

Comparative Analysis of Legal Frameworks and Reform in Global Urban Planning Systems: Insights from 'Planning Regulation-Constrained' and 'Development Order-Guided' Models in the Stock Era

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Abstract

This study examines global urban planning systems through a comparative analysis of two governance models: the Planning Regulation-Constrained (Germany, USA, Japan) and Development Order-Guided (UK, Singapore, Hong Kong SAR) approaches. Focusing on six jurisdictions—Germany, USA, UK, Hong Kong SAR, Japan, Singapore—it analyzes their legal frameworks, regulatory tools, and approval mechanisms to assess efficacy in the era of urban stock optimization. Findings reveal inherent tensions between the two models: rigid rules ensure certainty but hinder adaptation, while discretionary systems offer flexibility but risk fairness deficits. Hybridization emerges as imperative, blending as-of-right permissions with contextual discretion. For China's dual system, reforms are proposed—multi-tiered laws, dynamic use packages, streamlined approvals, and collaborative governance—to balance public interest and market dynamism for sustainable urban regeneration.

Keywords Development Control; Planning Systems; Comparative Study; Stock Era

1 Introduction

In this age of accelerated global urbanization, urban planning and land - use management are confronted with increasing challenges. Urban planning systems globally are caught in a fundamental dilemma: achieving legal certainty while allowing adaptive flexibility in development control. These systems generally utilize statutory plans to control land development, but differ significantly in their governance logic. Depending on the relationship between statutory plans and development control, two archetypal models can be identified. The "Planning Regulation - Constrained" Model, as seen in Germany, the US, and Japan, grants as - of - right development permissions via codified rules like zoning ordinances. In contrast, the "Development Order - Guided" Model, pioneered by the UK, Singapore, and Hong Kong SAR, relies on discretionary administrative decisions based on broader policy frameworks.

This study conducted a comparative analysis of six representative countries or regions: New York City (USA), Germany, the United Kingdom, Hong Kong SAR (China), Japan, and Singapore. It concentrates on three key aspects: legal frameworks governing planning hierarchies and authority, regulatory tools enabling land - use control and zoning, and approval mechanisms for development permits. By analyzing the operational logic of each model and assessing their effectiveness in tackling stock - era challenges such as fragmented property rights and the demand for functional hybridity, the study aims to shed light on how global systems balance regulatory certainty and dynamic responsiveness. The insights gained are intended to inform the development of planning governance paradigms that are legally robust yet dynamically adaptive.

2 Dual Models of Urban Planning Systems: Characteristics, Logic, and Evolution

The urban planning system of every country encompasses various forms of planning across multiple top-down levels, all of which include statutory plans for development control. These statutory plans determine the content and procedures that land development and construction projects must follow to obtain planning permission. Based on the relationship between statutory plans and development control, urban planning systems can be divided into two primary models: the "Planning Regulation-Constrained" model and the "Development Order-Guided" model. The Planning Regulation-Constrained model is primarily represented by the zoning systems of Germany (Bebauungsplan), the United States (Zoning), and the Netherlands. Conversely, the Development Order-Guided model is typified by the systems of the United Kingdom and Singapore. Simultaneously, these two traditional models are continuously evolving and refining, gradually incorporating features from each other to form more flexible hybrid models.

Aspect	Planning Regulation-Constrained Model	Development Order-Guided Model
Control System	Strict rule-based control system represented by Zoning.	Due process control system based on case-by-case discretion.
Decision Mechanism	Direct authorization	Administrative licensing
Key Characteristics	Plans act as legal documents, directly authorizing landowners to exercise development rights compliant with zoning regulations. Legitimate development activities are protected by law; compliance automatically grants permission.	Development control is not rigidly tied to plans. Statutory plans serve as <i>one basis</i> for development control. Planning permission can even be granted in the absence of a plan.
Representative Countries/Regions	United States, Netherlands, Japan	United Kingdom, Singapore, Hong Kong SAR, China

Figure 1: Comparative analysis of the two modes

2.1 Planning Regulation-Constrained Model: A Strict Rule-Based Control System Represented by Zoning

The Planning Regulation-Constrained regulatory system originated in countries that had developed administrative law or possessed written constitutions defining rights and property rights. Following Napoleon I's conquest of continental Europe, the Napoleonic Code was applied across European nations, establishing administrative legislation and constitutions that explicitly defined powers and corresponding obligations. The defining characteristic of this planning control system is its regulation of development activities through legal statutes. Planning regulations explicitly stipulate the rights and obligations of individuals, as well as the limitations imposed on those rights. The planning systems of most European Union countries, the United States, and Japan derive from this model.

