

**“Comprehensive Development Area” (“CDA”) Zoning on Statutory Plans**  
**Summary of Comments from Professional Bodies and Administration’s Responses**

<b>Professional Bodies</b>	<b>Comments</b>	<b>Administration’s Responses</b>
<b>The Hong Kong Institute of Planners</b>	1. “Comprehensive Development Area” (CDA) zoning is a form of development control tool similar to other land use zonings on the Outline Zoning Plans (OZPs). Its main purpose is to facilitate comprehensive development/redevelopment and design.	- Noted.
	2. With the CDA zoning, applicants are required to submit master layout plans (MLPs) in accordance with the planning briefs prepared by Planning Department. These planning briefs set out the planning parameters and requirements to facilitate the preparation of MLPs.	- Noted.
	3. As we can see, there are a number of merits to the “CDA” zoning: <ul style="list-style-type: none"> <li>- it allows comprehensive design and layout,</li> <li>- it provides certain amount of government, institution and community (GIC) facilitate to fulfil district needs,</li> <li>- it acts as an outline approval for subsequent lease and general building plans submission,</li> <li>- it provides the applicant with legal rights of Review under Section 17 of the Town Planning Ordinance and Appeal under Section 17B,</li> <li>- the processing of applications is subject to statutory time limits facilitating consideration of complex proposals.</li> </ul>	- Noted.

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	<p>4. The full benefit of the CDA zoning has only been realised once, as it is intended to provide a positive tool for assisting the assembly of land. Under Section 4(2), the Town Planning Board can declare that a particular land holding is interfering with the implementation of the MLP and can deem that it is in the public interest to resume these obstructing land holdings. It was used in the implementation of the Wu Chung House CDA in Queen's Road East. Land assembly often cannot be successfully completed because of legal title problems, and these remain obstacles to successful implementation of CDA development. This positive component of the CDA provisions is often over-looked, as it has so seldom been utilised.</p>	<p>- Since there are wide legal, financial and social implications, the TPB has, so far, rarely exercised the power under section 4(2) of the Ordinance unless the land to be resumed is to be used for a public purpose, such as road improvement or provision of public open space. The TPB will continue to adopt such a prudent attitude and s.4(2) may be invoked on a need basis.</p> <p>- Nevertheless, to facilitate urban renewal and overcome the land assembly problem, the Land (Compulsory Sale for Redevelopment) Ordinance (Cap.545) was enacted in 1999 to facilitate land resumption by private developers who had acquired 90% of the affected properties.</p>
	<p>5. Some criticism has been made of the procedural and submission requirements even for minor amendments to the approved MLPs. However, the process is bounded by a 2 month time limit, and under delegated authority, this can be reduced to 4 weeks. This is comparable to amendments under the Buildings Ordinance and quicker than lease modifications under the land administration procedures. Often this criticism arises because the developer or architect overlooks the control function of the MLP and does not relate back to the last approved MLP before submitting amended Building Plans. If it is properly managed as part of the development process, it is not a problem.</p>	<p>- Noted.</p>

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	<p>6. The MLP becomes a matter of public record by being deposited in the Lands Office and it facilitates the public's understanding of what is to take place within the CDA zone. Because of this, any changes must be formally processed and the registered MLP must be the most recently approved one.</p>	<p>- All MLPs, including revised MLPs, once approved, will be deposited at the Land Registry for public inspection. The MLPs are also available for public reference at Planning Department's enquiry counter.</p>
	<p>7. In recent years, the Town Planning Board has monitored the implementation of CDA zones. Once the development has been completed, the CDA zone is no longer required and the Town Planning Board has rezoned these areas to less restrictive zoning.</p>	<p>- Noted. The "CDA" zoning has been subject to regular annual review by the TPB since 1998. 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. The completed "CDA" sites will be rezoned to other zones to avoid unnecessary applications for minor amendments to the completed schemes. Since November 1998 to March 2002, a total of 52 sites 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. Amongst them, 44 are completed developments.</p>
	<p>8. There is scope for further refining the delegated approval process for minor changes to the MLP, and the positive use of the zoning for assisting land assembly could be better utilised. However, generally we are of the view that the CDA zoning is an important and effective planning and implementation tool.</p>	<p>- Agreed. The TPB has recently agreed (on 24.5.2002) to further expand the scope of delegation to public officers in approving application for minor amendments to previous approved scheme. The TPB's agreement has been incorporated into the revised TPB Guidelines No.19B which has been issued in June 2002.</p>

