times, their development intensity may also be reviewed to see if it can be increased to enhance the incentive for redevelopment. The completed “CDA” sites will be rezoned to other zones to avoid unnecessary applications for minor amendments to the completed schemes.

14. In the past four years (i.e. since November 1998), a total of 52 “CDA” sites (142 ha) were rezoned to other uses. Together with the 16 sites which the TPB has agreed to rezone, the total number of “CDA” sites rezoned/being rezoned to other uses is 68 (235 ha). Of these 68 sites, 44 were already developed and 24 are not yet developed. A breakdown of these 68 “CDA” sites by type of development and by the year of rezoning is in Table 3.

Table 3: “CDA” Sites Already/Being Rezoned to Other Uses Since 1998

Year	Rezoned/To be rezoned to				Total Number (Area in ha)
	Residential	Commercial /Residential	Commercial	Others	
1998	0	0	0	0	0
1999	0	0	1 (0.7)	2 (3.1)	3 (3.8)
2000	12 (41.3)	3 (2.6)	1 (0.04)	1 (0.6)	17 (44.6)
2001	15 (69.3)	0	5 (4.5)	1 (8.9)	21 (82.7)
2002	9 (7.3)	0	0	2 (3.5)	11 (10.8)
Sites to be rezoned	16 (93.3)	0	0	0	16 (93.3)
Total	52 (211.2)	3 (2.6)	7 (5.3)	6 (16.1)	68 (235.2)

MEASURES TAKEN TO FACILITATE “CDA” DEVELOPMENTS

15. To improve public understanding of the “CDA” zoning and to streamline the processing of applications, the TPB has, since 1999, promulgated four sets of relevant TPB Guidelines to set out clearly the criteria for designation of “CDA”, the requirements for MLP submission, the general requirements for compliance of approval conditions attached to planning permissions, and the scope of minor amendments to approved schemes which could be approved by the D of Plan or the District Planning Officers (DPO)⁽³⁾.

16. A mechanism has also been introduced by PlanD to keep track of the progress and to facilitate implementation of “CDA” sites. Developers or their agents are invited to complete a proforma on an annual basis to identify any technical problems related to compliance of approval conditions. Based on the information obtained, PlanD will co-ordinate with the relevant departments to resolve the problems. To avoid unnecessary duplication in the processing of MLP submission by different authorities, agreement has also been reached with the Lands Department that a MLP approved by the TPB would also satisfy the MLP requirement, if any, under the lease.

(3) Such applications would be processed under a fast-track approach, within 4 weeks (for schemes approved by DPO) and 6 weeks (for schemes approved by D of Plan). Since the promulgation of this TPB Guidelines in May 1999, a total of 165 applications have been approved under the delegated authority of the TPB.

CONCLUSION

17. The “CDA” zoning has proven to be an effective planning tool in urban restructuring and phasing out of non-conforming uses. PlanD will continue to adopt a proactive approach to facilitate development of “CDA” sites. Regular reviews will continue to be undertaken to ensure close monitoring of the progress of implementation of “CDA” sites and to respond to changing circumstances.

PLANNING DEPARTMENT

APRIL 2002

CRITERIA FOR DESIGNATING “CDA”

(Extracted from TPB PG-NO.17 – Town Planning Board Guidelines for Designation of “Comprehensive Development Area” (“CDA”) and Monitoring the Progress of “CDA” Developments)

3. Main Criteria for Designation

Planning Intention

3.1 “CDAs” are intended to achieve such objectives as to:

- (a) facilitate urban renewal and restructuring of land uses in the old urban areas;
- (b) provide incentives for the restructuring of obsolete areas, including old industrial areas and the phasing out of non-conforming uses, such as open storage and container back-up uses in the rural areas;
- (c) provide opportunities for site amalgamation and restructuring of road patterns and ensure integration of various land-uses and infrastructure development, thereby optimizing the development potential of the site;
- (d) provide a means for achieving co-ordinated development in areas subject to traffic, environmental and infrastructure capacity constraints, and in areas with interface problems of incompatible land uses;
- (e) ensure adequate as well as timely provision of Government, institution or community (GIC) facilities, transport and public transport facilities and open space for the development and where possible, to address the shortfall in the district; and
- (f) ensure appropriate control on the overall scale and design of development in areas of high landscape and amenity values and in locations with special design or historical significance.

Land Status/Ownership/Tenure

- 3.2 Unallocated Government sites subject to modern land grant conditions, including those intended for public housing development to be implemented by the Housing Authority, would only be designated as “CDA” in special circumstances, where control on the design and layout of development is necessary because of special site constraints or the special character of the area.
- 3.3 Sites covered by a Land Development Corporation (LDC) Development Scheme or an urban improvement scheme of the Hong Kong Housing Society are normally designated “CDAs” to, inter alia, prevent piecemeal development/redevelopment which would pre-empt optimum comprehensive redevelopment and urban restructuring.
- 3.4 Since fragmented land ownership will affect the prospect of implementation of “CDAs”, CDA sites involving private land, other than those of the LDC or the Housing Society, are normally expected to have a major portion of the private land under single ownership at the time of designation but each site will be considered on its individual merits. Since the designation may affect third party development/redevelopment right, the proponent would be required to indicate the land under his ownership and that he has plans to acquire the remaining portion for comprehensive development.
- 3.5 In the designation of “CDA” zoning land ownership should only be one of the considerations weighed against many other factors, such as, the need to facilitate urban renewal and restructuring of land uses in the old urban areas and to provide incentives for phasing out of incompatible and non-conforming uses. Particularly, in the case of the LDC development schemes and the urban improvement schemes of the Hong Kong Housing Society, where the mechanisms for land acquisition are available, land ownership will not be an overriding factor.

Prospect for Implementation

- 3.6 There should be an indication on the likely prospect for implementation before a site is designated as “CDA”. Information on land status and provision of supporting infrastructure should be provided, and preliminary assessments should be carried out to demonstrate the technical feasibility of the proposed development. If the designation is proposed by a development agency, the likely development programme should be indicated in the proposal for consideration by the Board.

Size

- 3.7 Obviously, the larger the site, the better the opportunity for incorporating public facilities in the development, restructuring of land uses including changes to road patterns, and optimization of development potential. There is, however, no hard and fast rule to determine whether a site is sizable enough to warrant comprehensive development or redevelopment. Each site should be considered on its individual merits taking into account the planning intention for the area and the special characteristics of the site.