Within the Planning Regulation-Constrained system, development control is based on plans prepared or enacted in advance. The plan itself constitutes a legal document, establishing "As-of-Right" development through regulatory means. It directly authorizes landowners to exercise development rights compliant with zoning regulations via prior authorization. This model emphasizes strict rules and certainty, prioritizing the protection of private property. Development activities conforming to zoning regulations are both protected and constrained by law; compliance automatically grants permission. A local government's refusal of such development constitutes an infringement of private property rights and is subject to appeal. Planners reviewing individual development applications generally possess no discretionary power.

The Planning Regulation-Constrained system is planning-led, extending planning into implementation. Once a plan is approved, it is implemented primarily through building development permits, making development control over land activities relatively straightforward. Plan preparation in this system typically occurs at two levels: 1) Strategic Plan at the City-Wide Level: Reflects the municipal government's strategic vision and intent for spatial development and land resource allocation. Examples include Germany's Flächennutzungsplan (Preparatory Land-Use Plan) and the United States' Comprehensive Plan. 2) Statutory Implementation Plan: Legally binding plans for execution, such as Germany's Bebauungsplan (Binding Land-Use Plan, often abbreviated as B-Plan) and the United States' Zoning Ordinance.

Within this system, statutory plans serve as instruments for precisely realizing planning intentions at the legal level. Consequently, they must explicitly specify land-related indicators such as plot boundaries, permitted land uses, floor area ratio (FAR), development density, etc. Statutory plans are enacted through legislative procedures, acquiring legal force and serving as the basis for granting planning permission. Before a plan is finalized, any urban construction activity lacks legal protection. After plan adoption, any necessary adjustments must follow statutory procedures. These procedures vary depending on the nature of the adjustment and are often highly complex, sometimes even identical to the process of statutory enactment itself. Therefore, the Planning

Regulation-Constrained system demands a high standard of plan preparation; plans must be highly operational to serve as the statutory basis for development control.

2.2 Development Order-Guided Model: A Due Process Control System Based on Case-by-Case Discretion

The Development Order-Guided planning system is rooted in the tradition of common law. Its core philosophy recognizes the significant uncertainty inherent in future urban development, arguing that it is impossible to anticipate all potential scenarios for planning applications. Rigid planning would struggle to guide concrete practice effectively. The United Kingdom, along with countries and regions adopting British planning practices, such as Singapore and Hong Kong, originate from this model.

The UK established the foundation for this system with the Town and Country Planning Act 1947. This landmark legislation transferred all future development rights on private land to the state, effectively “nationalizing” development rights and instituting a “development permit” system. Unlike the self-enforcing nature of US zoning, development rules within UK local plans serve as reference points in planning permission decisions. Planning authorities possess discretionary power to consider other material considerations. Concurrently, the UK central government established general development rules (e.g., Permitted Development Rights), granting direct permission for minor development activities and compatible changes of use.

Within the Development Order-Guided system, development control is not rigidly tied to statutory plans. Statutory plans constitute only one basis for development control; planning permission can even be granted in the absence of an adopted plan. In practice, regulating development activities in this model relies more heavily on factors other than the plan itself. Factors influencing planning permission decisions include legislation, regulations, governmental planning policy documents, and local development characteristics. Furthermore, planning departments hold significant discretionary power. When reviewing individual development applications, they can attach specific planning conditions, and, where necessary, even modify certain stipulations of statutory plans.

Compared to statutory plans in the Planning Regulation-Constrained model, those in the Development Order-Guided model offer considerable flexibility. Taking the UK’s “Local Development Framework” (LDF) as an example, a key characteristic is its legal establishment of mechanisms enabling plans to react swiftly to unforeseen events and developments. When unexpected circumstances necessitate plan modifications, only the specific paragraphs or sections of the LDF requiring adjustment need amendment, or an “Action Plan” can be prepared – avoiding the need for a comprehensive revision of the entire plan. This functions akin to a folder where new content can be added at any time, embodying its flexible and open nature.