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<p><b>The Hong Kong Institute of Architects</b></p>	<p>9. Once zoned CDA, all redevelopment and improvements to old buildings stop, causing old urban areas to decay further to become ghettoise. Families and businesses may flee from these neighbourhoods leaving behind only those who has little financial means to suffer the deteriorated environment. CDA used to encompass large urban areas, with many properties of multiple ownership. Acquisition and negotiation usually required long periods of time. Therefore those who get stuck in deteriorating neighbourhood have to put up with it and suffer for many years.</p>	<ul style="list-style-type: none"> <li>- The designation of “CDA” sites provides incentive for developers to assemble land to form sites large enough to enable comprehensive developments. Site amalgamation facilitates optimising the development potential and achieving a more efficient layout. Notable examples include Times Square, The Centre and Grand Millennium Plaza.</li> <li>- The “CDA” zoning has been subject to regular annual review by the TPB since 1998. 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. In previous review exercises, the TPB has agreed, in view of the fragmented land ownership, to rezone some “CDA” sites to “Residential (Group E)” to facilitate development of smaller fragmented lots which are difficult to be assembled.</li> <li>- The “CDA” zoning has also received support from development-related sector and professional bodies. Please see comments made by REDA in paragraph 25 below and HKIP in paragraph 1 above.</li> </ul>

<b>Professional Bodies</b>	<b>Comments</b>	<b>Administration's Responses</b>
	<p>10. Even after redevelopment completes, CDA's remain CDA zone for unnecessarily long time. They should be rezoned to their appropriate land use zones much sooner.</p>	<p>- Completed "CDA" sites are rezoned to other zones in the exercise of annual "CDA" review to avoid unnecessary applications for minor amendments to the completed schemes. Since November 1998 to March 2002, a total of 52 sites 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. Amongst them, 44 are completed developments.</p> <p>- For some "CDA" sites, although the construction works for the redevelopment project have been at the final stages, the "CDA" zoning would need to be retained for a certain period so as to maintain effective control before the completion of lease modification/land grant, and before compliance of all approval conditions associated with the developments.</p>
	<p>11. With the new approach adopted by URA, large scale urban renewal similar to those large LDC projects would not be considered appropriate anymore. It is therefore necessary to review how to use zoning to promote old district regeneration process</p>	<p>- The zonings on statutory plans are subject to constant review by both the Planning Department and the TPB. The concept of revitalisation is being researched by the URA with a view to reviving and strengthening the socio-economic and environmental fabric in areas in need of urban renewal.</p>
	<p>12. In new areas such as New Territories and Kai Tak, CDA may be used as a tool to ensure better development quality, since approval of MLP would be required.</p>	<p>- Agreed. For example, four sites are zoned "CDA" along the waterfront of the south-east Kowloon to allow an opportunity for comprehensive design of the waterfront developments, and providing scope for a better integration with the adjoining developments especially the waterfront promenade.</p>

