

*Repeated Planning Applications by
Developers under Statutory Zoning*

發展商重複申請城市規劃准許



發展商重複申請城市規劃 准許

「中央政策組」撥款資助
CPU (2013.A8.014.14C)



Context

背景

- Hong Kong has no strategic planning at the policy level since 1990: there is no forward planning mechanism or proposals to accommodate a growing economy for the next 30 years
- 從1990年起，香港在政策層面上就失去策略規劃，前瞻性的規劃機制去為未30年的增長提供建議。

Context

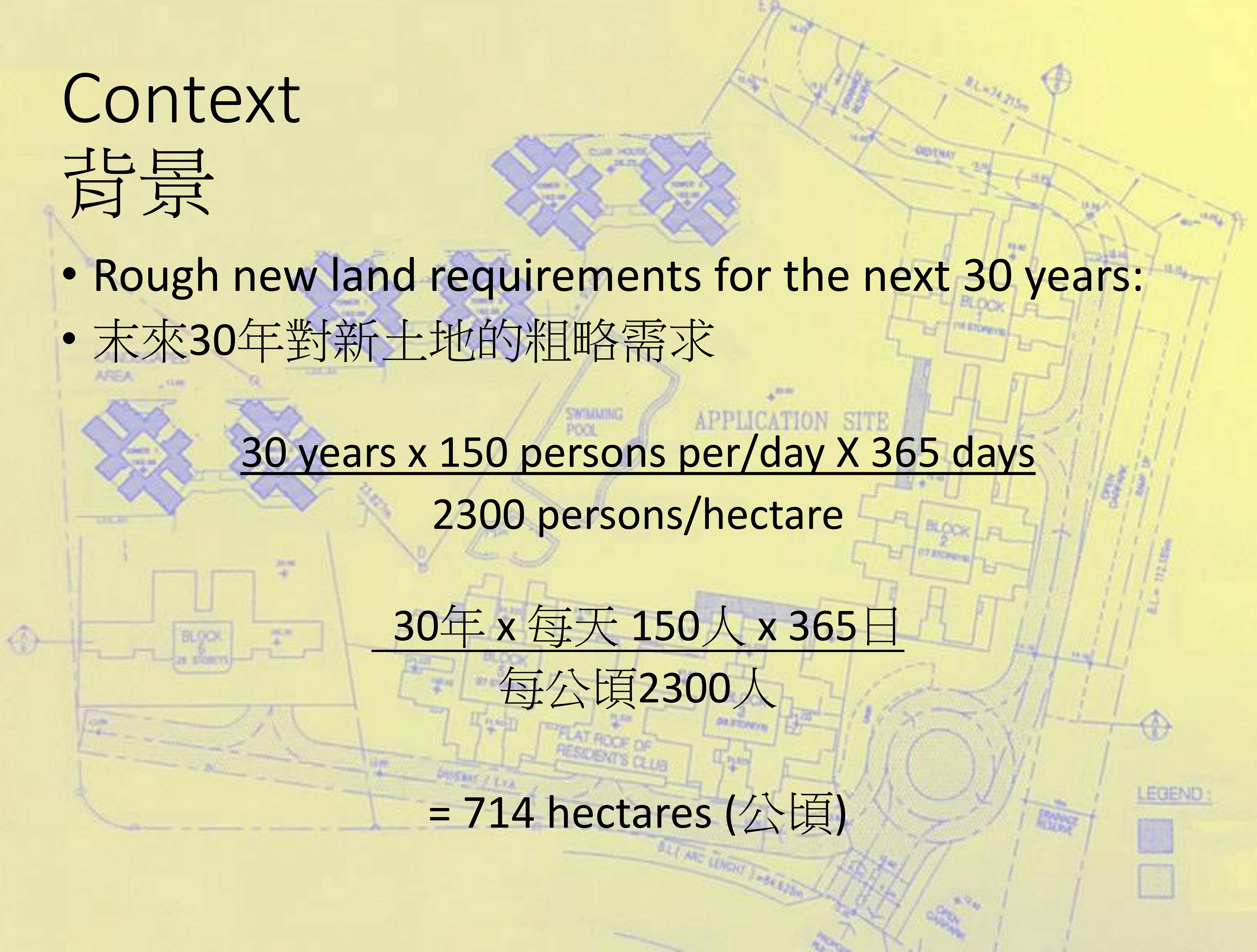
背景

- Rough new land requirements for the next 30 years:
- 未來30年對新土地的粗略需求

30 years x 150 persons per/day X 365 days
2300 persons/hectare

30年 x 每天 150人 x 365日
每公頃2300人

= 714 hectares (公頃)