For specific development activities, countries employing the Development Order-Guided model grant greater discretionary power to planning permission approval bodies and officials. This avoids the excessive rigidity and inflexibility often associated with blueprint-style planning. However, extensive discretion also introduces uncertainty. Consequently, such systems necessitate effective oversight and constraint mechanisms. For instance, while UK local planning authorities possess discretionary power over development applications, the existence of the Planning Inspectorate system provides oversight. When disputes arise between local planning authorities, developers, residents, or other stakeholder groups regarding a specific project, a Planning Inspector can intervene in the permission process for that particular development.

Ideally, regions implementing the Development Order-Guided planning system should meet the following conditions: 1) Possess a comprehensive urban planning legal framework and related legislation. 2) Establish effective oversight and constraint mechanisms. 3) Employ highly qualified and professional management personnel.

2.3 Convergence and Evolution of the Two Models

The two planning control models each possess distinct characteristics, advantages, and disadvantages. Within

the Planning Regulation-Constrained system, statutory plans constitute the core basis for development control. To safeguard individual rights and ensure planning certainty, this system tends to employ specific regulations, such as density and floor area ratio (FAR), to establish quantifiable development limits, emphasizing regulatory rigidity and legal authority. Conversely, the Development Order-Guided system prefers broadly interpreted principles to maintain planning flexibility, thereby granting the system greater elasticity and adaptability. However, each system has its limitations: overly rigid restrictions can lead to inflexibility, while overly broad policy interpretations may leave policymakers and applicants lacking clear guidance for specific cases. Overall, the Planning Regulation-Constrained system reflects more administrative-level decision-making, whereas the Development Order-Guided system embodies more policy-level considerations. The practical differences between these two systems are significant.

The Planning Regulation-Constrained system excels in transparency and certainty but often lacks flexibility and adaptability. Its stringent restrictions may fail to achieve desired spatial forms, potentially resulting in outcomes misaligned with public expectations or satisfaction. On the other hand, the Development Order-Guided system can adapt to rapidly changing needs and development pressures. However, this system may suffer from insufficient transparency and uncertainty. Its high degree of flexibility and discretionary power can sometimes lead planning authorities to overlook the interests of the state or societal groups during decision-making, raising concerns about the fairness and rationality of planning outcomes.

In practice, both systems have evolved organically, incorporating elements and strengths from one another beyond their traditional foundations. For instance, the United Kingdom, drawing on its administrative law tradition, safeguards procedural rigor through detailed and transparent processes. The United States' zoning system has undergone significant reforms, introducing mechanisms such as Transferable Development Rights (TDR), Form - Based Codes, Zoning Variances, and Incentive Zoning. These additions infuse flexibility into the traditionally rigid zoning framework and offer effective tools for managing public facility provision and historic district preservation. Japan has developed a development control system with inherent flexibility, tailoring the zoning model to its national context. Meanwhile, Singapore, while inheriting the British system, has evolved a dynamic management framework centered on its Master Plan.

Today, the regulatory models in most countries and regions exhibit compatibility with *both* systems. Hong Kong SAR, China, exemplifies this hybrid approach: its land lease system primarily utilizes the Development Order-Guided mode, while its statutory plans operate in a planning-led manner, effectively leveraging the strengths of both models to form a hybrid development control system. For Mainland China, the decision-making mechanism for project development aligns with the Development Order-Guided system, employing an administrative licensing system where planning permission must be sought for authorization. Simultaneously, the *regulatory detailed plan* () adopted in Mainland China draws heavily from the US zoning-based development management system, exhibiting characteristics of the Planning Regulation-Constrained model.

Therefore, selecting New York (USA), Germany, the United Kingdom, Hong Kong SAR (China), Japan, and Singapore as comparative case studies is justified. This selection considers both the similarities these regions share within the spectrum of urban planning systems and their distinctive characteristics. Analyzing these cases offers valuable insights for refining the planning regulatory framework in Mainland China.

3 Comparative Analysis of Legal Frameworks and Regulatory Tools

The planning system generally encompasses three categories of regulatory tools: legislation, zoning regulations, and planning/building permits. These tools work in concert to achieve refined regulatory governance.

3.1 Legal Framework

Given that land development involves the rights and interests of multiple stakeholders—government, market, and society—a fundamental regulatory framework must be established through legislation. Most of the legal systems of the countries/regions all comprise two tiers: “primary legislation” and “secondary legislation”.

Primary legislation serves as the core framework governing the overall system, supplemented by multiple pieces of secondary legislation that address specific issues with precision.

