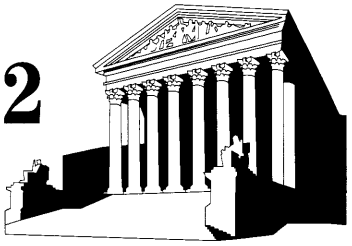
Rethinking Planning: Part 2



Last month we covered background to the Government's major review on land-use and planning. This month, *J A McInnis* and *Bernadette Donnelly* critique current planning, and offer some suggestions for review.

A Critique of Planning

Criticism and public concern has been the driving force behind much of Hong Kong's legislation. The present system of planning has been subjected to criticism on a wide variety of grounds, including the following points which were laid out in the Consultative Document entitled *Comprehensive Review of the Town Planning Ordinance* July 1991.

(i) Current statutory controls are insufficient. Except for the sanctions introduced in 1991 in the Town Planning Ordinance, in respect of Development Permission Areas, the provisions of the Town Planning Ordinance are enforced through the Buildings Ordinance and its subsidiary legislation, namely the Building (Planning) Regulations. Such control is only effective when the submission of new building plans is required. There is little planning control over some change of use categories in an existing building.

(ii) Restrictions imposed by terms in Government leases are unsatisfactory because they can only be changed by way of consent from the Government and its lessee.

(iii) The present methods of control over density are unsatisfactory. The principal control is by way of the Building (Planning) Regulations, but in respect of areas of special control, the Land Development Policy Committee designates permitted density.

(iv) Many contemporary issues relating to the use and development of land, such as assessment of environmental impact, civic design and conservation methods to deal with non-conforming existing uses, are not covered by the Town Planning Ordinance; and the scope of the Antiquities and Monuments Ordinance is inadequate.

(v) There is no statutory compensation for "planning blight" caused by zoning for future public purpose, and no means of compelling the Government to resume the land, thereby entitling the owner to compensation.

(vi) The degree of public consultation in the planning process is not robust.

(vii) The statutory plans are "site specific" and fail to deal adequately with strategic large-scale planning and there is scant public consultation in large-scale planning decisions, which remain administrative in nature.

(viii) The only way to challenge a draft plan contravention is by resumption, which is an extreme measure.

(ix) There are inadequate controls over temporary land usage, which do not correspond with the use designated in the zone plan.

Suggestions for Future Direction

Looking at town planning in wider terms, criticism has also been aimed at those involved in the planning process, including professionals and those in associated government departments. One of the most vehement critics, Lawrence Wai-Chung Lai, has accused those involved of having "tunnel-vision" with respect to their understanding of what land use planning should entail. Wai-Chung places emphasis on the need to understand that town or land use planning is not merely related to road building, civic design and development of new towns. He states that it extends far beyond this, and includes a gamut of issues from the price of housing and the cost of commuting, to the sustained economic viability of the economy. In his text *Town Planning in Hong Kong, A Critical Review*, Wai-Chung cites recent proposals for redevelopment of the old Kai Tak airport site as a prime example of poor land use planning. The proposals show both shortcomings in planning and areas that planners often ignore.

Kai Tak: A Case Study

In September 1998, the then director of planning, Peter Pun Kwok-shing unveiled the redevelopment plan for Kai Tak. He commented that the old site would be transformed to become a "city within a city," and would have a profound bearing on Hong Kong's development into the 21st century. It was estimated that this "city" would be built over two decades and become home to a population almost as large as that of Macau. It would house 320,000 people, create permanent jobs for 90,000 and a Metropark three times the size of Victoria Park would be created. The total area of the development would be equal to 600 football fields. Half would be reclaimed, the remainder would be located on the old airport site.

According to an article in the *South China Morning Post* on March 19, 1999, entitled *The Blueprint for Failure*, within a few weeks of the plan being made public, numerous objections were filed. Concerned bodies included environmental groups, the Real Estate Developers Association, the American Chamber of Commerce, the Business and Professional Federation of Hong Kong and almost every professional Institute in Hong Kong with any link to planning, including planners, engineers and architects. Even the Mass Transit Railway Corporation objected. The objections called forth a new vision for the redevelopment.