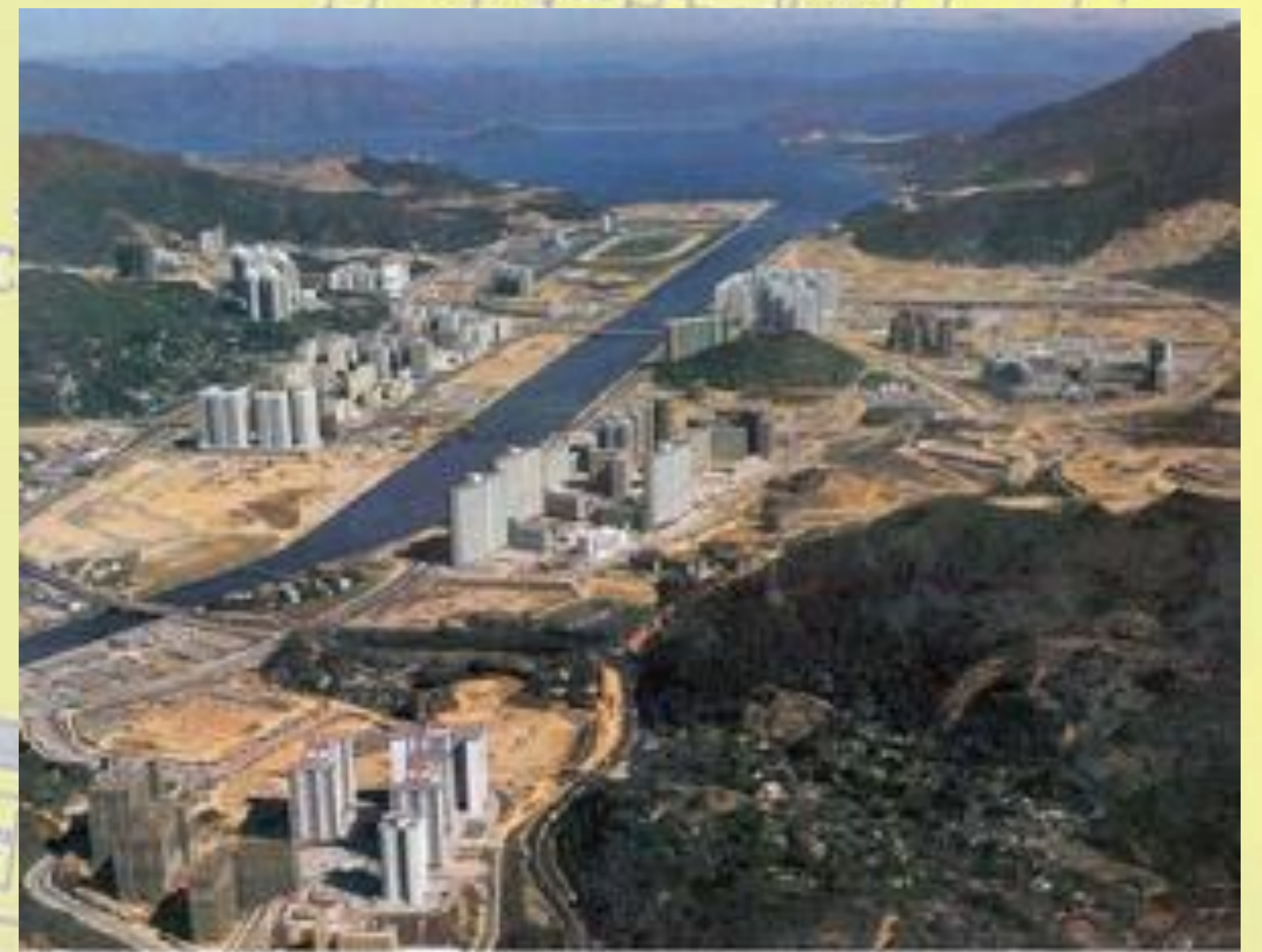
Context: Reclamation? 背景：填海？

- Hong Kong relies in reclamation and hill terracing for obtaining new land for development

香港靠移山填海以獲得新土地作發展之用

- *Protection of the Harbour Ordinance* prohibits further reclamations in Victoria Harbour

