



1. Introduction

1.1 Hong Kong is facing an acute shortage of both land and housing right now, with development of non-spade-ready sites for residential buildings taking at least 10 years, whereas annual average supply of residential flats in both the private and public sectors during 2005-2019 halved to only 28 700 units.¹ While this housing shortage can be attributable to a host of complex institutional and policy factors, lengthy process in town planning is widely believed to be one of them.²

1.2 Although the Town Planning Ordinance (Cap.131) ("TPO") was amended in July 2004, it fell short of a comprehensive review. Instead, it is a phased and partial review, incorporating Stage One measures (e.g. specifying the statutory time-limit in certain procedures and enhancing public participation) only.³ For other reform proposals pledged for the next two stages (e.g. review of the operation of the Town Planning Board ("TPB")), the Government has yet to indicate its timetable. As such, local town planning process has become highly stressed in the face of growing public involvement,

¹ Annual average supply of residential flats in the preceding 15-year period was 63 400 units during 1990-2004. See Census and Statistics Department (2019).

² Dwindling housing supply is also related to (a) repositioning of Government's housing policy in 2002 to restore the imbalance in the property market; (b) shortage of land and a lack of land bank; (c) lengthy process to obtain building approval and negotiation of land leases; and (d) duplicated regulatory requirements from various departments. This paper focuses on town planning issues only, without digressing into other policy areas. See Task Force on Land Supply (2018).

³ The Government published the "Comprehensive Review of the Town Planning Ordinance" in July 1991, followed by a decade-long consultation and deliberation. In February 2000, the Town Planning Bill containing a comprehensive package of measures was submitted to the Legislative Council ("LegCo"), but it could not go further due to complexity of the issues involved. Three years later, an amended Bill targeted for a partial review under a "phased approach" was submitted to the LegCo in May 2003, with Stage One amendments. More controversial issues were left to Stage Two (e.g. operation of TPB) and Stage Three (e.g. interim development control). These will be further discussed in Section 3 below.

as manifested in the 12-fold upsurge in the annual average number of public representations to TPB, from only 2 600 during 2004-2009 to 34 800 during 2015-2019. Moreover, contrary to the policy intention, many professional bodies and academics still feel the amended planning process too lengthy and burdensome, prompting increasing advocacy for another review of the local town planning system in recent years.⁴ Even the Government admitted the need for "planning changes".⁵

1.3 At the request of Hon LAU Kwok-fan, the Research Office has undertaken a study on "review of town planning in selected places", with a focus on those facilitative measures taken to promote building developments. Given the time and resource constraints, this study is mostly a literature review for providing a reference of good practice, but not the kind of consultancy study analysing the town planning process in great detail.⁶ It is also noteworthy that some town planning issues in Hong Kong are quite unique, not seen elsewhere. Nevertheless, Amsterdam and Singapore are selected for further study because (a) they are globally renowned for their urban planning; and (b) they have reviewed their urban planning systems in recent decades, with a view to streamlining procedures for developments. This information note begins with a concise summary on recent global studies on the relationship between town planning and housing supply, followed by an account of the partial review of the local town planning process in 2004 and its outstanding issues of concerns. It will then switch to the town planning systems in Amsterdam and Singapore.

⁴ The Hong Kong Institute of Surveyors (2017) and 智經研究中心(2018).

⁵ In December 2016, the then Secretary for Transport and Housing (i.e. Professor Cheung Bing-leung) admitted that the "more lengthy and more complicated" planning process had hindered land development for housing. See GovHK (2016).

⁶ As this research study is completed in two months, its scope is strictly confined to identification of good practice in town planning based on literature review. It is not tasked to analyse each and every step of town planning procedures in Hong Kong or selected places.

2. Global studies on town planning and housing supply

2.1 In a nutshell, town planning aims at shaping a quality environment for both living and working, facilitating economic development, and promoting the general welfare of the community by guiding and controlling the development of land-use.⁷ While global town planners are facing a daunting task in land allocation to meet competing land-use demands, **meeting the basic housing needs of a society is always one of its key mandates.** For instance, in view of the severe problem of the housing shortage in devastated cities after the World War II, the town planning authorities in advanced places adopted a more centralized mechanism to expedite reconstruction, sometimes at the expense of local opinion.⁸ This resulted in a building boom in both private and public housing during the two decades before the end of 1960s.⁹

2.2 However, global housing demand receded after the baby boomer generations after the mid-1960s, replaced by emerging advocacy for environmental protection, heritage conservation and transparency in the planning process. **The town planning process in advanced places has thus evolved into a more integrated and communicative model since the 1970s, aiming at more balanced urban development.**¹⁰ Tighter land-use regulations usually seen in (a) more zoning of green belts where developments are strictly prohibited;¹¹ (b) more assessment criteria in granting approval to planning applications; (c) reducing urban density for sustainable development; and (d) increasing public participation and allowing residents to have a say in development proposals.¹²

⁷ Town Planning Board (2019).

⁸ Planning theory in the 1950s aimed to facilitate large-scale and cheaper projects which could be replicated elsewhere. Moreover, the public sector had dominated housing developments in the 1950s and 1960s, in contrast to the use of regulatory devices to guide private sector developments after the 1970s. See The United Nations (2016) and Fainstein (2019).

⁹ Fainstein (2019).

¹⁰ Hourihan (2000) and Organisation for Economic Co-operation and Development (2017d).

¹¹ Taking the five big cities in England as an example, over 47 000 hectares of land are zoned as "green belts", but they are close to train stations and are not very green. If construction projects are permitted, more than 2.5 million new homes could be built. See The Economist (2020).

¹² Organisation for Economic Co-operation and Development (2017d).

2.3 While tighter planning regulations improve environmental quality in the ensuing decades, **concerns over another round of housing shortage re-emerged again in the early 2000s**, as shown in a sharp decline in the ratio of houses built per 1 000 people in advanced economies from about 10 units in the early 1970s to just 4 units in 2017.¹³ To a certain extent, this shortage is due to (a) growing aspiration for home ownership amidst increased affluence and dedicated policy support on owner-occupation;¹⁴ (b) the negative impact of the aforementioned land use regulations on housing supply; (c) increasingly "bureaucratic, slow or complex" procedures in urban planning;¹⁵ and (d) rising residents' objections to development proposals nearby, also named as "Not in my backyard ("NIMBY") Syndrome".¹⁶ Indicative of the housing shortage, average housing price of the 36 members of the Organisation for Economic Co-operation and Development ("OECD") surged by a total of 102% during 1998-2018.¹⁷

2.4 In view of the renewed housing shortage, **some advanced places began to review their town planning practices in the mid-2000s, with a view to enhancing flexibility in approving new housing developments**. This can take the form of:

- (a) Streamlining and aligning compliance requirements of different departments or level of governments in development projects, as seen in the one-stop approval mechanism in the Netherlands in 2016 and integration of sectoral plans in France in 2018;¹⁸
- (b) More flexible land-use zoning, as manifested in moving away from single-use zoning to more adaptable and multi-use zoning in South Korea in 2015;¹⁹

¹³ The Economist (2020).

¹⁴ The United Nations (2016).

¹⁵ Organisation for Economic Co-operation and Development (2017d).

¹⁶ An academic study notes that the post-war rise in home ownership rate may have contributed to NIMBY, as owner-occupiers have an apparent incentive to block development proposals in their local areas for the preservation of property values. See The Economist (2014 and 2020).

¹⁷ OECD points out that "restrictive land-use regulations are one of the main causes of rising property prices", as they reduce overall housing supply. See Organisation for Economic Co-operation and Development (2017b).

¹⁸ France merged three sectoral plans (transport; ecology; and climate, air and energy) into one regional plan to streamline the planning system. See Organisation for Economic Co-operation and Development (2017b).