Jurisdiction	Primary Legislation & Regulations	Level of Authority
Germany	Federal Building Code (Baugesetzbuch - BauGB)	Federal Legislation
	Land Utilization Ordinance (Baunutzungsverordnung - BauNVO)	Federal Regulation
	State Building Code (Landesbauordnung - LBO) (e.g., for specific federal states)	State Legislation
	Binding Land-Use Plan (Bebauungsplan - B-Plan)	Municipal Regulation
Japan	City Planning Act (Toshi Keikaku Hō)	National Legislation
	Building Standards Act (Kenchiku Kijun Hō)	National Legislation
	Land Readjustment Act (Tochi Kukaku Seiri Hō)	National Legislation
	Urban Redevelopment Act (Toshi Saikaihatsu Hō)	National Legislation
	New Urban Area Development Act (Shin Jūtakuchi Seibi Hō)	National Legislation
	Urban Regeneration Special Measures Act (Toshi Saisei Tokubetsu Sochi Hō)	National Legislation
	Local City Planning Ordinance (Chiho Toshi Keikaku Jorei)	Local Regulation
	Local Construction Ordinance (Chiho Kenchiku Jorei)	Local Regulation
New York City, USA	New York City Zoning Resolution	Local Regulation
	Standard State Zoning Enabling Act (Model Act adopted by NY State)	State Legislation
	Standard City Planning Enabling Act (Model Act adopted by NY State)	State Legislation

Jurisdiction	Primary Legislation & Regulations	Level of Authority
Hong Kong SAR, China	Town Planning Ordinance (Cap. 131)	SAR Legislation
	Town Planning Regulations	SAR Regulation
	Town Planning (Appeal) Regulations	SAR Regulation
	Town Planning (Compensation) Regulations	SAR Regulation
	Town Planning (Application for Permission to Develop) Regulations	SAR Regulation
Singapore	Planning Act (Cap. 232, 1998 Rev. Ed.)	National Legislation
	Planning (Master Plan) Rules	National Regulation
	Planning (Development) Rules 2008	National Regulation
	Planning (Use Classes) Rules	National Regulation
	Planning (Development of Land Authorisation) Notification	National Regulation
United Kingdom	Town and Country Planning Act 1990 (Core legislation; note: 1947 Act was foundational)	National Legislation
	The Town and Country Planning (General Permitted Development) Order (England) [Year] (GDPO)	National Regulation
	The Town and Country Planning (Use Classes) Order [Year] (UCO)	National Regulation
	The Town and Country Planning (Development Management Procedure) (England) Order [Year]	National Regulation
	Local Development Orders (LDOs)	Local Regulation
	Neighbourhood Development Orders (NDOs)	Local Regulation

Figure 2: Primary Legislation and Regulations by Jurisdiction

The primary tasks of legislative tools include authorizing zoning regulations and land-use controls, providing general management rules, and specifying approval requirements.

(1) Authorizing Zoning Regulations and Land-Use Controls

Defining and authorizing zoning regulations is a fundamental task of the legal framework, typically stipulated by primary legislation. Legislation explicitly mandates that land-use control through zoning regulations is conducted according to law. From a global perspective, legislation universally emphasizes the critical role of use-based zoning control in achieving the rational allocation and sustainable utilization of spatial resources for urban development land. Legislation authorizes, often through enabling provisions, the competent authority,

preparation requirements, and content for implementing zoning regulations (see Table X). By establishing mandatory authorizations, legislation ensures the preparation and enforcement of zoning regulations, thereby solidifying the foundation for land-use control.

For example, the United States, through Article 1 and Article 2 of the *Standard State Zoning Enabling Act* (federal model legislation adopted by states), authorizes local governments to undertake zoning. Empowered by this authorization, local governments implement differentiated management based on land use distinctions. Different zones are subject to differentiated development standards, while zones of the same type adhere to uniform control standards. Regulation focuses on core indicators such as building height, total floor area, bulk, location, and permitted uses. Germany's Federal Building Code (*Baugesetzbuch - BauGB*), specifically §1, §5, and §9, establishes that controlling development uses is the core task of both the preparatory land-use plan (*Flächennutzungsplan*) and the binding land-use plan (*Bebauungsplan - B-Plan*). These plans function synergistically: the preparatory plan provides the basis for the binding plan, requiring a comprehensive overview of urban land-use types, while the binding plan focuses on specifying the precise types and scale of permitted development uses. Japan's City Planning Act (*Toshi Keikaku Hō*), under Article 8 and Article 15, stipulates that within City Planning Areas, Urban Plans (*Toshi Keikaku*) can designate various zones and districts, including Use Districts (*Yoto Chiiki*), Special Use Districts (*Tokutei Yoto Chiiki*), Height Districts (*Takasa Chiiki*) or High-Use Districts (*Kodo Riyo Chiiki*), and Special Blocks (*Tokutei Gaiku*). The Urban Plan specifies the types, locations, and boundaries of these zones and districts.