<保護海港條例>禁止在維多利亞港進一步填海



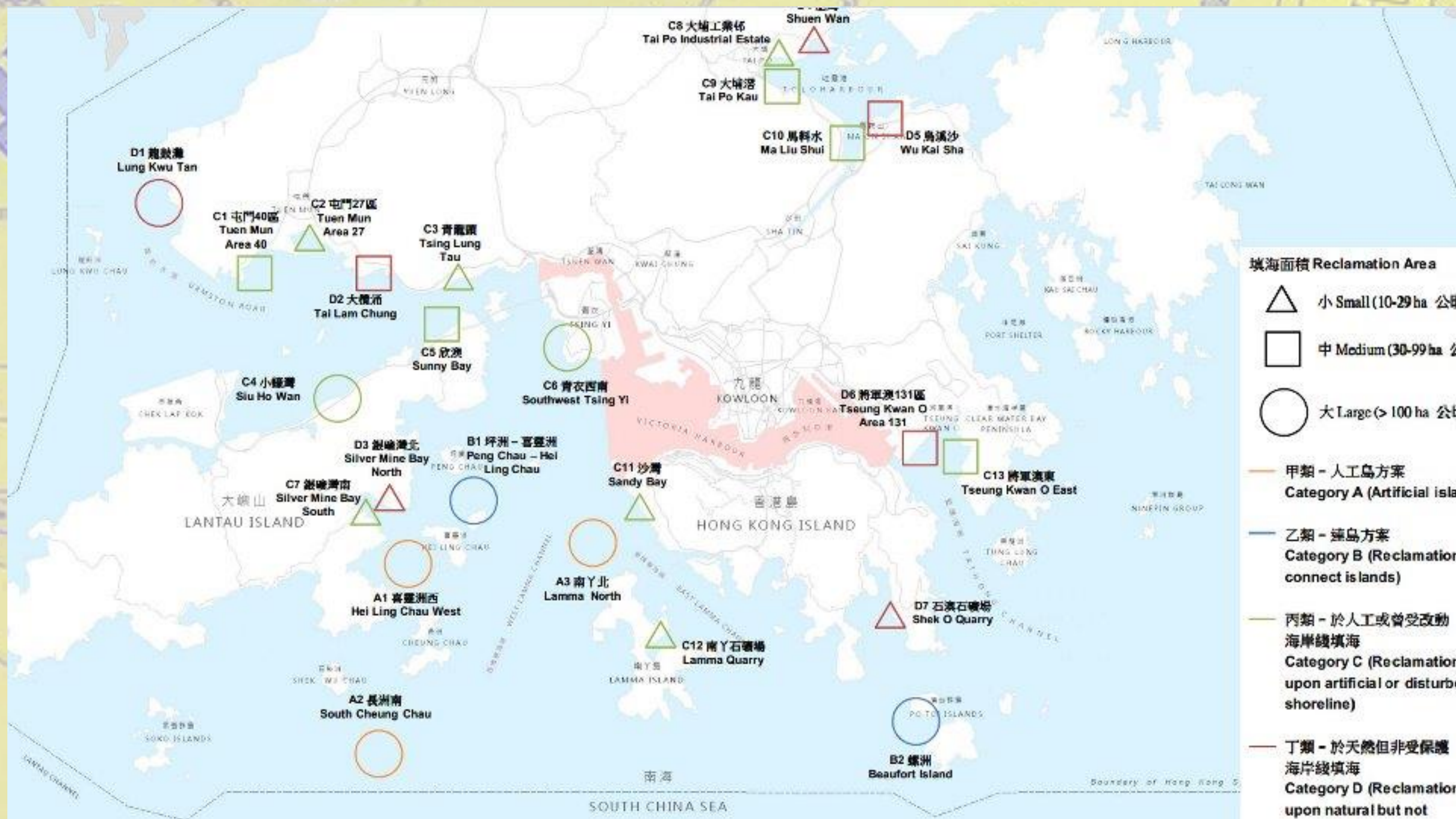
1982年，沙田新市鎮發展中期，填海工程已完成，而部份建設（如沙田馬場及沙田第一城）也經已落成

Context: Reclamation?

背景：填海？

- Hong Kong now needs strategic (major) reclamation sites for further growth

香港現需要策略性(大範圍的)填海土地作進一步發展



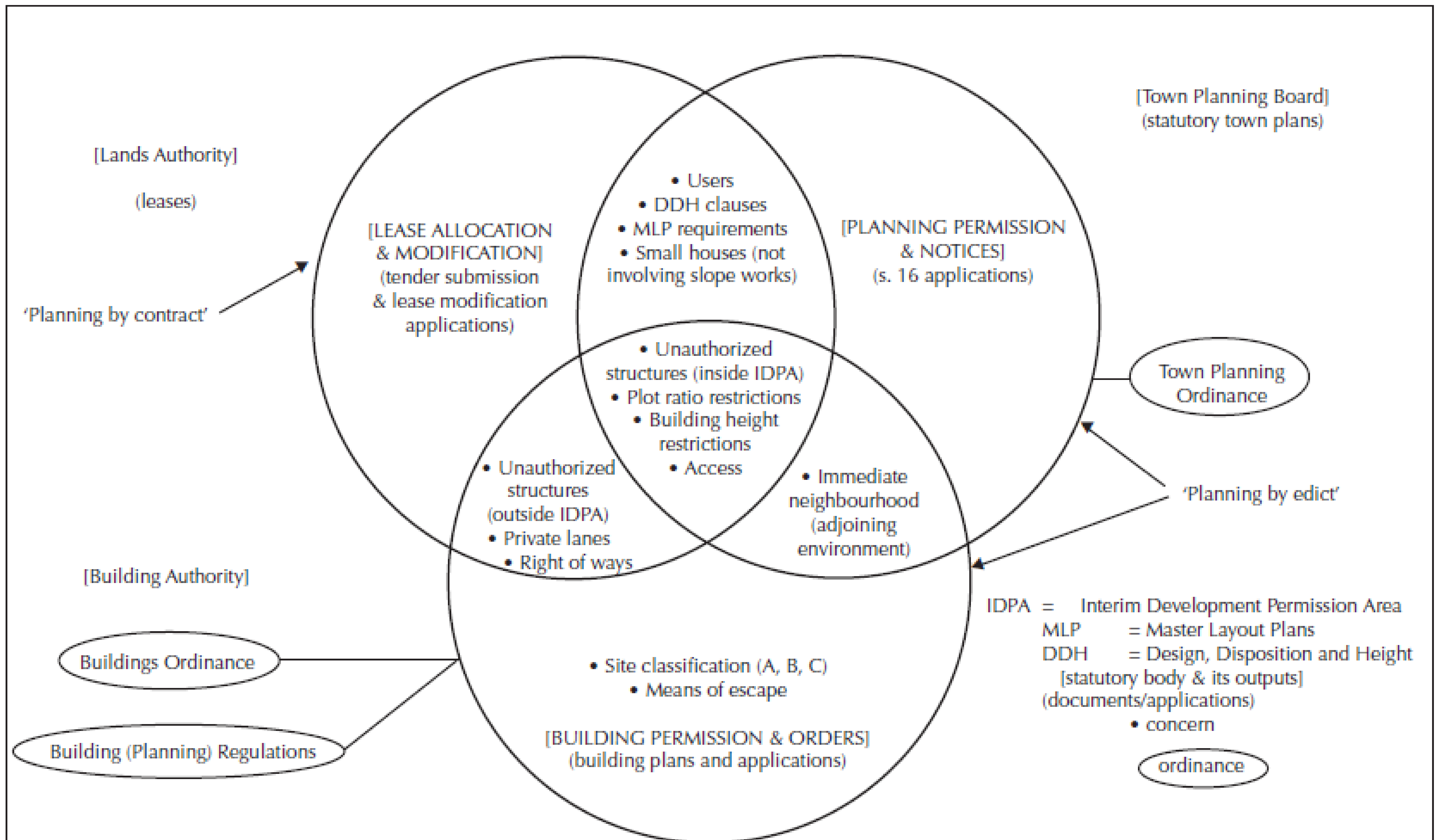
A very long planning application case: 1992 – 2016+
一個非常漫展的規劃申請個案：1992 – 2016+