¹⁹ Local governments in South Korea can create a customized mixed-use zoning scheme within the Minimum Regulation Zone, regardless of existing zoning regulations. See The Economist (2020).

- (c) Increasing the density of housing developments upon enhanced infrastructural support to make good use of scarce land available, as what Germany had done in 2017. Metropolitan cities like Auckland and Vancouver also proposed the same in 2017. This is supported by the emerging pro-development movement named "Yes in my backyard" ("YIMB") seen in many cities;²⁰ and
- (d) Enhancing the mechanism of public engagement to incorporate the feedback of public consultation at an early stage in town planning and to avoid objections to development proposals at the late stage, as seen in Japan.²¹

3. Recent developments of town planning in Hong Kong

3.1 Put it simply, ***the local town planning system is highly concentrated, with TPB as the principal body responsible for the entire planning process.*** Under TPO, the statutory duties of TPB include (a) preparation of two types of statutory plans, i.e. Outline Zoning Plan ("OZP") and Development Permission Area ("DPA") Plan for final approval by the Chief Executive in Council;²² (b) considering public representations in the town planning process; and (c) examining planning applications for approval. TPB has 36 members, comprising six official members (with one of them as the Chairman) and 30 non-official members.²³ TPB is served by the Planning Department ("PlanD").

²⁰ Many YIMB activists, mostly millennials impassioned by their inability to get on the property ladder, argue that "overtight land regulation" is the root cause of high housing prices. With the growing public support for boosting affordable housing, many governments are mandated to increase the density of development, transforming landed houses into apartments. See The Economist (2020).

²¹ Japan adopted a bottom-up process by forming a community council to discuss a local development plan with the aid of professionals and dialogue with the government at an early stage. See Organisation for Economic Co-operation and Development (2019).

²² OZPs show the land use zones and development restrictions in altogether 72 OZP areas, and DPA Plans are for providing interim planning control and development guidance in rural areas of the New Territories before more detailed OZPs are available. See GovHK (2020).

²³ As in April 2020, the Permanent Secretary for Development is the Chairman of TPB, while the Vice-chairman is a non-official member. The other five official members are Director of Planning, Deputy Secretary for Transport and Housing, Director of Home Affairs, Director of Environmental Protection and Director of Lands or their alternates. For the 30 non-official members, they are appointed by the Chief Executive with their expertise in architecture, urban design, environment, legal, social services, transport, etc.

3.2 A retrospective review shows that ***the decade-long amendment of TPO in 2004 exhibited a substantial narrowing in the scope of review and fell short of public expectation.*** TPO was first enacted in 1939 and stayed intact for more than 50 years when the "Comprehensive Review of the Town Planning Ordinance" was published in July 1991, aiming to enact a new piece of legislation to replace the existing one. In a public consultation over the White Bill in 1996, the feedback from major stakeholders in the community (e.g. green groups, professional bodies and developers) was strong and highly diversified.²⁴ It took four years for the Government to consolidate them and submit the Blue Bill to the LegCo in February 2000, containing a comprehensive range of measures on planning procedure, consultation process, planning controls and power of TPB.²⁵ However, the dedicated Bills Committee set up to scrutinize the Bill in LegCo noted a wide range of controversial issues.²⁶ After nine meetings and "in view of the complexity of the issues involved", the Bills Committee concluded that "it was unrealistic to complete the scrutiny work" before the expiry of the then legislative term in June 2000. The Bills Committee was dissolved on 2 June 2000 (Figure 1).

²⁴ The Government opined that TPO could not keep pace with "increasing complexity of the social economic and political environment in Hong Kong" and was concerned "the length of time taken to complete the various procedures". Public consultation was intended to enhance the efficiency, transparency and effectiveness of the statutory planning process. See Planning, Environment and Land Branch (1991) and Planning and Lands Bureau (2000).

²⁵ The Blue Bill seeks to repeal and replace the existing TPO, with amendments on (a) the set-up and powers of TPB, (b) procedures for preparing draft plans; (c) statutory framework for planning control; (d) control on building development and enforcement actions against unauthorized development; and (e) powers of the Appeal Board. See Legislative Council Secretariat (2000).

²⁶ Members were concerned about the criteria of appointing and terminating the appointment of TPB members. Moreover, Members felt that the Government should consider appointing non-public officers as Chairman and Vice-chairman, in the light of general support from deputations. Other issues to be resolved included (a) compensation for planning blight; and (b) development control and planning control on building development. See Legislative Council Secretariat (2000) and Planning Department (2016).

Figure 1 — Chronology of review of Town Planning Ordinance, 1987-2004

Date	Key developments
Sep 1987	<ul style="list-style-type: none"> The Executive Council ordered for a review of TPO.
Jul 1991	<ul style="list-style-type: none"> The Government published the "Comprehensive Review of the Town Planning Ordinance" aiming for an overhaul of the town planning system.
Jul 1996	<ul style="list-style-type: none"> The Government published the Town Planning White Bill for consultation. To plug an existing loophole, an interim amendment to set a time-limit in processing public comment was passed in the LegCo in April 1998.
Feb 2000	<ul style="list-style-type: none"> The Town Planning Blue Bill was introduced into the LegCo for comprehensive reform.
Jun 2000	<ul style="list-style-type: none"> The Bills Committee set up to scrutinize the Bill in LegCo was dissolved right before the end of the legislative term.
May 2003	<ul style="list-style-type: none"> The Town Planning (Amendment) Bill was introduced into the LegCo, aiming at a phased reform of TPO.
Jul 2004	<ul style="list-style-type: none"> The Town Planning (Amendment) Bill was passed in the LegCo.

Sources: Planning, Environment and Land Branch and Legislative Council Secretariat.

3.3 The Government changed its review strategy when it submitted an amendment bill to the LegCo again in May 2003, shifting from a comprehensive approach to a partial and phased approach. The Town Planning (Amendment) Bill 2003 focussed on those amendments aiming "to streamline the planning procedures and to promote public participation" only under Stage One with "a general consensus" in the community. For more controversial issues requiring lengthy consultation like "membership and operation of TPB, compensation for planning blight, interim development control and planning control on building development", they were left to Stages Two and Three. In scrutinizing the Bill, Members expressed "grave concern and disappointment" over this phased approach, given that "different sections of TPO were inter-related" and some provisions "should not be examined in isolation". Deputations also felt that the "piece-meal amendments" could not address fundamental issues like "the operation and composition of TPB".