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	<p>13. There seems to be a need to retain CDA zoning, however the application for it should be with the utmost discreet.</p>	<p>- Agreed. As a general principle, "CDA" 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.</p>
<p><b>The Hong Kong Institute of Surveyors (HKIS)</b></p>	<p>14. The two major problematic issues associated with CDA zoning are ownership/land assembly and incentives to attract re-development. These problems have prevented two categories of CDAs from redevelopment, namely "sites designated to ensure comprehensive control especially for environmental reasons" and "sites originally designated for environmental improvements in the rural areas but their development intensity and land use are subject to review". From Table 2 of the subject Legislative Council (LegCo) Paper on Status of the 114 "CDA" Sites, it can be seen that none of these sites have approved master layout plans (MLPs). The CDA zoning will not facilitate redevelopment in the urban areas.</p>	<p>- The designation of "CDA" sites provides incentive for developers to assemble land to form sites large enough to enable comprehensive developments. Site amalgamation facilitates optimizing the development potential and achieving a more efficient layout. Notable examples include Times Square, The Centre and Grand Millennium Plaza.</p> <p>- The "CDA" zoning has been subject to regular annual review by the TPB since 1998. 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, such as for environmental control or the sites are subject to study review. Otherwise, the sites will be rezoned for other uses. Alternatively, the planning and development parameters, the zoning boundary or the planning briefs for "CDA" sites could be revised/updated and allowance for phased development could be considered to improve the incentives for development and hence the change for implementation. In previous review exercises, the TPB has agreed, in view of the fragmented land ownership, to rezone some "CDA" sites to "Residential (Group E)" to facilitate development of smaller fragmented lots which are difficult to be assembled.</p> <p>- As set out in TPB Guidelines No. 17, for "CDA" sites which are not under single ownership, if the developer can demonstrate with evidence that due effort has been made to</p>

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	<p>15. There are hurdles for all the owners within a CDA to form a joint venture. To facilitate urban renewal by the private sector in an area which is dilapidated, and where the Government has decided that urban renewal should take place, the Urban Renewal Authority (URA) should consider acquiring or resuming the properties which obstruct comprehensive developments.</p>	<p>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 the implementation on request made by developers.</p> <ul style="list-style-type: none"> <li>- The two problematic "CDA" categories as suggested by HKIS account for 7 out of a total 114 "CDA" sites, which represents a very small proportion (about 6%). Among these sites, 5 are subject to review of their development densities or zonings under the on-going Planning and Development Studies on North West New Territories and North East New Territories. The remaining 2 sites are at Ma Tau Pa Road, Tsuen Wan and Nam Pin Wai Road, Sai Kung. The former site is relatively new (designated for about 4 years) and the "CDA" zoning is retained to address the environmental problems associated with industrial redevelopment. For the latter site, the boundary and development parameters have been revised in 1998 and the landowner has indicated interest to develop to site comprehensively.</li> <li>- Noted.</li> </ul>
<p><b>Heung Yee Kuk New Territories (HYK)</b></p>	<p>16. The MLP submission requirement for a "CDA" zone might hinge on a wide spectrum of technical assessments involving traffic, environment and land development aspects in the New Territories or even a wider area or even the entire New Territories.</p>	<ul style="list-style-type: none"> <li>- Application for development in a "CDA" zone has to be made in the form of a MLP to ensure that it is planned comprehensively. The scope of technical assessments required in support of the application is clearly stated in the Notes and Explanatory Statement for the "CDA" zone to</li> </ul>

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	<p>Such a requirement would be too demanding for developers/owners of a small "CDA" site. Hence, there should be limits to the scope of technical assessments required.</p> <p>17. While there are high approval rates for MLPs submitted for those "CDA" sites designated at the request of quasi-government bodies and private developers or to meet objections to statutory plans, the approval rates are zero for "sites designated to ensure comprehensive control especially for environmental reasons" and "sites originally designated for environmental improvements in the rural areas but their development intensity and land use are subject to review". To address the apparent discrepancy of treatment, the authority should take initiatives to review and examine the reasons for the low success rates of the latter "CDA" sites.</p> <p>18. Inadequate infrastructure associated with land acquisition problems and lack of resources has been a hurdle for private developers to redevelop the rural "CDA" sites. The Government should take initiatives to invest in infrastructural development in the rural areas.</p>	<p>provide guidance to prospective applicants. It is unusual to require applicants to undertake technical assessments for a wide area or the entire New Territories.</p> <ul style="list-style-type: none"> <li>- The Administration has all along been adopting proactive measures to facilitate "CDA" development. PlanD will co-ordinate with the relevant departments to resolve the problems in association with the implementation of "CDA". The "CDA" categories with no approved MLPs account for 7 out of a total 114 "CDA" sites, which represents a very small proportion (about 6%). Among these sites, 5 are subject to review of their development densities or zonings under the on-going Planning and Development Studies on North West New Territories and North East New Territories. The remaining 2 sites are at Ma Tau Pa Road, Tsuen Wan and Nam Pin Wai Road, Sai Kung. The former site is relatively new (designated for about 4 years) and the "CDA" zoning is retained to address the environmental problems associated with industrial redevelopment. For the latter site, the boundary and development parameters have been revised in 1998 and the landowner has indicated interest to develop to site comprehensively.</li> <li>- In the rural context, "CDA" zoning opens up opportunities for development in areas where development potential is constrained by inadequate infrastructural facilities. The Grand Pacific Views/Grand Pacific Heights development in Siu Lam is a successful example. In the various development strategies for the New Territories, e.g. the Planning and Development Studies on North West New Territories and North East New Territories, opportunity will be taken by the Government in the planning and development of infrastructural facilities in areas identified for strategic growth. Besides, concerned Government departments will</li> </ul>