A very long planning application case: 1992 – 2016+ 一個非常漫展的規劃申請個案：1992 – 2016+

- 1992: s.16 planning application rejected
條例16下的規劃申請被拒
- 1993: s.17B planning appeal allowed – Town Planning Board took Appeal Board to court
條例17B下的規劃申請獲核准 – 城市規劃委員會不服,向法庭申請司法覆核
- 1996: Privy Council advice in favour of developer
樞密院的建議支持發展商
- 2012: Town Planning Board refused to review applications for approvals of planning conditions – Appeal Board allowed the appeal
--- Town Planning Board took Appeal Board to court for the second time
城規會拒絕為批准規劃條件作申請覆核 – 上訴委員會准許上訴 - 城市規劃委員會不服,向法庭申請司法覆核
- 2015: Developer brought the case to Court of Final Appeal
發展商把個案提呈予終審法院

Context: overlapping jurisdictions



Comparison of Non-CDA and CDA development processes

對比「非綜合發展區」與「綜合發展區」的發展程序



Developments with MLPs



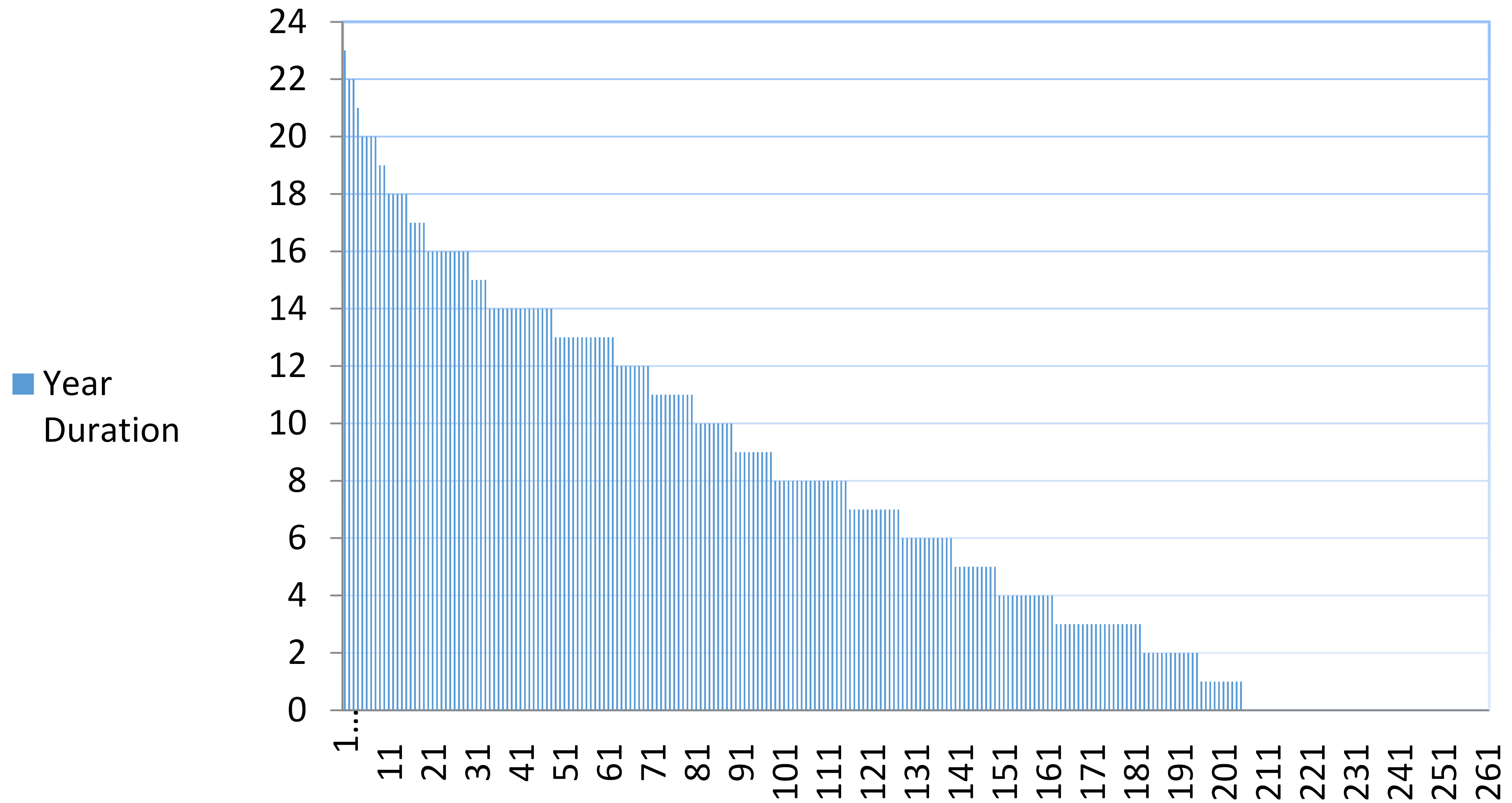
The background of the slide is a detailed site plan for an 'APPLICATION SITE'. The plan shows several building blocks, some of which are highlighted in blue. These blocks are labeled 'BLOCK 1' through 'BLOCK 5'. Other features include a 'CLUB HOUSE', a 'SWIMMING POOL', and a 'FLAT ROOF OF RESIDENT'S CLUB'. The plan also shows roads, parking areas, and a 'LEGEND' in the bottom right corner with a blue square and a white square. The text 'Please wait! 下頁分曉!' is overlaid on the plan.

