

## **Speaking Notes of Mr. Louis Loong at the Causeway Bay Outline Zoning Plan Representation Hearing (REDA Representation No 153) on 11 March 2011**

Mr Chairman and Members, REDA is very concerned about the impact of the zoning amendments on the development system as a whole. REDA has made this representation, and representations on other Outline Zoning Plans, so as to try to ensure that Hong Kong maintains an efficient, fair and sustainable urban development system. REDA's representations therefore relate to matters of principle and in particular, to the need to protect the property rights of individual property owners. This does not just apply to the rights of developers, but also to the rights of individual property owners who may not even be aware of these changes.

The representations in relation to the Causeway Bay Outline Zoning Plan that you are hearing today illustrate all of the concerns that REDA has regarding the protection of rights and the sustainability of the Hong Kong development system.

### **Loss of Flexibility**

It is clear that the Hong Kong development system is becoming increasingly more complex and more difficult to navigate. More and more uncertainty is being introduced to the land, building and planning systems. This has made development more costly and longer to implement and developers are finding it easier to develop outside Hong Kong and to do better forms of development elsewhere. The introduction of building height restrictions, plot ratio controls, NBAs, etc where they cannot be reasonably justified are examples of this, particularly where they duplicate other controls. There appears to have developed a total focus on "control for control's sake".

An indirect consequence of this "control mentality" is that the community is now facing shortages in housing and shortages in office space. The measures that are being imposed on the various Outline Zoning Plans are frustrating the development of good quality housing and office development. These measures are stifling the development of Hong Kong yet no attempt has been made to assess their economic impact.

The recent Practice Notes issued by Buildings Department and the Joint Practice Notes have further confounded the issue as they duplicate and conflict with what the Board is doing in these amendments. As you have seen in the previous presentations the combined effect of these controls and the Practice Notes is making many sites in Hong Kong un-developable.

### **REDA's Representation**

The written representation from REDA dated the 17 November is included as Annex III-153 to the Town Planning Board Paper. I would like to highlight just a few points.

#### *No Prior Consultation*

REDA has constantly asked for the Board and the Planning Department to undertake consultation before changes are made to the Outline Zoning Plans. All developers are aware of the progressive imposition of BHRs on statutory plans and many have submitted General Building Plans for approval. Also, recently the impending introduction of the new Practice Notes have prompted the submission of

GBPs under the old system, as that is the only one that provides any certainty. The reason given by the Planning Department that prior consultation will result in an acceleration of submission of GBPs is hardly convincing. Honestly I found it more like an excuse for not talking to landowners, District Councils, professions or the industry.

### **Mixed Use Zoning**

Another example of the poor communication between the Planning Dept and the public is the removal of the "C/R" zoning and the introduction of the new "OU (Mixed Use)" zone on the Causeway Bay Outline Zoning Plan.

REDA has consistently objected to the removal of the "C/R" zone as being unnecessary and not in keeping with the flexibility that has typified Hong Kong development for so long. There are many desirable aspects of the "C/R" zoning that warrant it being retained. I could not recall seeing any specific study carried out in relation to Causeway Bay to justify the removal of this zoning.

What is of more concern to REDA is that the introduction of the OU(MU) zone to this Outline Zoning Plan, used in the urban area for the first time, was done without any consultation with anyone, and in particular, not with the industry. The proposed zoning mechanism is complicated and it is difficult to understand how it is to be implemented. REDA has therefore objected to this zoning as it is unclear and does not appear to provide adequate flexibility.

It seems that the Planning Department is persisting with a planning process that is not open and transparent and therefore not properly thought through. A little time to consult the industry and professions would have resulted in understanding and acceptance of the concept at least before it was given statutory effect.

While maintaining the objection to the removal of the C/R zone as a matter of principle, REDA has subsequently looked at the planning intention of the zoning and realized that it is consistent with the desirable mixed use concept that is applicable for Causeway Bay and similar areas. Some fine tuning of the mechanism is still necessary though.

REDA considers that, as a principle, the C/R zoning should be replaced by the OU(MU) zoning rather than by the R(A) and "C" zones.

