

Releasing the brakes

The sluggish pace of Hong Kong's Town Planning Application System is hampering development and preventing the increase of land supply. The HKIS has several recommendations to speed things up.

Kit M Yip



Photo: SCMP

Sr Thomas Ho, President of the HKIS (middle); Sr C K Lau, Immediate Past President of the HKIS and Chairman of HKIS Land Policy Panel (right); and Sr C K Chan, Chairman of HKIS Housing Policy Panel (left) announced the report of a research study on Town Planning Application system in Hong Kong at a press conference on 27 February 2017.

“The HKIS is concerned that deferments slow down the releasing of land to the market, thus adversely affecting housing supply.”

With land and housing problems being one of Hong Kong's biggest issues today, the Hong Kong Institute of Surveyors (the HKIS) recently announced a research study on the Town Planning Application System to recommend to the government ways of speeding up applications and avoiding deferments in order to achieve the government's goal of increasing and expediting land supply.

The study, which analysed over 1,400 applications to the Town Planning Board (TPB) between 2013 and 2015, shows that over 50 per cent of applications were deferred, and only about one-third were ultimately approved each year.

The HKIS is concerned that deferments slow down the release of land to the market, thus adversely affecting housing supply. “According to the Town Planning Ordinance (TPO), the TPB should arrange meetings to consider applications within two or three months of receiving them,” says Sr Thomas Ho, President of the HKIS. “In recent years however, general planning applications have hardly ever been approved within this timeframe.”



Sr Thomas Ho, President of the HKIS

In-depth studies of 20 applications, including 10 in Comprehensive Development Areas (CDAs), show that applications are often deferred due to government comments which require applicants

to spend extra time reviewing, clarifying and preparing responses.

“Applicants sometimes hear from government departments only one week before a pre-scheduled meeting,” says Sr C K Chan, Chairman of the Housing Policy Panel, the HKIS. “As this does not allow applicants enough time to respond to the comments, they have to apply for a deferment.”



Sr C K Chan, Chairman of the HKIS Housing Policy Panel

More specifically, there are four major reasons for deferment. First, there is the stringent requirement (section 16(2A) of the TPO) by the Planning Department (PlanD) to verify applications, sometimes down to format and spelling, which takes one month or longer. Second, there is differential treatment for technical assessments. There is a substantially higher level of details required for applications submitted by the private sector as compared to Government departments' applications. It increases the difficulty of successful application. Third, there is lengthy correspondence between applicants and PlanD and other departments to reach consensus on technical issues. Finally, there are tough issues regarding industrial and residential interface, and brownfield sites in particular.

“CDAs especially face greater difficulties, with some cases showing no sign of implementation after 20 years or longer,” says Sr Lau Chun-kong, Immediate Past President of the HKIS and current Land Policy Panel Chairman, who took the lead in the study. He added that the larger CDAs have greater impact on land and housing. The HKIS has given six recommendations on general application arrangements and CDA development to speed up approval.

First, for clarification purposes there should be a specific guidance note listing out the TPB Secretariat and PlanD's requirements, details of application forms, and expectations of the approach. The TPB Secretariat should adopt

EVENT SPOTLIGHT

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the date the application is received as the valid starting date for consideration. The TPB should arrange a meeting to review applications within two to three months.

Second, pre-lodgement meetings should be arranged for applicants to speak face-to-face with officials and give responses upon request. Practice notes should be published to promote meetings that are aimed at resolving differences, and to state clearly the deadline for departmental comments so that technical issues can be deemed to have been accepted by the government by the deadline. Guidelines should be issued to entrust PlanD with greater authority to comment on technical departments' requests and give overriding comments in the TPB paper.

Third, there should be consistent assessment standards across the government/public sector as well as the private sector. The latter should also be allowed to give broad-brush assessments in technical issues, since in any case the government will retain ultimate control via town planning approval and government leases.

“This will help speed up initial procedures, and avoid overlaps with subsequent detailed procedures with various government departments further down the line,” Lau says. “Otherwise, smaller developers may be deterred

by the complexity involved in the initial step alone.”

The fourth, fifth and sixth recommendations are related to CDA development. Fourth, it is suggested that CDAs, which are usually of considerable size, should be sub-divided into small portions with due regard to the ownership pattern, and be designated with new zoning specific enough to guide proper equal development of CDA sites.

Fifth is that CDAs be co-developed to include public sector initiatives such as implementation through the Urban Renewal Authority to accelerate implementation.

Finally, the government should provide infrastructural support to CDAs such as drainage, sewage and road network. “Otherwise they are just plans on paper that can barely be implemented,” Lau says.

There is also the issue of enhancing housing affordability for the younger generation. “The HKIS agrees with the government that the best solution to stabilise property prices is to increase land and housing supply by developing rock caverns, underground space and reclaimed land and so on,” Ho says. “Yet land is a limited commodity around the world and has been throughout history, and solutions to land shortages take a long time to see results. For four years, our current government has been working hard to secure land for the next two or three years. It will take much longer to secure land for the next five years or decades. Before younger generations can buy properties, it is imperative that they have dwellings. At any rate, speeding up town planning approval procedures will help expedite land and housing supply.”