The distribution of the duration (in years) from the first to the last planning application for 261 CDA projects studied

研究中舊制下261個「綜合發展區」項目從首次到最後提交規劃申請的持續時間(按年計算)及分佈圖

Please wait!
下頁分曉！

Projects

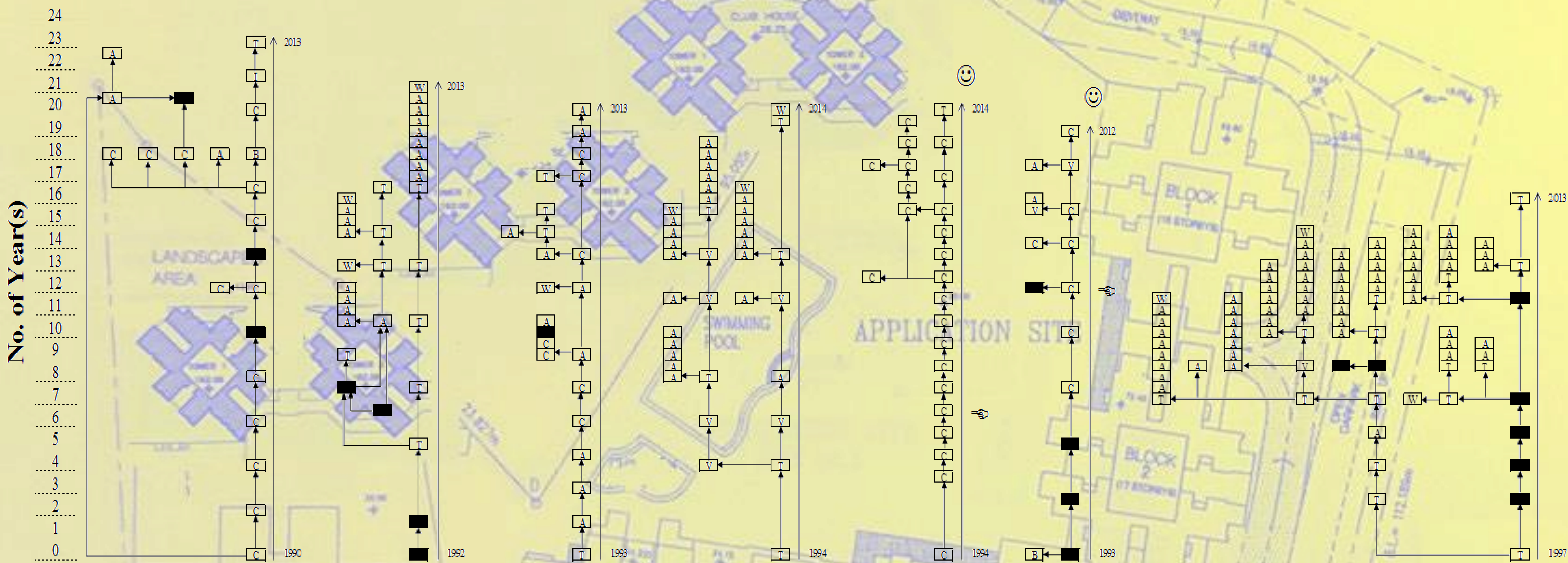


Year Duration	23	22	21	20	19	18	17	16	15	14	13	12
No. of Projects	1	2	1	4	2	5	4	10	4	15	14	8