The authorization granted by legislation defines the applicable scope and boundaries of land use, providing precise guidance and clear legal basis for subsequent management.

Jurisdiction	Legal Basis	Plan / Zoning Name	Preparing Body	Key Content Requirements
Germany	Federal Building Code (<i>Baugesetzbuch</i>), §1, §5, §9	Building Guidance Plans (<i>Bauleitpläne</i>): - Preparatory Land-Use Plan (<i>Flächennutzungsplan</i>) - Binding Land-Use Plan (<i>Bebauungsplan</i>)	Municipal Government (<i>Gemeinde</i>)	- Preparatory Plan: Overview of land-use types for urban development across the entire municipal area. - Binding Plan: Specification of permitted development uses (type and scale); building methods; permissible/non-permissible development plots; building layout; etc.
Japan	City Planning Act (<i>Toshi Keikaku Hō</i>), Art. 8, Art. 15	Zones and Districts (<i>Chiiki Kuiki</i>)	Municipal Government (<i>Shichōson</i>)	Within City Planning Areas, Urban Plans must designate: - Use Districts (<i>Yoto Chiiki</i>) - Special Use Districts (<i>Tokutei Yoto Chiiki</i>) - Height Districts (<i>Takasa Chiiki</i>) / High-Use Districts (<i>Kodo Riyo Chiiki</i>) - Special Blocks (<i>Tokutei Gaiku</i>) Plans must specify: type (including specific purpose for Special Use Districts), location , and boundary of each zone.

United States	Standard State Zoning Enabling Act, Sec. 1, Sec. 2 (Adopted by state legislatures)	Zoning	Local Government (City/County)	Local legislatures may divide territory into districts of appropriate number, shape, and area to achieve the Act's purposes. Regulations may control: - Construction/alteration/repair of buildings/structures - Land use Regulations must be uniform within each district but may differ between districts.
Hong Kong SAR	Town Planning Ordinance (Cap. 131), Sec. 3, Sec. 4	Statutory Plans	Town Planning Board (TPB)	Plans may depict or stipulate: - Streets, railways, major transport facilities - Zones/areas for residential, commercial, industrial, or other specified uses Any matter may be expressed via diagrams, illustrations, notes, or descriptive text – all integral to the plan.
Singapore	Planning Act (Cap. 232), Sec. 5, Sec. 6, Sec. 8	Master Plan	Urban Redevelopment Authority (URA)	The approved Master Plan comprises: - Authorized maps - Written statement Proposed revisions may include: - Rezoning - Changes to plot ratios (FAR) - Amendments to written statements - Designation of conservation areas

Figure 3: Authorization of Zoning/Land-Use Plans by Jurisdiction

(2) Providing General Management Rules

Legislation provides unified standards and general management rules for land-use control, establishing clear regulatory guidance. The combined management approach focusing on "Land Use + Building Function" requires stipulation within these general rules. Benchmark countries and regions typically define these within secondary legislation.

For instance, Germany's Land Utilization Ordinance (*Baunutzungsverordnung - BauNVO*), Articles 2 to 9, defines types of development land and the building facility uses permitted (or permitted under exceptional circumstances) within each land-use category. Japan's Building Standards Act (*Kenchiku Kijun Hō*), Article 48, specifies the permissible building scope within the land uses designated under the *City Planning Act*. New York City's Zoning Resolution, notably Chapters 2 (§2), 3 (§2), and 4 (§2), clearly defines permissible building uses and detailed control requirements within each land-use zoning district.

These provisions ensure the standardization and normalization of regulatory activities, provide clear guidance and general principles for urban development, and enhance regulatory efficacy.

(3) Specifying Approval Requirements

Legislation establishes a detailed legal framework for the application and approval of planning permission, ensuring transparency and impartiality in the approval process. Key requirements specified in legislation typically include scope and types of permits, application procedures, procedures for permit modifications, and approval criteria. Examples include Singapore's Planning Act, Part III "Development and Subdivision of Land", which outlines the types of permits and corresponding application procedures. Japan's City Planning Act, Chapter 3, Section 1 "Regulation of Development Activities, etc.", specifies the procedures for permit applications, criteria for development permission, procedures for permit modifications, and requirements for project completion inspections. New York City's Zoning Resolution, Chapter 7 "Administration", details requirements for zoning enforcement, administration and amendments, zoning variances, special permits, authorizations, and certifications. By establishing strict approval procedures, legislation provides clear legal grounding for the approval process, ensuring the effective implementation of land-use controls.

