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15 May 2002

The Hon. P.C. Lau
20/F 625 King's Road
North Point
Hong Kong

Fax : 2561 0383

Dear P.C.,

Legco Panel on Planning, Lands and Works
“Comprehensive Development Area” Zoning on Statutory Plans

We refer to the captioned information paper on the subject and our Institute's views on the issue are:

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- (a) '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.
- (b) 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.
- (c) As we can see, there are a number of merits to the 'CDA' zoning: -
 - it allows comprehensive design and layout,
 - it provides certain amount of government, institution and community (GIC) facilitate to

fulfill district needs,

- it acts as an outline approval for subsequent lease and general building plans submission,
 - it provides the applicant with legal rights of Review under Section 17 of the Town Planning Ordinance and Appeal under Section 17B.
 - the processing of applications is subject to statutory time limits facilitating consideration of complex proposals.
- (d) 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 Queens 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.
- (e) Some criticism has been made of the procedural and submission requirements even for minor amendments to the approved MLPs. However, the process is bound 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) If you need further explanation on the above comments, please do not hesitate to contact me

at 2588 2633.

Yours sincerely

Roger Tang
HKIP