Year Duration	11	10	9	8	7	6	5	4	3	2	1	0
No. of Projects	10	9	9	17	12	12	10	13	20	13	10	56

Sample Flowcharts of Long and Complicated CDA Application Cases

若干耗時又複雜的綜合發展區申請流程圖



LEGEND

- A Approved
- C Approved with condition(s)
- T Approved with condition(s) on a temporary basis
- B Abandoned by appellant
- V Revoked
- Rejected
- W Withdrawn
- D Deferred
- I Invalid
- O No Detail
- M Dismissed
- N Not considered
- ☺ Occupation Permit Issued
- 👉 Execution of a New/Modified Government Lease/Conditions

圖例說明

- A 無條件許可
- C 有附帶條件許可
- T 有附帶條件暫許
- B 申請人中止申請
- V 取消
- 不予許可
- W 撤回
- D 延期
- I 無效
- O 資料不詳
- M 退回
- N 不作考慮
- ☺ 獲簽發入伙紙
- 👉 簽定新土地契約/已修改之土地契約/條款

LEGEND :



Global summary

整體摘要

01-1-1990 → 31-10-2014

(whole study period 全期)

approved units of private housing

獲批許可的私人房屋單位

a. Total area of all CDA sites for all years
全期所有綜合發展區項目的總面積

724 ha(公頃)

CDA projects
綜合發展區項目

355

~200,000

b. Total area of 65 developed CDA sites 65
個已竣工綜合發展區的總面積

278 ha(公頃)

CDA projects with
domestic GFA applied for
綜合發展區包含住宅
面積的申請項目

146

~200,000

c. Undeveloped and potential residential area
尚未發展及潛在可建房屋的土地面積
(a) – (b)

446* ha(公頃)

approximate housing capacity of
undeveloped CDA sites **

尚未發展的綜合發展區項目的可容納人口**

450,000

Persons (人)