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3.2 Zoning Regulations

The primary task of zoning regulation preparation is to guide rational land zoning. As a vital urban planning tool, its universal principle lies in rationally dividing and controlling urban space by explicitly defining land development uses. This aims to optimize urban functions, achieve efficient resource utilization, and foster coordinated social, economic, and environmental development. Both domestically and internationally, the core task of zoning regulation preparation focuses on land-use zoning for urban areas, guiding orderly urban development, safeguarding public interests, accommodating sustainability requirements, and ensuring land-use rationality for the city's long-term healthy development.

The hierarchical structure of zoning regulations falls into two categories: single-tier and multi-tier systems. In Germany, a multi-tier system is used, with the Preparatory Land-Use Plan (Flächennutzungsplan - F-Plan) providing an overview of land uses for urban development across the entire municipality, indicating the overall development intent and guiding the preparation of the Binding Plan. The Binding Land-Use Plan (Bebauungsplan - B-Plan) then regulates the specific development uses for individual plots in the form of local regulations, serving as the direct basis for permit approvals.

Single-tier examples include Japan's Use Districts (Yoto Chiiki), Hong Kong SAR's Use Zones (within Statutory Plans), New York City's Zoning, Singapore's Master Plan, and China Shanghai's three-tier Territorial Spatial Planning System comprising the "Master Plan," "District Plan," and "Regulatory Detailed Plan".

Regarding the legal nature of zoning regulations, they generally fall into two categories, both serving as a basis for permit approvals. Statutory Plans are documents with legal force that guide development control, such as Germany's Preparatory Land-Use Plan (F-Plan), Singapore's Master Plan, and Hong Kong SAR's Statutory Plans. Statutory Plans That Are Also Regulations possess the dual nature of being both the planning document and the legally binding regulatory instrument itself. Examples include Germany's Binding Land-Use Plan (B-Plan) (Municipal Regulation), New York City's Zoning Resolution (Local Regulation), and Japan's Use Districts System (established by the City Planning Act and implemented via local ordinances)

3.3 Planning and Building Permits

(1) Defining Development Activity

Definitions of "development" share common core elements across different countries and regions, specific phrasing and emphases vary according to local contexts and planning management needs. Generally,

“development” encompasses activities such as new construction, renovation, expansion, functional conversion (change of use), and demolition. Internationally, change of use is universally treated as development, requiring planning permission or building permits.

Jurisdiction	Legal Basis	Specific Definition
Germany	Federal Building Code (Baugesetzbuch - BauGB), §29	Construction of new building facilities; modification or functional conversion (Funktionsänderung) of existing buildings; large-scale earthworks (Erdaufschüttungen), excavations (Aushub); quarrying (Gewinnung von Bodenschätzen).
Japan	City Planning Act (Toshi Keikaku Hō), Art. 4	“Development Activity” (Kaihatsu Kōi) refers to changes to the nature of land division (tochi kukaku-sei no henkō) undertaken primarily for the construction of buildings or specified structures (tokutei kōbutsu).
New York City, USA	Zoning Resolution, §12-10	“Development” on a zoning lot or part thereof includes: (a) Construction of a new building or other structure; (b) Relocation of an existing building or other structure to another zoning lot; or (c) Establishment of a new open use (excluding accessory uses). Alterations within the scope of §11-23 (Demolition and Replacement) are deemed development.
Hong Kong SAR, China	Town Planning Ordinance (Cap. 131), Sec. 1A	“Development” means the carrying out of building, engineering, mining, or other operations in, on, over, or under any land, or the making of any material change in the use of any land or buildings. A material change includes the deposit of materials on land, regardless of prior use for deposit, if the deposit increases in area, height, or quantity.
Singapore	Planning Act (Cap. 232), Sec. 3	“Development” means the carrying out of any building, engineering, mining, earthworks , or other operations in, on, over, or under any land, or the making of any material change in the use of any building or land.