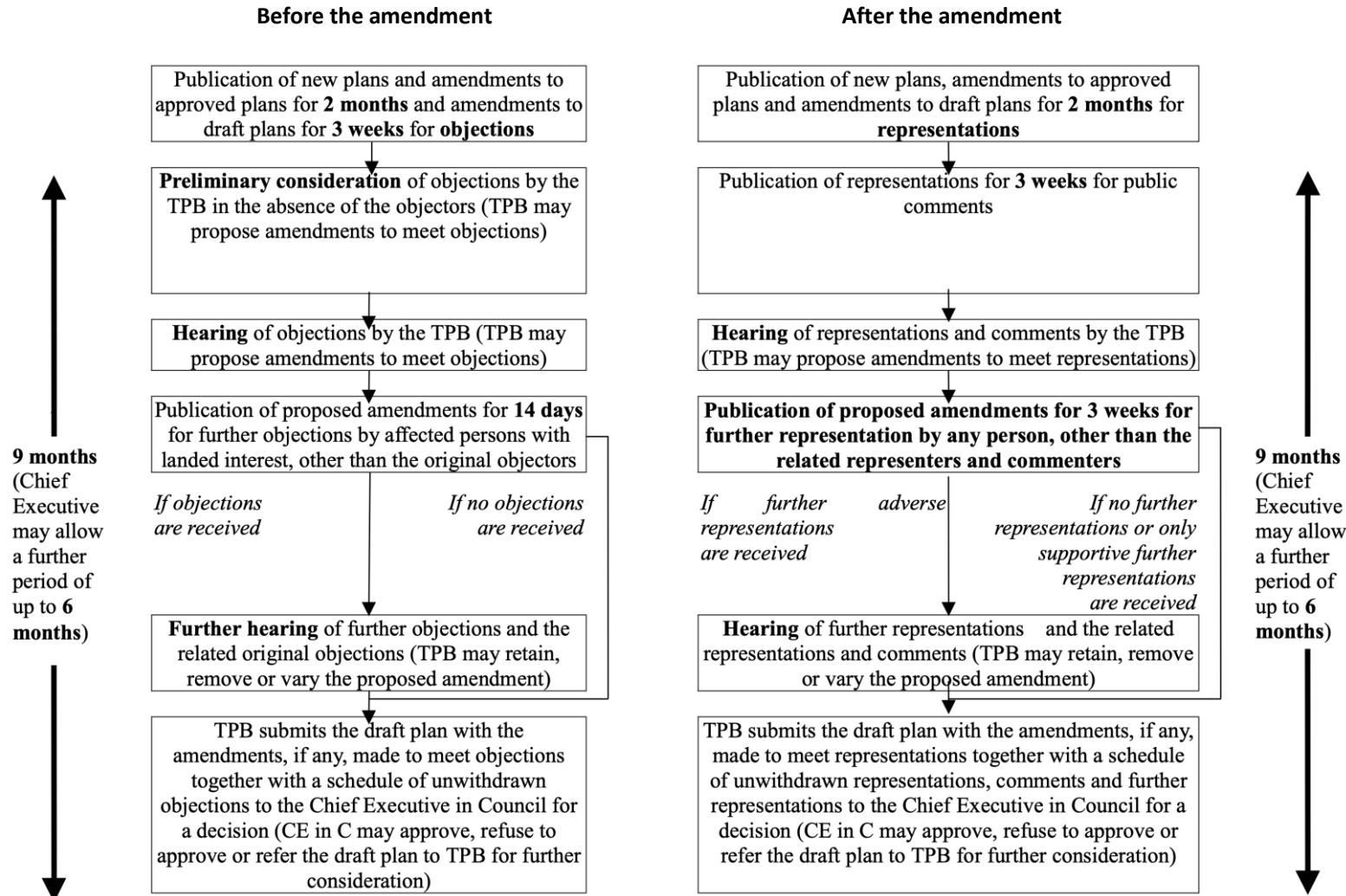
3.4 After scrutiny for more than a year, the Bill was eventually passed into law on 7 July 2004. ***By and large, implementation of the amended TPO over the past 15 years brings the following benefits to local society:***²⁷

- (a) **Streamlining town planning process:** The streamlining included (i) standardizing the plan publication period to two months and three weeks for public comment; (ii) consolidating the multi-round hearing process to consider representations to a single process; (iii) exempting certain minor amendments to planning permission in re-submission to TPB; and (iv) delegating certain functions of TPB to its subsidiary committees (i.e. Metro Planning Committee and Rural and New Town Planning Committee) and PlanD (**Figure 2**);
- (b) **Enhancing transparency:** *First*, the public could now lodge both supportive and adverse representations on draft plans, instead of objections only. *Secondly*, the public can make applications for amendment of plans and applicants can attend and be heard at TPB meetings. *Thirdly*, TPB makes available for public inspection all applications for amendment of plan and planning permission; and
- (c) **Strengthening enforcement over unauthorized developments in rural areas of the New Territories**, including new power to entry and punishment.²⁸

²⁷ Legislative Council Secretariat (2004).

²⁸ Planning Department (2016).

Figure 2 — Streamlined plan-making procedures after TPO amendment in 2004



Source: Legislative Council Secretariat.

3.5 ***The Government subsequently revised its stance, declaring that there is no "concrete plan" to review TPO again.*** It claims that "the existing town planning system has made good achievement in terms of efficiency, transparency, accountability and public interest".²⁹ Yet ***major stakeholders (e.g. environmental groups, professional bodies, academics and developers) do not think so, pressing the Government to review the town planning process time and again.*** Here are their major concerns:³⁰

- (a) **Lengthy process in making statutory plans and vetting planning applications:** While the amended TPO laid down statutory time-limits for certain planning procedures, it helped little to shorten the de facto processing time, as only the preliminary consideration by TPB at an early stage was removed while the 9-month plan-making process remain intact (**Figure 2** above).

More importantly, TPB decisions on plan-making and planning applications quite often are deferrals. For instance, TPB deferred decision on 37%-58% of cases of amendment of plans during 2012-2017, mostly on the grounds of (i) needing to consult other departments; and (ii) asking for more supplementary information from project proponents and departments.³¹ Amongst the deferment in 2015, 52% was deferred once, 29% deferred twice, 13% deferred thrice, and 3% deferred even four times.³²

As such, the actual time required in plan-making could be as long as 17 months because of the need to consider far more public representations.³³ For planning applications on larger Comprehensive Development Area ("CDA") sites with the potential to unleash more housing supply, they could even take over 20 years in some cases.³⁴ In this connection, there are calls for adding a pre-lodgement meeting between other departments and developers to directly address technical requirements, instead of

²⁹ Legislative Council Secretariat (2012) and Development Bureau (2017).

³⁰ Legislative Council Secretariat (2012 and 2016), Hong Kong General Chamber of Commerce (2018), The Real Estate Developers Association of Hong Kong (2018) and 智經研究中心 (2018).

³¹ Further information provided by other departments on technical issues of a development project may include impact assessment on traffic and environment. See Town Planning Board (2005).

³² About half of planning applications (excluding those with minor nature) were deferred during 2012-2015. See The Hong Kong Institute of Surveyors (2017).

³³ 智經研究中心 (2018).

³⁴ South China Morning Post (2017) and 香港 01 (2019).

relaying through TPB. There are even suggestions to empower TPB to override those requirements deemed as unreasonable to shorten delays;³⁵

- (b) **Inflexible land-use zoning:** While the current TPO allows certain flexibility in land use under the Master Schedule of Notes, planning applications for TPB's permissions are still required even when a proposed development does not involve any Column 2 uses under certain conditions.³⁶ Some professional bodies and developers alleged that TPB holds extensive discretionary power in TPO interpretation in the deliberation of planning applications, and its decision is deemed not predictable;³⁷

- (c) **Heavy workload arising from the upsurge in public participation:** In line with the global trend, transparency in town planning was enhanced under amended TPO. The number of public comments and representations received by TPB has thus experienced exponential growth over the past 15 years, with an annual average of only 2 600 during 2004-2009 surging to that of 34 800 during 2015-2019, though the average number of amended plans and planning applications fluctuated within a narrow range of 1 000-1 400 per annum (**Figure 3**). While increased public engagement is favourable to more balanced development, there are concerns about how far the existing planning mechanism can absorb this upsurge in representations. As TPB is devoting more time and resources in attending public hearings and considering public comments, it is alleged to become the bottleneck, leading to project delays especially those involve more controversial issues;³⁸