To conclude, the HKIS encourages open communication between the government and applicants to minimise the number of un-approvable planning applications and abortive correspondences, thereby expediting supply and solving land problems.

The article is published courtesy of Classified Post.

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加快城規申請程序

香港處理城市規劃申請進度緩慢，不但窒礙了城市發展，同時亦減慢土地供應。香港測量師學會就加快申請程序提出幾項建議。

Kit M Yip

土地及房屋供應是本港目前最迫切解決的民生問題之一。香港測量師學會（學會）近日就城市規劃申請制度發表研究報告，建議政府加快申請程序，避免延期處理申請，以實現政府增加及加快土地供應的目標。

有關研究分析了城市規劃委員會（城規會）在 2013 年至 2015 年間收到的 1,400 多項規劃申請，發現其中逾半數被延期處理，每年成功獲批的申請僅佔約三分之一。

學會憂慮城規會暫延處理申請，將拖慢市場上的土地供應，繼而對房屋供應帶來負面影響。香港測量師學會會長何國鈞測量師說：「《城市規劃條例》（城規條例）規定，城規會須在收到申請後兩至三個月內審議有關申請。然而，近年一般規劃申請難以在此期限內完成審議。」

有關研究深入探討了 20 宗申請個案，當中有 10 宗申請涉及綜合發展區，結果發現有關申請被暫延處理的原因，是申請人須就政府提出的意見，再費時檢視和澄清申請，以及準備答覆。

香港測量師學會房屋政策小組主席陳昌傑測量師說：「申請人有時在會議前一個星期才收到政府部門的意見，因此並無足夠時間準備資料作出回應，最後只能提出暫延處理申請。」

暫延處理的具體原因可分成四個。第一，規劃署根據《城規條例》第 16(2A) 條，須嚴格核實申請，即使是文件格式、遣詞用字亦有嚴格規定，核實需時一個月或更長時間。第二，當局對技術評估有

不同要求，如私人機構提交申請時，所需的資料較政府部門更多，因此增加了私人機構的申請難度。第三，申請人與規劃署或其他政府部門需要長時間溝通，方能就技術問題達成共識。最後，審議涉及工業區與住宅區的申請更為複雜，棕地發展尤其棘手。

負責主導有關研究的香港測量師學會上任會長暨土地政策小組主席劉振江測量師表示：「綜合發展區尤其面對更大困難，部分個案經過 20 多年仍未落實」。他補充指，發展規模較大的綜合發展區，對土地及房屋有深遠影響。學會就一般申請安排及發展綜合發展區提出六項建議，冀能加快審議程序。

第一，訂立清晰指引，列明城規會秘書處及規劃處的審議要求、申請表格的詳情，以及對有關發展方案的期望。城規會秘書處應以收到申請當日作為開始審議的有效日期。城規會應在收到申請後兩至三個月內舉行會議以審議有關申請。

第二，安排事前會議，以便申請人與官員面對面交流並即時回應政府要求。發佈實務守則，鼓勵各方透過會議解決分歧，並訂明政府部門的回覆期限，若當局未有在期限內發表意見，即被視為接納相關技術建議。發佈指引賦予規劃署更多權限，允許規劃署就政府技術部門提出的要求發表評論，並在城規會報告中作出具指標性的意見。

第三，統一對政府部門 / 公營機構與私人機構的評估準則。因為政府負責審批城市規劃及處理政府租契事宜，所以即使放寬私人機構的技術評估要求，政府依然掌握最終決定權。

劉振江測量師表示：「此舉有助加快初步審議程序，避免與各個政府部門其後的詳細審批程序重疊，否則小型發展商可能因為繁複的初步審議手續而被拒之門外。」

第四、第五及第六項建議均涉及發展綜合發展區。第四項建議考慮到綜合發展區規模較大，故發展計劃應顧及業權分佈，並將計劃細分為不同部分，然後再劃分土地，這樣才能適當和均衡地發展綜合發展區用地。

第五，公私營機構共同發展綜合發展區，私人機構可與市區重建局等公營機構合作落實計劃，加快發展步伐。

最後，政府應為綜合發展區提供基建配套，如渠務、污水處理及道路網絡等。劉振江測量師說：「否則這些計劃只是紙上談兵，難以落實。」

提升年輕人對住屋的負擔能力也是公眾關注的議題。何國鈞測量師表示：「香港測量師學會認同政府開發岩洞、地下空間和填海來增加土地及房屋供應，認為做法有助穩定樓價。不過土地一向都是有限資源，要解決土地短缺問題並非朝夕之事。現屆政府在過去四年致力保障未來兩至三年的土地供應，而未來五年甚至十年的土地供應則仍有待處理。年輕人即使未有能力買樓，但他們至少要有一個安居之所。無論如何，加快城市規劃審議程序有助促進土地及房屋供應。」

總而言之，學會鼓勵政府與申請人坦誠溝通，避免不獲批或暫延處理申請的情況，從而加快供應及解決土地問題。

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