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	<p>19. It is noted that the TPB would consider sub-dividing a "CDA" site into smaller ones at the request of the developer to facilitate implementation. This is supported by HYK.</p> <p>20. In reviewing "CDA" sites which have been designated for 3 years, the TPB should clearly plan these sites for specific uses taking account of the changes in the infrastructural and surrounding developments.</p> <p>21. Noting that some "CDA" sites are designated to facilitate urban renewal and restructuring of land uses in the old urban areas, the authority should consider recasting the boundary of urban restructuring to include the old and dilapidated areas in the New Territories such as Tsuen Wan and Fanling.</p> <p>22. Land ownership should be an important consideration in "CDA" designation as multiple ownership often hinder "CDA" development, rendering its implementation impossible.</p>	<p>closely monitor the provision of infrastructural facilities in addressing the development needs.</p> <ul style="list-style-type: none"> <li>- Noted.</li> <li>- Agreed. Since November 1998, a total of 68 "CDA" sites had been/have agreed to be rezoned to other specific uses (mostly residential and commercial uses) upon TPB's review. In cases like the "CDA" site at Tai Kiu Road, Yuen Long, which was rezoned to "Village Type Development" by TPB, objections from the local villagers had been received and the TPB decided to revert the "CDA" zoning of the site after considering the objections.</li> <li>- Old industrial areas in Tsuen Wan have/had been designated as "CDA" zones to facilitate redevelopment. Notable examples are the Rhine Garden, Belvedere Garden, Discovery Park and Rivera Gardens.</li> <li>- In designating "CDA" sites, land ownership should only be one of the considerations weighted against many other factors such as the need to facilitate urban renewal and to provide incentives for phasing out incompatible and non-conforming uses. "CDA" sites will be reviewed annually after 3 years of designation. The TPB could also consider phased development, or even sub-dividing the "CDA" site into smaller ones, to facilitate the implementation on request made by developers.</li> </ul>

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	<p>23. To avoid wastage of developable land, the authority should consider the timing and siting of "CDA" developments. There is scope for "CDA" developments for relatively smaller sites, and a flexibility treatment is warranted.</p> <p>24. The authority should proactively review the current "CDA" zones with a view to rezoning those sites with fragmented ownership to other uses (e.g. residential and commercial) to enable individual development. For "CDA" sites with good visual amenity, the Government should take steps to liaise with the relevant owners and resume the land for comprehensive development.</p>	<ul style="list-style-type: none"><li>- The timing and siting of the "CDA" developments are also considerations in "CDA" designation and its subsequent review. Although larger sites would usually provide a better opportunity for incorporating public facilities in the development, restructuring of land uses including changes to road patterns, and optimization of development potential, there is no hard and fast rule to determine whether a site is sizable enough to warrant comprehensive development/redevelopment. Each site would be considered on its individual merits taking into account the planning intention for the area and the special characteristics of the site.</li> <li>- The "CDA" zoning has been subject to regular annual review by the TPB since 1998. Please see the response to point 5 above. In addition, a mechanism had been introduced by PlanD to keep track of the progress and to facilitate implementation of "CDA" sites.</li></ul>