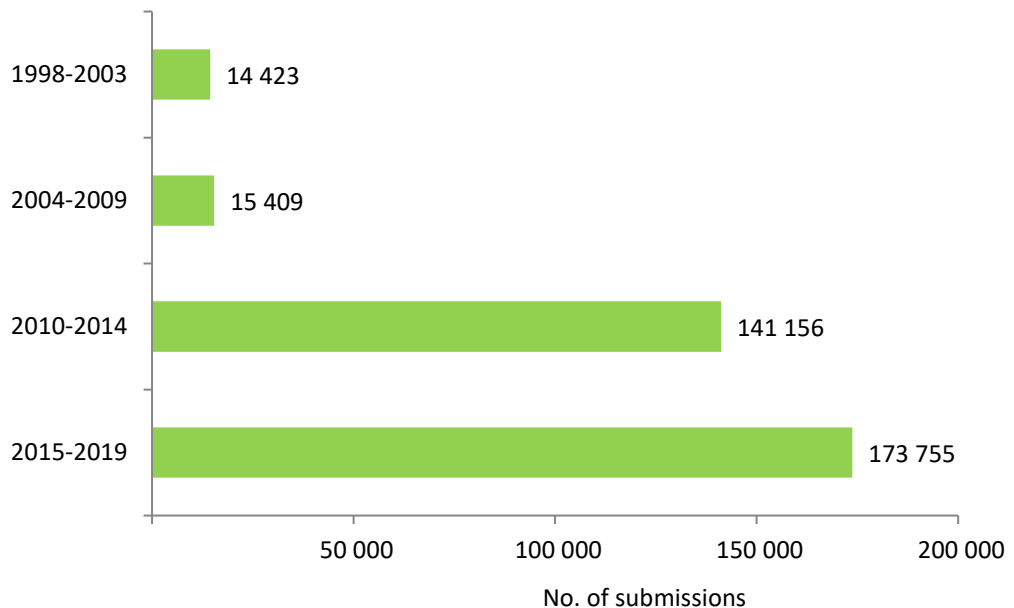
³⁵ The Hong Kong Institute of Surveyors (2017).

³⁶ The Master Schedule of Notes lists out land uses of each designated land plot that are always permitted under Column 1, and land uses requiring planning permission from TPB under Column 2, along with remarks which set out the specific development restrictions and parameters for individual zones. See Town Planning Board (2018), Hui (2016) and Yu and Hui (2017).

³⁷ Legislative Council Secretariat (2004).

³⁸ 智經研究中心 (2018), Hong Kong General Chamber of Commerce (2018) and Development Bureau (2016).

Figure 3 — Number of public representations or comments submitted to TPB, 1998-2019



Source: Planning Department.

- (d) **Public concerns over the transparency of TPB:** As discussed above, there have been repeated calls to enhance representativeness and transparency of TPB in terms of membership and operation since 2000. Upon the urge of Members, some TPO meetings have been open to the public since 2004 (except those involving deliberation of public representations and planning applications and confidential information).³⁹ However, there are still many public concerns over TPO, such as (i) the Chairman is a principal official who can override queries from non-official members;⁴⁰ (ii) the six official members have voting power; (iii) the criteria of appointing non-official members is not clear; and (iv) non-official members can only participate in TPB business on a part-time capacity outside their main employment, restraining their decision-making capability in TPB.⁴¹ Coupled with a high degree of discretionary and interpretive power held by TPB, many stakeholders comment that TPO is more like a "black box", undermining the creditability of decision made by TPB.⁴²

³⁹ This was added into the 2003 Bill through the Committee Stage Amendments at the late stage, after taking on board the comments made by the Bills Committee.

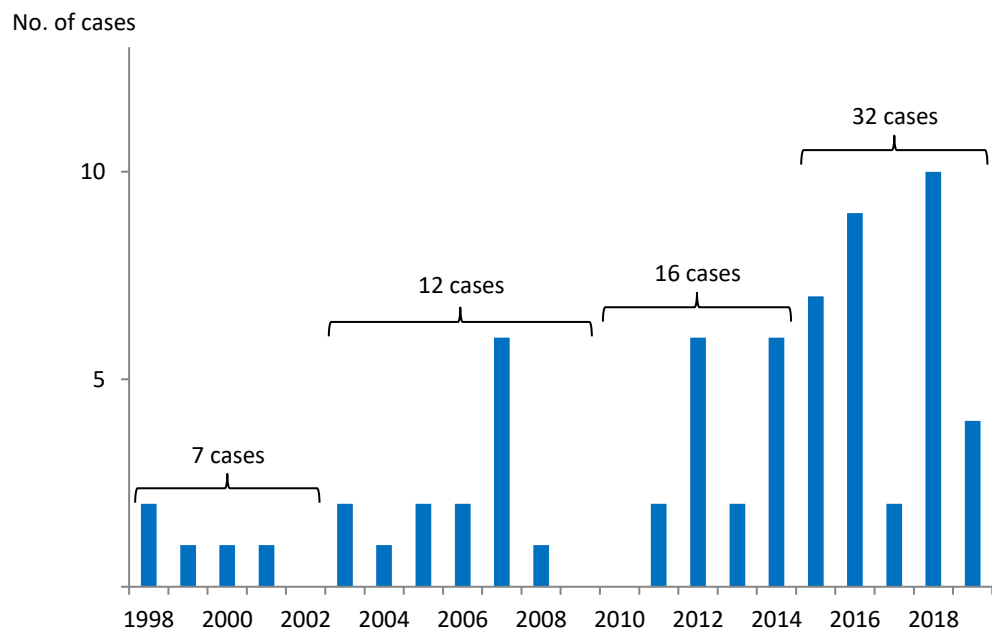
⁴⁰ 朱凱迪 (2014).

⁴¹ Legislative Council Secretariat (2012 and 2016), 朱凱迪 (2017) and 智經研究中心 (2018).

⁴² Hui (2016) and Yu and Hui (2017).

As a result, the number of judicial review over the decisions made by TPB has exhibited a sharp uptrend over the past decade, from 16 cases during 2010-2014 to 32 cases during 2015-2019 (**Figure 4**).⁴³ In some review cases, the Judge even questioned whether TPB members have sufficient time to digest and consider the applications and public comments, as they were burdened by lengthy meetings leading to alleged procedural unfairness;⁴⁴

Figure 4 — Number of judicial reviews over TPB's decisions, 1998-2019



Source: Planning Department.

⁴³ The recent increasing number of judicial review cases filed against TPB by individuals and property developers were related to issues like rezoning of greenbelt sites and development restrictions. Yet this also reflects changing perceptions towards the town planning system. See Hui (2016).

⁴⁴ Recent examples with profound significance include *Hysan Development Co. Ltd. v Town Planning Board* in 2014 and *Real Estate Developers Association of Hong Kong v Town Planning Board* in 2015. In response, TPB would study the judgements and seek legal advice if necessary. See Hong Kong General Chamber of Commerce (2018).

(e) **Duplication in regulatory requirements:** Apart from planning requirements of PlanD, project developers in Hong Kong also need to comply with conditions of land leases with the Lands Department ("LandsD"), statutory building regulations of the Buildings Department ("BD"), and sometimes Environment Impact Assessment of the Environmental Protection Department. However, it is noted that some common planning and development parameters (e.g. gross floor area ("GFA"), site coverage, building height and building design) applied on the same site can differ among these regulatory authorities.⁴⁵ As these departments do not sort out the conflicting requirements amongst themselves, developers have to submit repetitive applications to each of these authorities, resulting in lengthy processing and turnaround time. Worse still, some departments (e.g. LandsD) do not set out the statutory time-limit for processing applications, leading to project uncertainty and a rising backlog of applications.⁴⁶

In this connection, there has been persistent advocacy for (i) alignments of planning and development parameters; (ii) streamlining the process of planning applications and setting up online case-monitoring portal accessible to all relevant departments; and (iii) setting up one-stop regulatory approval.⁴⁷

In October 2017, the Government set up the Steering Group on Streamlining Development Control to look into the matter, with the first batch of rationalized parameters (e.g. building height and landscape requirement) coming into effect in 2019 via Joint Practice Notes co-issued by PlanD, LandsD and BD.⁴⁸ Moreover, an e-portal enabling relevant authorities to process plans and for

⁴⁵ Planning, Environment and Lands Branch (1991).