In response, other schemes and dreams were proposed. It was hoped by many that this empty space in the heart of the city would form a dramatic new harbour space, perhaps akin to Darling Harbour in Sydney, Australia or other major cities. However, the plan unveiled was anything but. Critics complained about a host of issues: The mix of public and private housing; the priority given to roads in preference to railways; the presence of too many tall buildings of standard design that would trap pollution; an open nullah near the Metropark ringed by roads; the absence of linkage with neighbouring areas; limited public areas; and on top everything, a waste transfer station at the end of a seafront promenade. Clearly vision was lacking.

In February 1999, the Legislative Council unanimously condemned this proposal. Planning and Works spokesman of the Democratic Alliance for the Betterment of Hong Kong, Wong Yung-kan, stated that it would "cause irreparable damage to the harbour". The main concern appeared to be that the majority of citizens did not want the last bay of the inner harbour to be reclaimed. As Winston Chu Ka-sun, chairman of the Society for the Protection of the Harbour commented, during the period of former British rule, reclamation would have made "perfect sense". The situation, he said, was clearly "different now". At the time, the objection to the Kai Tak proposal was leant weight by a new wave of awareness and opposition surrounding the Central and Wanchai reclamation (a successful campaign that resulted in plans for the reclamation being altered significantly).

In any event, objection to the proposed development at Kai Tak was so strong that it made a difference, politicians have blocked funds, and a request for over HK$100 million for early site works has been refused. Another weapon employed to prevent commencement of works was provided by the statutory duty imposed upon the Town Planning Board to hear the 806 objections raised against this proposal, which would take months if every objection was aired according to formal proceedings. These criticisms have not been without effect and it appears that the Government has begun to consider new development approaches. Thus, the secretary for Planning, Environment and Lands, Gordon Siu Kwing-chue has recently indicated to the Legislative Council that the Government is rethinking a wide range of development plans.

The planning process itself may be overturned with the creation of a Strategic Planning Authority. Such a new Authority could be led by those outside the Government, with a smaller role (subject to appeal) left to the civil servants. Currently the body with the most public involvement in planning, the Town Planning Board, only considers small-scale issues such as zoning plans and individual development applications. This lack of public involvement and consultation has also been a major concern for most critics of the town planning system. The chairman of the Hong Kong Civic Design Association, Dr Ted Pryor, who spent three decades as a Government planner has commented that this lack of public involvement is in fact where "much of the problems lie".

Public Input Can Work

The extent of public criticism aimed at the Kai Tak plan must have taken the Government by surprise. It has no doubt contributed to the urgency of the planning rethink currently under way, and some of the other recent changes announced by the Government. Proposals for the Kai Tak site, including the development of a new cruise terminal, reflect the public's perception of site usage much more closely. Coupled with other recent proposals, including the scaled down Central Wanchai reclamation, reducing the proposed reclamation by as much as 40 per cent, and waterfront walkways, bode well for public involvement in the planning consultation and development process.

Whether the Kai Tak "city within a city" actually goes ahead remains to be seen, but already important lessons are being learned. Forward planning with a heavy emphasis on sound infrastructure has to be one of the key considerations in order to improve the quality of life for Hong Kong's people, and to maintain the city's prosperity. Political, economic and demographic trends cannot be ignored in the planning process either. Whilst the current economic downturn has reduced pressure on land and enabled the review of future planning and land-use schemes, relief will be brief. It is not surprising therefore, that the Government is starting to turn its attention from unpopular harbour reclamation to the development of potential sites in the New Territories.

To conclude therefore, the Kai Tak redevelopment presents a unique opportunity as well as a challenge for the Government. It is a bellwether for the future direction of planning in Hong Kong, and the bell is ringing loudly. The Government must listen to the peel. ■AAC

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