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<p><b>The Real Estate Developers Association of Hong Kong</b></p>	<p>25. CDA zoning can be a catalyst for comprehensive development of new towns or redevelopment schemes in old urban areas. It can help to bring about a cohesive design and layout of developments in a large site. Its success however is contingent on the firm backing of an implementation mechanism to ensure that the planning intent can be realized.</p>	<p>- Agreed. To facilitate the implementation of "CDA", the TPB has issued four sets of relevant TPB Guidelines to set out clearly the criteria for designation of "CDA", the requirements for MLP submissions, and the scope of minor amendments to approved schemes which could be approved by the Director of Planning or the District Planning Officers.</p> <p>- A mechanism has also been introduced by Planning Department 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, Planning Department will co-ordinate with the relevant departments to resolve the problems.</p>
	<p>26. Fragmentation in land ownership within a CDA zone is often an obstacle to comprehensive development, and may result in a "freeze-up" situation thus compromising the development opportunities of the individual lots therein.</p>	<p>- The designation of "CDA" sites provides incentive for developers to assemble land to form sites large enough to enable comprehensive developments. Site amalgamation facilitates optimising the development potential and achieving a more efficient layout. Notable examples include Times Square, The Centre and Grand Millennium Plaza.</p> <p>- The "CDA" zoning has been subject to regular annual review by the TPB since 1998. 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. In previous review exercises, the TPB has agreed, in view of the fragmented land ownership, to rezone some "CDA" sites to "Residential (Group E)" to facilitate development of smaller fragmented lots which are difficult to be assembled.</p>

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	<p>27. To address this situation, the Task Force on Land Supply and Property Prices under the ambit the former Planning, Environment and Lands Branch had proposed in June 1994 that assistance could be given by way of resumption subject to the meeting of certain criteria. As a matter of fact the Town Planning Board is being bestowed with this power of resumption all along. Section 4(2) of the Town Planning Ordinance stipulates that the Town Planning Board may recommend resumption of any land that interferes with the layout of an area shown on a Master Layout Plan approved for a CDA. In the interest of the effective implementation of CDA zonings, we would recommend that this proposal of the Taskforce should be followed up as soon as possible.</p>	<ul style="list-style-type: none"> <li>- Since there are wide legal, financial and social implications, the TPB has, so far, rarely exercised the power under section 4(2) of the Ordinance unless the land to be resumed is to be used for a public purpose, such as road improvement or provision of public open space. The TPB will continue to adopt such a prudent attitude and s.4(2) may be invoked on a need basis.</li> <li>- Nevertheless, to facilitate urban renewal and overcome the land assembly problem, the Land (Compulsory Sale for Redevelopment) Ordinance (Cap.545) was enacted in 1999 to facilitate land resumption by private developers who had acquired 90% of the affected properties.</li> </ul>
	<p>28. There are also situations where incompatible Government uses exist within the CDA which would affect its implementation. One such example is the wholesale fishmarket at Tung Yuen Street in Yau Tong. Under such circumstances, the relevant Government departments should proactively take the initiative to relocate the incompatible uses so as to facilitate the development of the CDA.</p>	<ul style="list-style-type: none"> <li>- The Administration has all along been adopting proactive measures to facilitate "CDA" development. Planning Department will co-ordinate with the relevant departments to resolve the problems in association with the implementation of "CDA".</li> <li>- For the Tung Yuen Street CDA, the Administration has been exploring the feasibility of relocating the wholesale fishmarket, however, the arrangement for relocation would be subject to the reclamation project in association with the Western Coast Road which is yet to be finalized.</li> <li>- In any case, the TPB could consider phased development, or even sub-dividing the "CDA" site into smaller ones, if considered appropriate, to facilitate the implementation of a "CDA" on request made by developers.</li> </ul>