⁴⁶ For example, cases under processing by LandsD for lease modifications and land exchange for residential development during 2005-2019 increased by 124% to 150 cases in 2019, despite an 87% fall for annual received applications over the same period. See 林奮強 (2019).

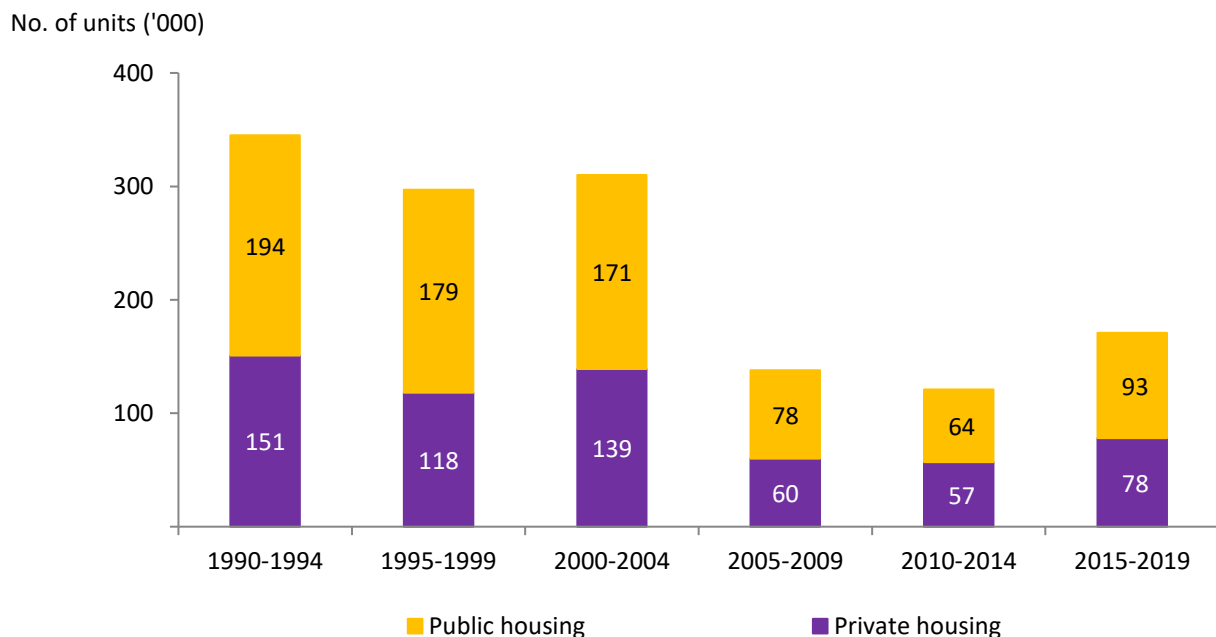
⁴⁷ Hong Kong General Chamber of Commerce (2018) and The Real Estate Developers Association of Hong Kong (2018).

⁴⁸ Development Bureau is communicating with professional stakeholders on standardizing other development parameters such as GFA. See Development Bureau (2019b).

case-monitoring is scheduled for launch by phases as from 2022.⁴⁹ As these initiatives are still in the process of rolling out, it is too early to comment on their effectiveness of streamlining planning applications.

3.6 Turning to housing supply, annual completion of residential flats in Hong Kong averaged at 28 700 units (comprising 13 000 flats in the private sector and 15 600 flats in the public sector) for the past 15 years during 2005-2019, down by 55% compared with that of 63 400 units in the preceding 15-year period during 1990-2004 (Figure 5). There has thus been increasing pressure to review the local town planning procedures to resolve the housing crisis in more recent years.

Figure 5 — Total supply of housing units in Hong Kong, 1990-2019



Sources: Census and Statistics Department and Housing Society.

⁴⁹ The existing Electronic Planning Application Submission System launched in 2015 is just an additional channel to submit a planning application to TPB. Applicants still need to individually contact TPB or other departments for progress tracking and further information. See Development Bureau (2018).

4. Recent review of the town planning system in Amsterdam

4.1 ***Town planning system in the Netherlands is globally acclaimed as a "planning paradise" partly due to the active involvement of the government in the planning process and its effective implementation.***⁵⁰ This results in quality and balanced urban development, with sensitive land management, protection of green areas and environment. This section focuses on the capital city of Amsterdam, where 860 000 habitants live in an area of 219 sq km.⁵¹

4.2 ***The Spatial Planning Act 1965 ("Act") used to be the anchor town planning legislation in the Netherlands, consisting of three layers of planning.*** While the national and provincial governments provide guiding principles in spatial planning, local municipalities are responsible for the execution, with due regard to local circumstances and public consultations. As municipal governments are also tasked with the acquisition and development of land for meeting housing needs, they need to make balanced and active planning decisions.⁵²

4.3 ***Having served the Netherlands for almost four decades, there were more calls to review the Act since the 1990s in the face of the following concerns.*** ***First***, the Act had been amended many times along with other legislation on an ad hoc basis after 1965, as the national government overruled objections to developments raised by local residents on the grounds of NIMBY. This resulted in incoherent practices in enforcement of zoning plans and development permits.⁵³ ***Secondly***, municipal governments sometimes exercised too much discretionary power in exempting those local developments in violation of national planning policies, undermining the legal basis of the planning regulations.⁵⁴ ***Thirdly***, planning procedures were viewed as too clumsy, too slow and involving too many departments and layers of governments. As an extreme example, it took almost 60 years of procedural wrangling for construction of a 7 km motorway.⁵⁵ ***Fourthly***, the regulatory planning system is deemed to be not proactive enough to respond to changing market conditions and evolving development needs.⁵⁶ ***Fifthly***, government-led developments were hard hit by the global financial crisis

⁵⁰ Janssen-Jansen (2016) and Organisation for Economic Co-operation and Development (2017a).

⁵¹ Organisation for Economic Co-operation and Development (2017d).

⁵² "Active planning" means that local authorities buy land in order to service it, then divide it into building lots and lease it to builders or occupiers. See Heurkens (2012).

⁵³ Needham (2005 and 2015).

⁵⁴ Janssen-Jansen (2016).

⁵⁵ Needham (2015).

⁵⁶ Roggema (2009).

in 2008, as municipal governments were too indebted to propel new projects.⁵⁷ With a view to mobilizing private sector initiatives in the construction of infrastructural and residential projects, it became imperative to create a more business-friendly planning environment, with more streamlined and predictable procedures.⁵⁸ **Lastly**, there was a concern over slowing housing development in Amsterdam, resulting in 93% upsurge in housing price during 2005-2018.⁵⁹ All these created pressure for a review on the town planning system.

4.4 ***The Dutch government has thus initiated a series of reforms with a view to streamlining urban planning since the late 2000s***, resulting in enactment of the Spatial Planning Act 2008, the Crisis and Recovery Act 2010, General Provisions for Environmental Law Act 2010 and the Environment and Planning Act 2016. In a nutshell, salient features of these planning reforms are summarized as follows:

- (a) **Consolidating planning authorities:** In 2010, the national government merged the three ministries responsible for spatial planning into one, namely the Ministry of Infrastructure and the Environment (and renamed as the Ministry of Infrastructure and Water Management in 2017). This cut red-tape and facilitated infrastructure and development projects;⁶⁰
- (b) **Streamlining planning procedures:** **First**, the Spatial Planning Act 2008 decentralized more power to municipal governments, abolishing regional-level planning reviews.⁶¹ **Secondly**, the Crisis and Recovery Act 2010 reduced or simplified some of the permit requirements for building and infrastructural projects, expediting development projects.⁶² **Thirdly**, 25 development permits and rules were integrated into just one permit under the General Provisions for Environmental Law Act 2010 to be discussed in the next paragraph.⁶³

⁵⁷ Heurkens (2012).

