

Paper on
“Comprehensive Development Area” Zoning

BACKGROUND

1. Under the present adverse economic climate, the building industry is facing a very difficult time with retarded speed of property development. Even though the Chief Executive has committed his highest priority to promote job opportunities by facilitating the business environment, there are still tremendous hurdles and red tapes in the system. Indeed, the problems are seen to be worsened with the increasing interference in the planning control process.
2. It is agreed that the fundamental aspects of planning should be monitored to ensure the quality of the living and working environment. However, under the current planning control system, time and effort has been consumed in pursuit of minor details or even subjective design matters.

**COMMENTS ON COMPREHENSIVE DEVELOPMENT AREA (CDA)
ZONING**

3. Among various planning control tools, the designation of CDA is considered the most damaging in causing delay and uncertainty.
4. CDA zoning is a very prohibitive planning tool. Under the Town Planning Ordinance, no development within a CDA could proceed without prior permission of the Planning Department and the Town Planning Board. Problems arising from CDA zoning include :

~ Delays

Since the permitted uses and development potential are not specified for CDA site, the planning requirements and allowances are all to be negotiated between the developers and the Planning Department on a case-by-case basis. The whole process of back-and-forth bargaining is extremely tedious and time consuming.

Another area of delay is on the re-zoning process. As a usual practice, development site for which a re-zoning application is made and accepted by the Planning Department is often rezoned as a CDA. Application to the Town Planning Board for planning permission could only be made after gazetting of the CDA rezoning. The lengthy procedure undermines Hong Kong's ability to react to the ever-changing public and market needs in a timely manner.

It should be noted that both re-zoning application and Section 16 application are essentially involving similar submission materials, i.e. similar information regarding a re-zoning proposal will have to be processed twice by the same departments. Such double-handling and duplicated administrative procedure causes significant delay in the land development process.

~ *Uncertainty*

The existing Town Planning Ordinance stipulates a planning permission process where permission from the Town Planning Board will be required prior to the undertaking of any building works in respect of a CDA. Although the Ordinance also makes provision for development to proceed if the type of development is as specified by a note on the Outline Zoning Plan, in reality no "Column 1" uses are ever specified for any site zoned as CDA, i.e. there is no "always permitted" uses for a CDA site and the only prospect of a CDA development is by means of applying for planning permission.

The practice in current "permission" cases is that agreement has to be reached with the Planning Department officials on what might be developed and the conditions which might be imposed by the Town Planning Board. Without the support of the Director of Planning there is no realistic prospect of an application succeeding before the Town Planning Board. This "horse-trade" approach is considered highly unsatisfactory and creates great uncertainty in the development process.

~ *Sterilization of Developments*

For small owners of individual lots within a CDA, they are not able to proceed with any redevelopment plan for their own lot. Other than settled with a deadlock where their development rights are deprived and sterilized, the only available option for these owners is to await property acquisition at a price much depreciated from the market value as a result of the CDA zoning.

For major developers, they are also not benefited by the CDA zoning because of the difficulty to acquire adequate ownership of all sites to physically implement a comprehensive development. All in all, the designation of CDA is not able to bring the end result that it originally sets to achieve. But rather, it has caused increasing public grievance and injustice.

5. CDA zoning was introduced many years ago as temporary planning measures for major developments such as those above railway depot and MTR stations. However, the radical growth in the number of CDA is revealing a serious abuse of CDA zoning during the past decade :

<u>Year</u>	<u>No. of CDA</u>
1990	25
1991	29
1992	37
1993	45
1994	80
1995	83
1996	95
1997	109

<u>Year</u>	<u>No. of CDA</u>
1998	139
1999	165
2000	163
2001	158
2002	140

6. According to Planning Department, the number of CDA has dropped to 114 in 2002. It is unclear how this number has come about but it is different from the actual number of CDA which is 140 in number as counted from the prevailing Outline Zoning Plans. In any event, the discrepancy in the number of CDA reflects a very non-transparent manner in the handling and classification of CDA sites.

PROPOSAL

7. As a matter of general planning policy, CDA zoning should be abandoned except for Urban Redevelopment Authority (URA) projects or for those developments where a private developer has acquired over 80% of the land ownership.
8. Planning control in CDA sites should be curtailed such that Government intervention will be restricted only to the core planning issues.
9. The number and development status of CDA sites should be regularly published for public information and monitoring.