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	<p>29. Finally, we are in support of the current practice of regular reviews by the Town Planning Board to rezone completed CDA sites for other uses. We would wish to see such reviews to be conducted more frequently so that property development in such areas will not be held up unduly.</p>	<p>- Noted. The TPB has already established annual review of the "CDA" zoning since 1998.</p>
<p><b>The Association of Architectural Practices Ltd.</b></p>	<p>30. Among various planning control tools, the designation of CDA is considered the most damaging in causing delay and uncertainty. 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:</p> <ul style="list-style-type: none"> <li>(a) delays;</li> <li>(b) uncertainty; and</li> <li>(c) sterilisation of developments.</li> </ul>	<p>- The "CDA" zoning has been an effective planning tool in bringing about urban renewal/restructuring, opening up new development opportunities for development in the rural areas and ensuring proper layout design for special area. Notable examples include Whampoa Garden, City Garden/Provident Centre, Times Square, The Centre, Grand Millennium Plaza, Discovery Park, Grand Pacific Views/Grand Pacific Heights, King's Park Rise and the ex-Kowloon Tsai Married Quarters.</p> <p>- According to section 4A of the Ordinance, development in "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). This is to ensure that the development is planned comprehensively, and, as far as possible, implemented as a whole.</p> <p>- The "CDA" zoning has also received support from development-related sector and professional bodies. Please see comments made by HKIP and REDA in paragraphs 3 and 25 above.</p> <p>- Detailed responses to points (a) to (c) are appended below.</p>

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	<p>Delays</p> <p>31. 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.</p>	<p>- The longer development process involved in the "CDA" zone is normally due to the specific nature and characteristics of the sites. The determination of development parameters and preparation of planning briefs will facilitate the development by providing specific requirements for the development proposal, thereby avoiding problems which may arise at a later stage of the development process. Development restrictions within a "CDA" zone e.g. the plot ratio, GFA or even the height, are usually stated in the Notes, Explanatory Statement of the respective OZP and in the Planning Brief, if available. The application process would not be lengthened if the submission is in full compliance with the requirements of the TPB and other concerned government departments, as the TPB is obliged by law to consider the application within 2 months.</p> <p>- Also see HKIP's comments in paragraph 5 above.</p>
	<p>32. 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.</p>	<p>- Whether a site would be rezoned to "CDA" will depend on the request made or whether the "CDA" zone is the best planning mechanism to achieve planning objectives. Over 80% of the "CDA" sites are designated at the request of the development agencies or to meet objections against the zonings of specific plans.</p> <p>- According to performance pledge of the Planning Department, rezoning request will be submitted to TPB for consideration within 3 months upon receipt. Upon consideration of a rezoning request, the TPB takes into account, inter alia, the land use compatibility and other transport, infrastructure and community facilities implications in deciding whether amendment to the plan would be appropriate. To ensure transparency and fairness,</p>

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		<p>amendments made to statutory plans would need to be exhibited for public inspection as required under the Ordinance.</p> <p>- Amendment will be gazetted under s.7 or s.5 of the Ordinance for a period of 3 weeks or two months, depending on the status of the OZP. If there is no objection to the amendment, development could proceed, otherwise, development could proceed after the consideration of the objections which would be processed within 9 months as required under the Ordinance.</p>
	<p>33. 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.</p>	<p>- For a rezoning request for "CDA", materials for broad assessment to ascertain the acceptability of the zoning changes would be sufficient for TPB's consideration. Once the site is rezoned to "CDA", planning application would need to be submitted in the form of a MLP and scheme-specific information in support of a development would be required. The requirements for MLP submission have been clearly stated in the TPB Guidelines No.18.</p> <p>- As the two processes, namely rezoning application and s.16 application, serve different purposes and require submission materials of different levels of details, the allegation of double-handling and hence delay in the land development is unsubstantiated.</p>
	<p>Uncertainty</p> <p>34. 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</p>	<p>- "CDAs" are designated in some areas to address the environmental problems, e.g. industrial/residential interface problem, to ensure comprehensive development to facilitate the provision of community facilities, or to provide effective means of planning control for development in environmentally sensitive areas. The submission of planning</p>