⁵⁸ Government of the Netherlands (2017).

⁵⁹ During 2005-2018, housing price in Amsterdam surged by 93%, partly due to population growth of 16%. See Statistics Netherlands (2020).

⁶⁰ Gerrits et al. (2012).

⁶¹ Under the idea of "decentralize where possible, and centralize where necessary", the Act also provides the power to the national and provincial governments to override the planning decisions made by municipalities contravening their spatial policy. See Evers (2018).

⁶² Organisation for Economic Co-operation and Development (2017d).

⁶³ Activities requiring development permit include building construction, change of use of a building or land, monuments protection, and noise nuisance.

Last but most importantly, all 26 acts relating to planning and environment (including those discussed above) have been consolidated into one law, namely the Environment and Planning Act 2016, which will come into effect in 2021. Not only will it merge and simplify over 100 ministerial regulations, but also create greater coherency in overall town planning and environment laws.⁶⁴ Under the new Act, there will be only one plan for each municipality, consolidating 50 000 zoning plans to only 400 environment physical plans and saving management cost.⁶⁵ It is expected that it will make it easier to build houses in Amsterdam,⁶⁶

- (c) **One-stop planning application:** Under the General Provisions for Environmental Law Act 2010, the planning permission system has been simplified into "All-in-one Permit". In short, developers need to apply for one permit under one procedure, submitting only one set of documents to be enforced by one authority only. Detailed measures include: (i) one-stop-shopping for planning applications and applicants have the flexibility to apply in one go or by phases; (ii) only one competent authority (the mayor and aldermen in most cases) issuing permits; and (iii) clear processing time-limit of 14-30 weeks, depending on the complexity of projects. If the competent authority fails to reply to the application upon the expiry of the processing time-limit for those simpler projects, it will automatically result in the issue of a permit;⁶⁷
- (d) **Shorter processing time:** Under the Spatial Planning Act 2008, the processing time for local land-use plans is reduced by half from one year to 26 weeks. The Environment and Planning Act 2016 to be effective in 2021 will cut short the processing time of planning permission further;⁶⁸

⁶⁴ The Act simplifies and merges a raft of legislation related to planning and integrates the regulations for the governance of land use across a number of policy areas (e.g. nature, water, construction, sustainability) in order to speed up decision making for spatial projects. See Organisation for Economic Co-operation and Development (2017b and 2017d).

⁶⁵ Ministry for Infrastructure and Environment (2017).

⁶⁶ Organisation for Economic Co-operation and Development (2017d).

⁶⁷ Organisation for Economic Co-operation and Development (2017a) and Ministry for Infrastructure and Water Management (2020).

⁶⁸ Heurkens (2012) and Ministry for Infrastructure and Environment (2017).

- (e) **Addressing NIMBY:** Under the Crisis and Recovery Act 2010, right of appeal is limited to only local government or stakeholder directly affected by infrastructure construction and new developments earmarked by the national government (about 70 projects). A decision will be made within 6 months by the court under a statutory fast-track procedure, mainly in view of growing NIMBY and urgency for economic recovery,⁶⁹ and
- (f) **Digitalization of planning applications:** Under the Spatial Planning Act 2008, the Dutch government digitalized the entire planning system, starting from e-access to all land use plans to online applications for All-in-one Permit. More specifically for the latter, an electronic application portal has been set up since 2010. Applications and their attachments (e.g. construction plans and drawings) can be submitted digitally and automatically routed to the relevant authority for further action with progress tracking for the applicants.⁷⁰ (By contrast, the existing electronic system of TPB in Hong Kong is more elementary without functions of tracking and auto-computation of parameters and fees.)

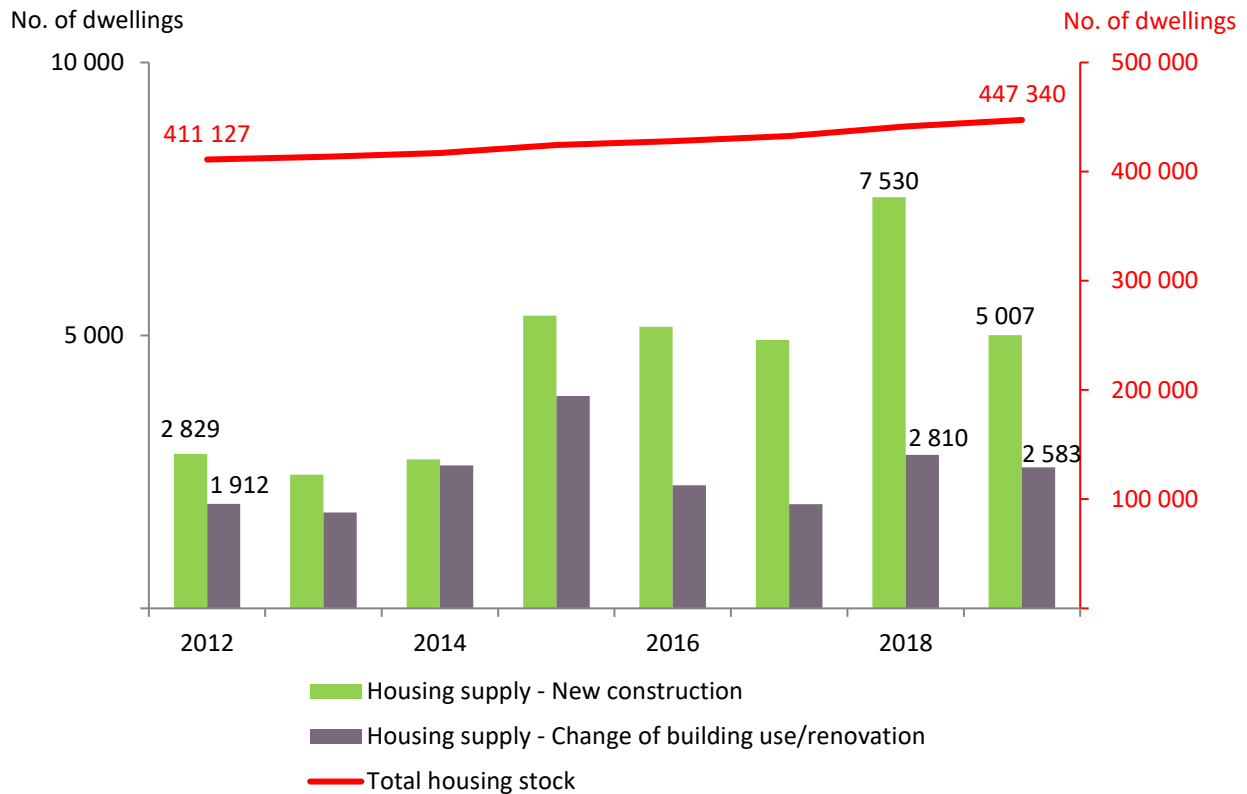
4.5 The reforms of the Dutch planning system in recent years have attracted more recognition as a good practice from reputed institutions such as OECD.⁷¹ Indicative of their positive effect on housing supply in Amsterdam, the supply of housing from new construction surged by 77% during 2012-2019, while that from other means (e.g. change of building use) increased by 35% (**Figure 6**). As the Environment and Planning Act 2016 will take effect as from 2021 only, its policy effectiveness needs to be monitored closely.