Residential CDA built
and occupied
已竣工及入伙的綜合
發展區住宅項目

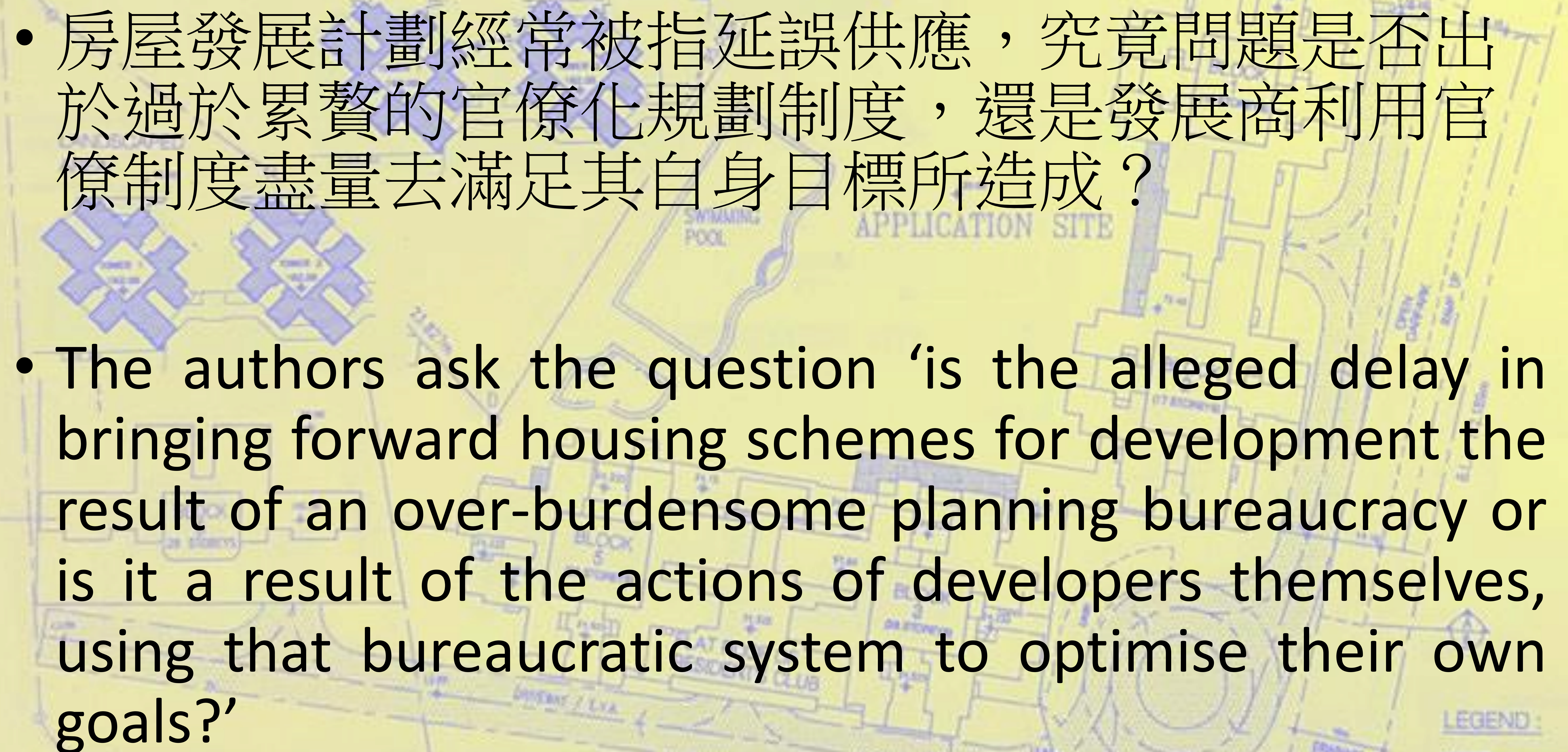
65

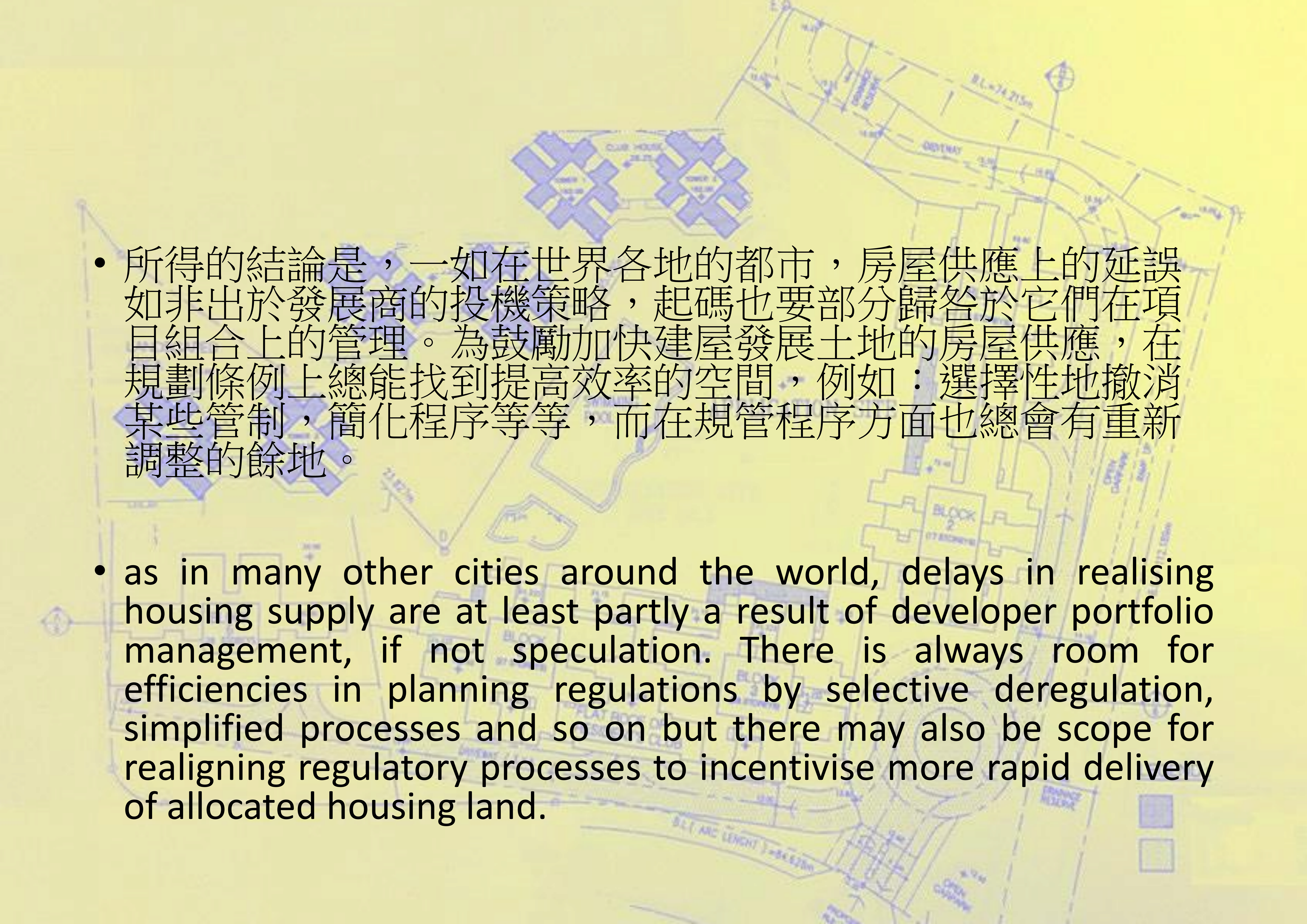
(<45% of 146)

~100,000 or around 50% of approved total
約100,000個單位或獲核准總單位數目的
約百分之五十

*roughly the government land sale quantum for ten years
約相等於政府在十年間的賣地總面積

**1,000 persons/ha is an absurdly low density standard
平均每一公頃1,000人計算是極低住宅密度的水平

- 
- 房屋發展計劃經常被指延誤供應，究竟問題是否出於過於累贅的官僚化規劃制度，還是發展商利用官僚制度盡量去滿足其自身目標所造成？
 - The authors ask the question ‘is the alleged delay in bringing forward housing schemes for development the result of an over-burdensome planning bureaucracy or is it a result of the actions of developers themselves, using that bureaucratic system to optimise their own goals?’