### **Relaxation Scheme**

REDA made submissions to the Tsim Sha Tsui Outline Zoning Plan in relation to the Relaxation Scheme that was incorporated into that OZP. While the finally adopted scheme still has some unacceptable restrictions, it is better than the zoning proposals put forward to the Causeway Bay OZP. I can see some prospect of achieving a better form of urban development in Causeway Bay if the Relaxation Scheme is allowed to be included as it provides a means for relaxing the unreasonably low BHRs that have been established.

The Relaxation Scheme allows the land owner of sites of a specified size to apply to the Board under section 16 for approval of a taller building than the BHR allows. Before the Board would approve the scheme, the applicant must demonstrate significant planning gains in terms of the criteria set out in the

Notes to the OZP, such as building set-backs, space between buildings, greening provision, etc. It promotes the provision of good quality space at the ground level where pedestrians are, and a better over-all sustainable urban form.

This is a serious and relevant proposal, and we are disappointed that the Planning Department has simply dismissed it without consideration of the planning benefits to the area (ref page 24 para.(j)). Causeway Bay is a major office and commercial node and the Planning Intention for the Commercial zone sees the area "Functioning as a territorial business/financial centre and regional or district commercial/shopping centre." This planning intention is compatible with the planning intention for Tsim Sha Tsui commercial zone, and therefore the same approach should be taken to both areas if you wish to encourage the development of sustainable buildings and a better environment.

REDA therefore asks that the same Relaxation Scheme be applied to the "C" and OU(MU) zones in Causeway Bay as the area has similar characteristics to Tsim Sha Tsui in terms of being an extension of the CBD. The Relaxation Scheme has the benefit of going beyond "minor", thus allowing the Board greater flexibility to approve good development schemes.

### **Letter to the Chairman and Members of the Board**

REDA has consistently asked that any zoning and height restrictions be set at levels that allow for flexibility to cater for changing circumstances. That call has been ignored, consistently.

We have also consistently advised the Board to act in accordance with the provisions of the Town Planning Ordinance. By including provisions for NBAs, building set-backs and spot height restrictions, you are not acting in accordance with the Town Planning Ordinance as these proposals are not consistent with the requirements of Sections 3 and 4. The Board is required to operate in a general, broad and consistent manner when preparing OZPs, and REDA considers the Board should not duplicate provisions in the Buildings Ordinance and the Roads (Works, Use and Compensation) Ordinance.

With the introduction of the new Practice Notes, the situation has gone from bad to worse, as the control system under the Buildings Ordinance has changed significantly and the zoning provisions are in conflict with these new requirements.

This apparent conflict has now reached a critical stage that REDA feels compelled to write to the Chairman and Members of the Board on the 7 March. A copy of that letter is tabled.

In the letter, we asked for the following to take place:-

- (a) The Planning Department undertake a genuine consultation with REDA and relevant professional institutes on technical issues such as assumptions for floor-to-floor heights, etc, when setting BHRs;
- (b) An urgent review be undertaken to assess the combined effect of the Practice Notes and the BHRs and how these affect existing property rights and that this be undertaken jointly by the Planning Department and the industry;

- (c) The preparation of amendments to any other OZPs be suspended immediately as the Practice Notes show that the provision of set-backs, air ventilation requirements, building gaps, spot building height, and NBAs are not matters for the Board to consider;
- (d) All existing OZPs with this form of amendment on them and which have yet to be heard, be re-assessed on an assumption that these forms of control are no longer relevant for the Town Planning Board as the Practice Notes cover these matters.

Finally, the manner in which these Representation Hearings are being held gives REDA great concern that the Board is not able to give fair and full consideration to serious representations made by the public. It is unreasonable and undesirable to have long and complicated hearings such as this, where the majority of the public cannot attend for such long periods. It is also unfair on Board members who give their time generously, to expect them to sit for long periods into the night. REDA appreciates the time given by Members, but the manner in which the process is being handled is making it difficult for both them and the public.

There are provisions in the Ordinance which allow for better organization of hearings, such as establishment of hearing committees, consideration over several days and consideration in smaller groups.

I realize that our representation may not be music to everybody's ears. I just hope that it may be received in an attitude of openness. Had there been openness and public engagement in the first place, I am sure you would have seen much fewer representations today.

Thank you.