Figure 4: Conceptual Definitions of “Development” Across Jurisdictions

In Mainland China, “” (kāifā - development) has not been formally established as a statutory term within planning laws, policies, or planning documents. Urban-rural planning management has long centered on the concept of “” (jiànshè - construction). For instance, within the permit system, the “” (Land Use Planning Permit) and “” (Construction Engineering Planning Permit) are key statutory documents. Article 40 of China’s *Urban-Rural Planning Law* stipulates: “For the construction of buildings, structures, roads, pipelines, and other engineering projects within urban and town planning areas, the construction unit or individual shall apply to the competent urban-rural planning department of the city or county people’s government, or the town people’s government designated by the people’s government of the province, autonomous region, or municipality directly under the Central Government, for a Construction Engineering Planning Permit.” This defines the legal scope of “” (jiànshè - construction).

However, the concept of “construction” (jiànshè) essentially represents only one specific type of activity within the broader scope of “development” (kāifā). It has a relatively narrow focus, primarily emphasizing physical building activities. It fails to comprehensively encompass broader development activities such as changes of use or functional conversions. Particularly within the context of territorial spatial planning, where planning objectives are more diverse and management elements more complex, the limitations of the “construction” concept become increasingly apparent. It struggles to meet the demands of multi-objective planning and multi-faceted management.

(2) Permit Types

Regarding permit types, all regions have Building Permits to regulate specific construction proposals. Some countries and cities also have Planning Permits to authorize development proposals from a planning perspective. International experience reveals two primary management process types:

'Building Permit' System (Planning Regulation-Constrained Model - e.g., Germany, New York): Employs blueprint-style planning defining use zones. The plan itself is a legal document, establishing "As-of-Right" development through regulation. Grants landowners the right to develop land compliant with the plan via prior authorization. Legitimate development is protected by law; compliance automatically grants permission. Once the plan is approved, implementation primarily occurs through Building Permits. If development deviates from the plan or necessitates plan adjustments for other reasons, it requires following statutory procedures for zoning variances or special permits.

'Planning Permission + Building Permit' System (Development Order-Guided Model - e.g., UK, Singapore, Hong Kong SAR): Planning control relies on case-by-case administrative discretion. Development control is not rigidly tied to statutory plans. Statutory plans serve as only one basis for control; planning permission can even be granted in the absence of an adopted plan. Regulating development relies more heavily on other factors (legislation, regulations, government policy documents, local development characteristics) than the plan itself. Planning authorities hold significant discretionary power. They can attach specific planning conditions to permissions and, where necessary, modify stipulations of statutory plans when reviewing applications.

Mainland China's current system resembles Model 2, employing "Planning Permits + Construction Permits". However, it incorporates localized procedures such as land grant contracts and property rights registration, adding complexity, particularly for functional adjustments.

(3) Permit Categories

Permit requirements can be categorized into Conventional Permits and Exempt Permits. Exempt Permits grant authority for certain development activities with minimal external impacts to proceed without applying for planning permission. Most countries requiring planning permission explicitly define development activities eligible for exemptions.

- **Singapore:** Establishes an "Exemption List" outlining minor developments or construction works that do not require planning approval or a permit from the Urban Redevelopment Authority (URA).
- **Hong Kong SAR:** Beyond Conventional Permits, many changes of use do not require planning permission. Hong Kong classifies all land uses into 18 Broad Use Classes. Once planning permission is granted for a specific Broad Use Class, any use within that class can be changed to another use within the same Broad Use Class without requiring a new planning application.
- **Japan:** Only development activities exceeding a specific scale threshold require a Development Permit. The City Planning Act clearly defines activities subject to Development Permit regulation, primarily including development over 1,000 m² in urbanization promotion areas (UPA). This threshold is lowered to 500 m² in existing built-up areas within the three major metropolitan areas. In principle, all development activities within urbanization promotion areas (UPA) and urbanization control areas (UCA) require a Development Permit. Development activities over 3,000 m² in non-designated city planning areas and quasi-city planning areas also require a permit. Development activities deemed publicly beneficial (e.g., libraries) with no adverse impact on surrounding land use, and those below the specified scale threshold (such as small-scale changes of use), do not require a Development Permit and can proceed as long as they comply with relevant regulations.

4 Comparative Analysis and Reform Implications: Towards a Regulatory System Balancing Precision and Adaptability

Within the global urban planning domain, regulatory systems continue to evolve primarily within the dual framework of the "Planning Regulation-Constrained" and "Development Order-Guided" models. However, as urban development enters the stock era, both models face pressures for transformation. This chapter aims to provide a systematic and in-depth comparative analysis of these two models, examining their institutional efficacy, legal tools, and practical challenges. Building on this analysis, it proposes optimization pathways applicable to the

planning regulatory system in Mainland China.