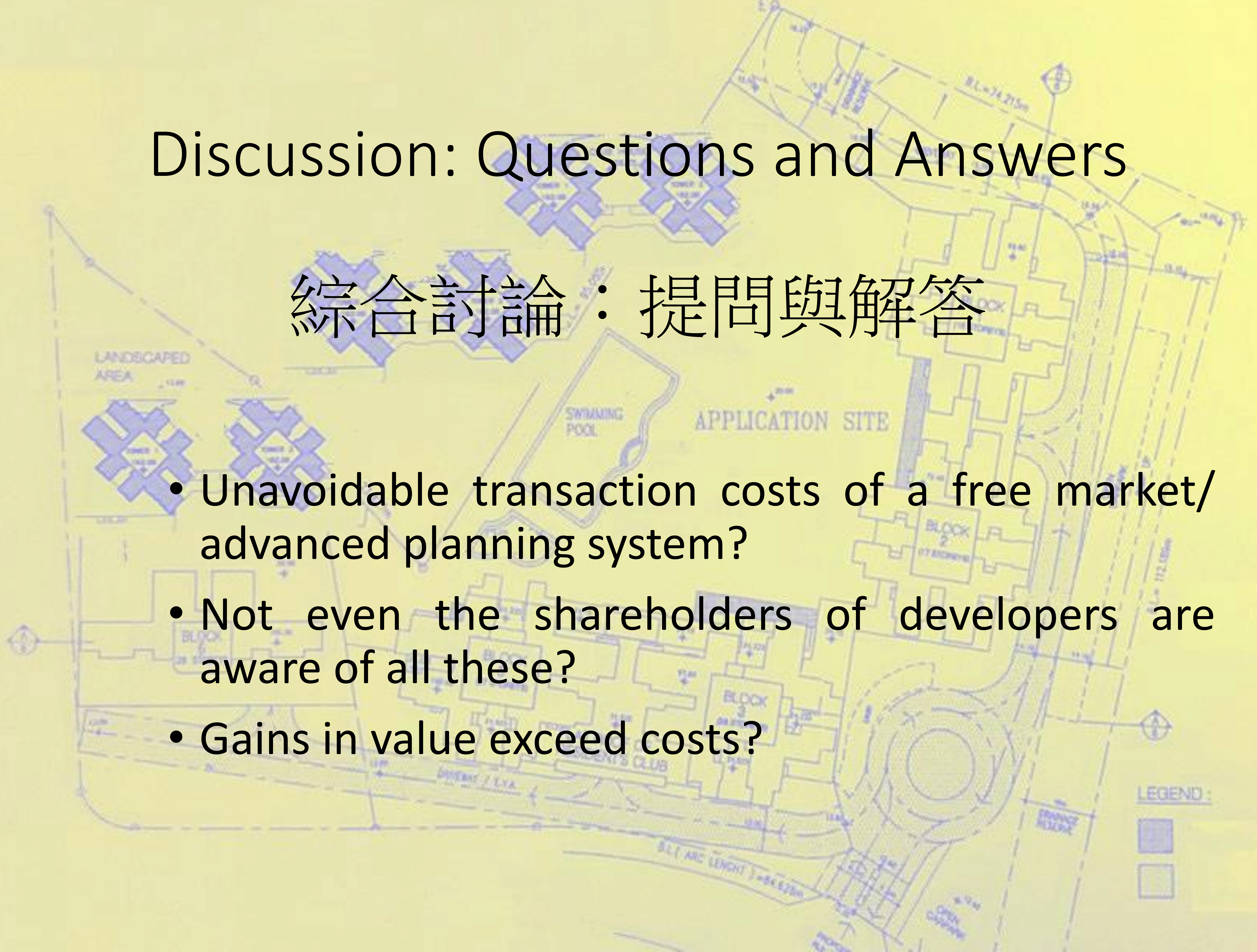
• 所得的結論是，一如在世界各地的都市，房屋供應上的延誤如非出於發展商的投機策略，起碼也要部分歸咎於它們在項目組合上的管理。為鼓勵加快建屋發展土地的房屋供應，在規劃條例上總能找到提高效率的空間，例如：選擇性地撤消某些管制，簡化程序等等，而在規管程序方面也總會有重新調整的餘地。

• as in many other cities around the world, delays in realising housing supply are at least partly a result of developer portfolio management, if not speculation. There is always room for efficiencies in planning regulations by selective deregulation, simplified processes and so on but there may also be scope for realigning regulatory processes to incentivise more rapid delivery of allocated housing land.

Discussion: Questions and Answers

綜合討論：提問與解答

- Unavoidable transaction costs of a free market/ advanced planning system?
- Not even the shareholders of developers are aware of all these?
- Gains in value exceed costs?





THANK YOU!

謝謝！