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	<p>type of development I was 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.</p>	<p>application would be an effective means of planning control as the scale, design and layout of the development would be vetted by the TPB through the requirement of MLP submission to ensure acceptability and compatibility. The above benefits are not achievable if piecemeal developments are permitted as of right (Column 1 use) and there are no opportunities to incorporate up-to-date planning requirements into the development scheme.</p> <p>- However, to provide certainty on the development intensity of a "CDA" site whilst allowing flexibility for private developers to carry out the design of the "CDA" to meet specific development requirements and site constraints, development parameters such as plot ratio or maximum gross floor area, site coverage and building height are usually stipulated in the Notes. A planning brief is normally prepared by Planning Department in consultation with relevant government departments to set out the more detailed requirements and this is provided to the developers after endorsement by the TPB. These all provide certainty about the development potential and requirement of the "CDA" whilst allowing flexibility for private developers to prepare an appropriate development mix and design to suit their development strategy.</p>
	<p>35. 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.</p>	<p>- In many cases, "CDA" sites are rezoned from other land use zones such as "Industrial", "Agriculture" and "Other Specified Uses" etc. The TPB has to ensure that the use, intensity and form of the development would be compatible with the surrounding land uses and no adverse implications on transport, infrastructure and community facilities will be resulted. The role of relevant government departments including Planning Department is to provide technical advice and assessment on the planning applications. The final decision on the proposal rests with the TPB. The so-called "horse-trading" approach is unfounded.</p>



Professional Bodies	Comments	Administration's Responses
	<p>Sterilisation of Developments</p> <p>36. 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 sterilised, 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.</p>	<p>- The designation of "CDA" sites does not necessarily freeze development therein. Indeed, affected persons including landowners could raise objection to designating areas on statutory plan as "CDA" zone in the first place. Owners' development rights would not be deprived since they could redevelop on their own as long as they could come up with a good redevelopment scheme for the consideration of the TPB.</p>
	<p>37. 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.</p>	<p>- 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 the implementation on request made by developers.</p> <p>- To facilitate urban renewal and overcome the land assembly problem, the Land (Compulsory Sale for Redevelopment) Ordinance (Cap.545) was enacted in 1999 to facilitate land resumption by private developers who had acquired 90% of the affected properties.</p>
	<p>38. 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.</p>	<p>- "CDA" were often designated at the request of development agencies as well as private developers. Some of them were designated to meet objections against zonings of specific plans. As a general principle, "CDA" 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.</p>

Professional Bodies	Comments	Administration's Responses
		<p>- The "CDA" zoning has been subject to regular annual review by the TPB since 1998. 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. The completed "CDA" sites will be rezoned to other zones to avoid unnecessary applications for minor amendments to the completed schemes.</p>
	<p>39. According to Planning Department, the number of CDA had 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.</p>	<p>- The "CDA" review mechanism has been established since 1997 and the "CDA" zoning has been subject to regular annual review by the TPB since 1998. The number of "CDA" sites has been dropped from 157 in September 1998 to 130 in March 2002. As stated in the LegCo Paper discussed by the LegCo panel on Planning, Lands and Works on 26.4.2002, after excluding those sites which the TPB has agreed to rezone to other uses, the number of remaining "CDA" sites is 114.</p>
	<p>40. 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.</p>	<p>- Since there are good examples of "CDA" serving as an effective tool in the planning process and there is an established mechanism in reviewing the implementation progress of "CDA" sites, there is no strong justification for deleting the "CDA" zoning on existing OZP. Besides, we have received positive support from the development-related sector on the merits of the "CDA" zoning. See comments made by REDA in paragraph 25 above.</p>

<b>Professional Bodies</b>	<b>Comments</b>	<b>Administration's Responses</b>
	<p>41. Planning control in CDA sites should be curtailed such that Government intervention will be restricted only to the core planning issues.</p>	<p>- There is no clear definition on “core issues”. Besides, application for development in a “CDA” zone has to be made in the form of a MLP. The detailed requirements for the MLP are stipulated in the Notes of the OZP. They are essential elements to be assessed in ensuring that the planning intention of the “CDA” site will be achieved.</p> <p>- In our recent review of the Master Schedule of Notes, various measures to streamline the planning and development processes have been proposed. These include the introduction of Broad Use Terms. In so doing, once a planning permission is granted for the broad use, all the uses within the same broad use could be interchangeable without the need for further planning application.</p>
	<p>42. The number and development status of CDA sites should be regularly published for public information and monitoring.</p>	<p>- All “CDA” zones are shown on statutory plans which are available for inspections and for sale. The latest approved MLPs for “CDA” are deposited at the Land Registry for public inspection and they are available for public reference at Planning Department’s enquiry counter.</p>