4.1 Re-evaluating Model Efficacy: The Trade-off Between Certainty and Adaptability

The Planning Regulation-Constrained model, exemplified by Germany and the US, demonstrates significant strengths in legal certainty and efficiency. For instance, Germany's *Binding Land-Use Plan (B-Plan)* and the US *Zoning Ordinance*, as direct authorization documents, grant "As-of-Right" development for compliant activities, substantially reducing approval process costs. However, this model has limitations; its rigid rules can lead to spatial governance failures. In New York, zoning proved slow to respond to mixed-use demands, resulting in the redevelopment of old industrial areas becoming trapped in a "compliant yet functionally mismatched" dilemma. In Germany, amending a B-Plan requires complex procedures, including municipal council votes, severely delaying the renewal of historic districts.

The Development Order-Guided model, typified by the UK and Singapore, excels in dynamic adaptability. The UK's paragraph-based amendment mechanism for its *Local Development Framework* allows adjustments only to changed sections. Singapore employs an "Exemption List" to exclude temporary structures and minor alterations from permitting, effectively enhancing responsiveness. Nevertheless, the exercise of discretionary power carries fairness risks. In Hong Kong SAR, the planning permission process has exhibited bias towards high-value commercial uses (e.g., hotels), sparking community protests. In the UK, a lack of transparency in local discretion has exacerbated conflicts between developers and residents. Thus, while both models have merits, a single model struggles with the complexities of the stock era. Consequently, integrating "rule precision" with "procedural adaptability" becomes an imperative choice.

4.2 Core Challenges of the Stock Era

Contemporary global urban regeneration faces significant challenges rooted in fragmented property rights, growing demand for functional mixing, and high institutional costs. In high-density built-up areas, such as Shanghai's Lilong alleyway housing or Tokyo's Shitamachi downtown, traditional zoning struggles to balance compensation standards among numerous stakeholders. Japan's Urban Regeneration Special Measures Act attempts to introduce third-party assessments, but controversies persist. Meanwhile, the dynamic integration trend of living-working-innovation spaces challenges the logic of single-use zoning. New York zoning only began piloting "Work-Live Districts" in Manhattan in 2021, reflecting a lag in responding to mixed-use needs. Additionally, the lengthy and cumbersome procedures for amending zoning regulations create severe misalignment with the market's demand for rapid iteration. For instance, in Mainland China, adjusting a Regulatory Detailed Plan requires an approval period of 6-12 months.

4.3 Lessons Learned and Optimization Pathways

Based on the systematic analysis and comparison of the two models, and taking institutional optimization in Mainland China as an example, the following pathways are proposed for refining urban planning regulation:

Drawing on international experience and adapting to China's context, establishing a four-dimensional reform framework encompassing "Law - Tools - Procedures - Governance" is crucial.

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(1) Multi-tiered Legal Framework: Enact a national-level Territorial Spatial Planning Law establishing foundational rules. At the local level, introduce supplementary Administrative Technical Regulations featuring a "Negative List + Flexible Conversion" mechanism to enhance legal flexibility and adaptability.

(2) Innovative Regulatory Tools: Introduce Dynamic Use Packages, designating "Innovation Mixed-Use Zones"

allowing flexible configuration of residential, commercial, R&D, etc., based on actual demand. Establish a Refined Exemption Mechanism with a “Minor Renewal List” to fully unleash the vitality of micro-regeneration. Pilot Development Rights Banking, drawing on the US TDR model to balance conservation and development.

(3) Streamlined Approval Procedures: Implement an “Online Permit Platform” to drastically reduce approval cycles to under 30 days. Establish an Independent Planning Inspectorate dedicated to arbitrating property rights disputes, enhancing the fairness and efficiency of approvals.

(4) Governance Model Transformation: Shift from traditional administrative control towards collaborative contracting. Incorporate Public Facility Provision Clauses within land grant contracts. Institute a “Community Planner” system to foster multi-party consensus and synergistic action.

The ultimate goal is to achieve a precise balance between safeguarding public interests and meeting dynamic market demands through an institutional design of “Rigid Bottom Lines + Flexible Space”. This will build an urban planning regulatory system that is both nationally appropriate and internationally competitive, providing a robust foundation for sustainable urban development.

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