⁶⁹ The Act was temporarily enacted in 2010 with disputes on limiting the public right of appeal on planning decisions. Yet it became a permanent act in 2013 conceivably due to its positive effect on the economy deemed by the Dutch government. See Verschuuren (2010).

⁷⁰ European Commission (2010) and Ministry for Infrastructure and Water Management (2020).

⁷¹ Organisation for Economic Co-operation and Development (2017b, 2017c and 2017d).

Figure 6 — Housing stock and supply in Amsterdam, 2012-2019^(a)



Notes: (a) Figures in 2019 are provisional.

(b) The total housing stock is also affected by demolition and change of building use.

Source: Statistics Netherlands.

5. Review of town planning in Singapore

5.1 Singapore has a large population of 5.7 million living in a small area of 726 sq km. **Yet Singapore is a "highly-planned" city, and its government is actively involved in land management and development control.** The Urban Redevelopment Authority ("URA") is the responsible agency of town planning throughout the country, with a close connection with the high-level planning unit named as "Centre for Strategic Futures" under the Prime Minister's Office. The top-down approach and effective execution in town planning in Singapore have won increasing global recognition, with some acclaiming it as "the most meticulously planned city in the world".⁷²

⁷² World Bank (2018) and The Guardian (2016).

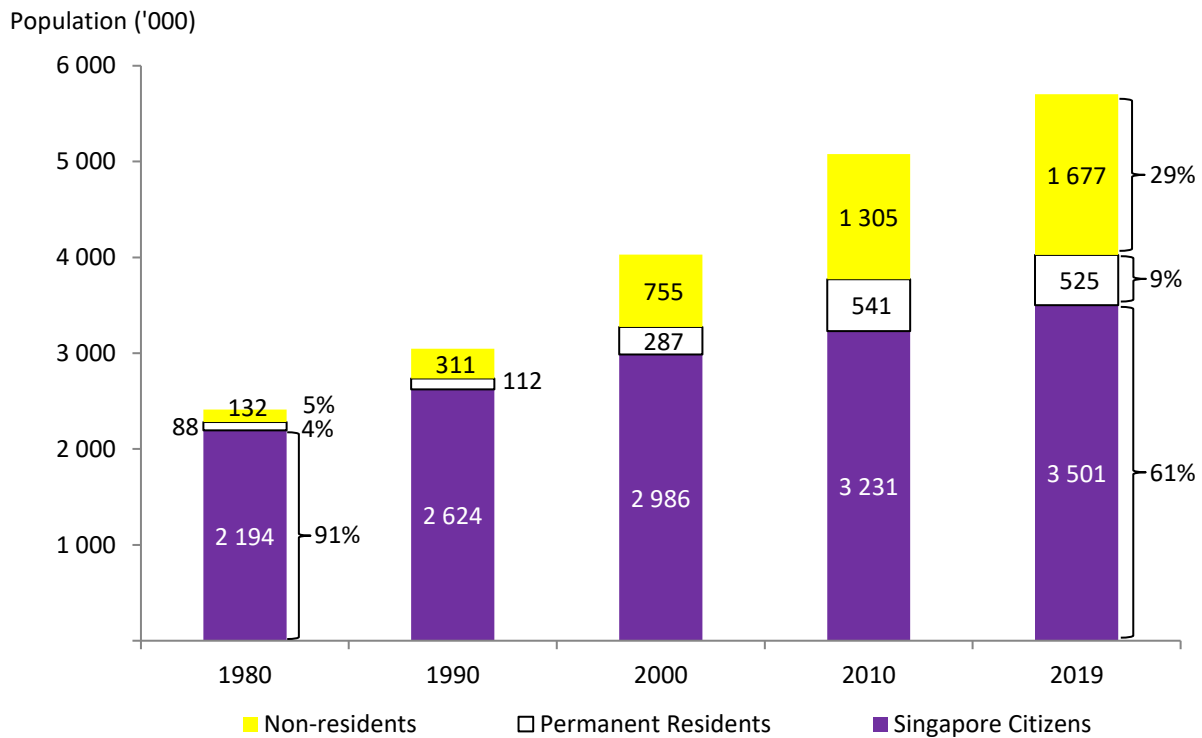
5.2 The Planning Ordinance (subsequently renamed as the Planning Act) was enacted in Singapore in 1960, leading to establishment of the Planning Department ("PD"), a statutory planning body overseeing spatial planning under the portfolio of Ministry of National Development ("MND"). While the duties of PD were broadly similar to TPB in Hong Kong, it had more centralized power and autonomy. PD implements the Master Plan, a comprehensive statutory plan governing the use of land throughout Singapore for the next 10-15 years, subject to 5-yearly reviews and public consultation. While this centralized planning model helped boost urban development especially public housing construction after the independence of Singapore in 1965, it gave rise to a number of implementation issues by the mid-1980s. They included (a) lack of transparency in the planning system, with limited public participation; and (b) bureaucratic procedures with "forest of rules" causing repetitive planning applications considered on a case-by-case basis.⁷³ Also, it could not achieve the new policy objective to boost private housing to meet the emerging needs of migrants and expatriates (**Figure 7**).⁷⁴ Eventually, the outbreak of a corruption scandal in planning applications relating to MND in 1986 triggered a series of review on the planning system in Singapore.⁷⁵

⁷³ Before the late-1980s, developers would only be advised on permitted development parameters and the amount of land premium after submitting a planning application. They were vetted on a case-by-case basis, resulting in development delays. See Khoo and Guo (2016).

⁷⁴ Non-residents have to live in private housing because they are ineligible for public housing. During 1980-2019, non-residents increased by more than four-fold to 1.6 million, along with a rise in their share in total population from 5% to 29%.

⁷⁵ The then Minister for National Development Teh Cheang Wan committed suicide in 1986 after being investigated for corruption relating to development-related bribes in 1981-1982. The scandal triggered sweeping changes in the planning and development system. See Centre for Liveable Cities (2016) and Ministry of National Development (2019).

Figure 7 — Population in Singapore by citizenship, 1980-2019^(a)



Note: (a) Percentage share represents the proportion in total population in Singapore. It may not add up to 100% due to rounding.

Source: Singapore Department of Statistics.

5.3 Amongst the various reforms in the town planning system since the late 1980s, restructuring of URA in 1989 represents a milestone. URA used to be responsible for urban renewal only. It took over statutory duties of town planning from PD upon enactment of the URA Act in 1989, although its name stays the same.⁷⁶ ***In short, the planning reforms in Singapore focus on streamlining procedures and enhancing flexibility in land use, though with limited progress in enhancing public participation in the planning process.***⁷⁷

Here are their key features:

⁷⁶ Established in 1974, URA was originally responsible for urban redevelopment in Singapore, but the pressure for urban renewal eased in the mid-1980s. At present, URA consists of a board with 13 appointed members from a diversified background (e.g. government, banking, consultancy, legal and architecture) and a management team.

⁷⁷ In Singapore, public participation in the town planning process is limited to the public consultation on the Master Plan and Concept Plan, but not planning applications. More recently in 2013, the Singaporean government enhanced transparency by requiring developers to inform the local community about their proposed residential developments before work commencement. See Ministry of National Development (2019).

(a) **Consolidating planning authorities and functions:** The revamped URA now has extended resources and multidisciplinary expertise, empowering it to oversee the nationwide planning system and to streamline planning functions, as all agencies "work together as a whole-of-Government".⁷⁸ More specifically on the URA Board, it contains 13 members, just one-third of the size of TPB in Hong Kong. Coupled with far fewer public participation and different mode of division of labour in the town planning process, it accelerates decision-making in the Singaporean planning system;⁷⁹

(b) **Streamlining planning approval procedures:** *First*, URA introduced "provisional permission" for planning application in 1989, allowing commencement of certain preliminary works before the issuance of "written permission".⁸⁰ This helped expedite development projects. *Secondly*, for those complex or controversial projects not conforming to land use in statutory plans, developers could submit "outline application" to test the water first, obviating the need to prepare detailed plans at this stage. URA would give a quick indication of whether the proposed parameters (e.g. plot ratio and building height) would be favourably considered.⁸¹ The applicant may submit up to three proposals for each planning application under the "multiple development options scheme" since 2003. These helped reduce costs and shorten turnaround time.

Thirdly, under the "Plan Lodgment Scheme" launched in 1995, instant approval was given to those developments complying with the planning and lodgment requirements and have already obtained declared acceptable by qualified persons ("QP") such as registered architects or engineers.⁸² *Lastly*, as different planning

⁷⁸ Khoo and Guo (2016) and Centre for Liveable Cities (2016).

⁷⁹ In Singapore, given that only URA (but not the public) can lodge a plan amendment during the 5-yearly review of the Master Plan, URA Board has far more power and spare capacity in determining more important issues such as planning and development guidelines and longer-term strategic spatial planning. Daily-operation (e.g. vetting of planning applications) can be left to the management team in URA.

⁸⁰ Provisional permission and written permission are valid for 6 months and 2 years respectively. Both can be extended subject to URA's consideration. See Yuen (2007).

⁸¹ The URA generally takes 20 working days to assess an outline application.

⁸² QP needs to ensure the development is in full compliance with URA's requirements. See Urban Redevelopment Authority (2020a).

and development parameters were adopted by PD and URA before 1989, URA standardized them to facilitate developments;

- (c) **Avoiding duplicated regulatory requirements:** Under the Simplified Planning Approval System ("SPAS") introduced in 1987, town planning and building control procedures are separated. Developers need to directly consult other technical departments (e.g. Building and Construction Authority) on compliance requirements before submitting building plans, without overloading URA to check and relay the requests for the departments.⁸³ This arrangement helps to minimize duplication of technical consultation, shortening time taken in planning approval; and

- (d) **E-portal for planning applications:** Since 1997, URA has introduced a computerized planning application form and an electronic submission and progress tracking system, which is more convenient than that in Hong Kong. Not only can applicants attach drawings and text files for online approval, but the e-portal also supports a fast and hassle-free form-filling process (e.g. auto-computation of plot ratio, site coverage, communal open space and processing fees), saving troubles of both developers and URA. A decision is usually made on the majority of these applications within four weeks.⁸⁴

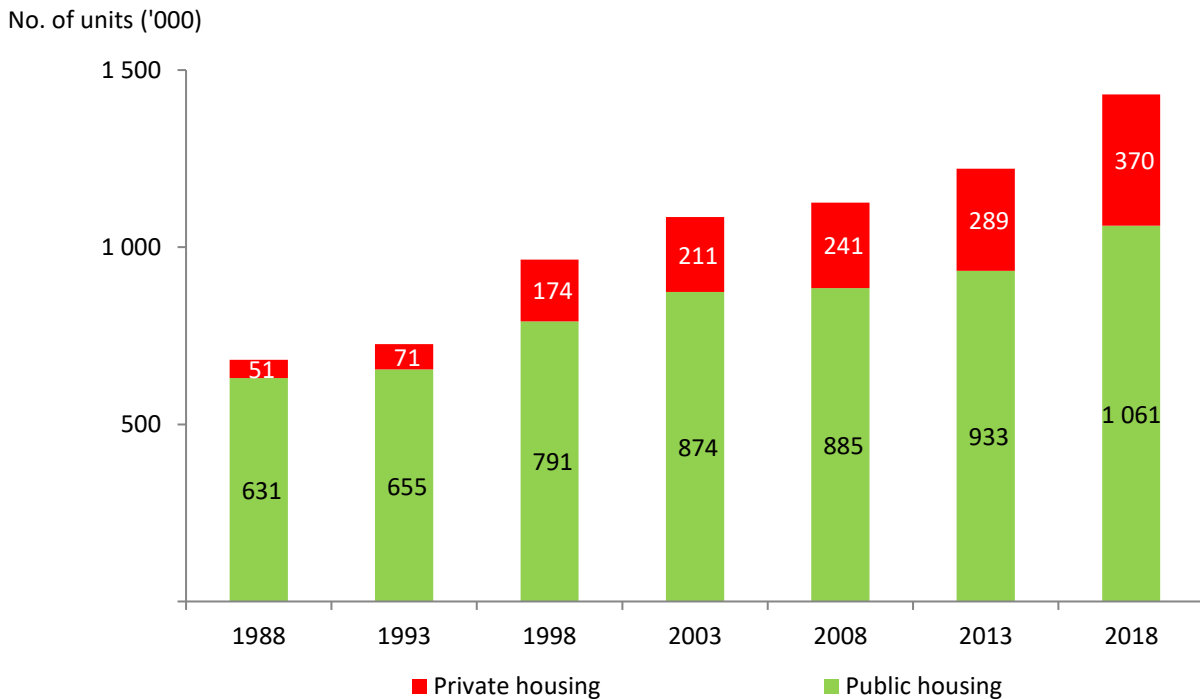
5.4 While the above streamlining measures are intended to enhance the efficiency of the town planning system in Singapore, these business-friendly planning policies also help boost housing supply, especially in the private sector.⁸⁵ For instance, the stock of private housing in Singapore surged by over six-fold during 1988-2018, faster than the 68% rise in the stock of public housing. As such, the proportion of private housing to the total housing stock in Singapore more than tripled, from 8% in 1988 to 26% in 2018 (**Figure 8**).

⁸³ Prior to the implementation of SPAS, the planning authority had to consult all relevant technical departments and their clearances obtained before planning permission could be issued. Under SPAS, URA will evaluate a planning application primarily on planning grounds (e.g. land-use zoning and intensity of development) only, and leave the technical requirements (e.g. electricity, drainage and fire safety) to the relevant department to directly deal with developers at the building control stage with statutory processing time-limit. See Yuen (2007).

⁸⁴ Yuen (2007).

⁸⁵ Khoo and Guo (2016) and Yuen (2007).

Figure 8 — Housing stock in Singapore by sector, 1988-2018



Sources: Singapore Department of Statistics and Housing and Development Board.

6. Observations

6.1 In **Hong Kong**, the phased approach in reviewing TPO in 2004 has enhanced public participation and laid down time-limit in a few town planning procedures. As the Government has not undertaken the subsequent reviews as initially planned, there are public concerns over issues such as (a) lengthy process in making statutory plans and vetting planning applications; (b) more workload arising from enhanced public participation; (c) transparency of TPB; and (d) duplicated compliance requirements from other regulatory authorities for planning approval. There is growing advocacy for another review of TPO.

6.2 In **Amsterdam**, though it is long acclaimed as the "planning paradise", the Dutch government has reviewed its town planning system for further enhancements since 2008. Key streamlining measures include (a) merging planning authorities; (b) consolidating 26 planning-related laws into single legislation; (c) one-stop planning approval by one authority under standardized approval time-limit; (d) addressing NIMBY by minimizing undue appeals to

developments; and (e) setting up a convenient e-portal for planning applications and vetting.

6.3 In **Singapore**, the government reviewed its town planning system in the late 1980s. Major improvements included by (a) consolidation of planning authorities and functions; (b) streamlining the planning approval process and shortening processing time; (c) addressing duplicated regulatory requirements of planning approval with statutory approval time-limit; and (d) setting up a convenient e-portal for planning application and vetting.

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