

PUBLIC HEARING FOR THE DRAFT CLUP AND ZO

Step 9 provides a systematic approach to consensus building on the final draft of CLUP/ZO prior to its submission for approval/ratification. This involves a 3-stage process: public display and information dissemination, conduct of public hearing/consultation, and the refinement of the CLUP/ZO as a result of the public hearing/consultation.

PURPOSE

- To inform the general public and ensure an objective and participatory review of the draft CLUP/ZO
- To encourage ownership of the plan and gain support for plan implementation

EXPECTED OUTPUTS

- Final draft of CLUP/ZO for approval/ratification

STEPS

- 1. Prepare the required documents for the three-stage process of consensus building on the draft CLUP/Zoning Ordinance.** The 3-stage process are as follows:
 - Public exhibition
 - Public hearing
 - Committee hearing

Required Documents for Public Exhibition and Information Dissemination

- *Executive Summary of the Plan (Refer to **Annex 9-1** for the suggested outline)*
- *Feedback form where stakeholders can write reactions/comments/suggestions. (Provide suggestion boxes)*
- *Information flyer and poster on the proposed public hearings/consultation, stating the following information:*
 - *Schedule of public hearing(s).*
 - *Deadline for submission of position papers*
 - *Venue*
 - *Purpose of the consultation*
 - *Stakeholders invited and committee in-charge of the activity and contact numbers*
 - *Steps/process by which a concerned person/stakeholder can air his/her position on the plan.*

The above information details for the poster/flyers shall be as agreed upon and provided for by the Hearing Board constituted for public hearing purposes.

2. Conduct internal briefing prior to public hearing.

Orient the City/Municipal Mayor, Local departments, SP/SB members, and Local Development Council on the draft CLUP. This may be conducted in one general session or series of sessions for different cluster groups.

The internal briefing is aimed at local officials' familiarization and understanding of the draft CLUP/ZO. Some of them will constitute the members of the hearing board during public hearings and the conduct of stakeholders' committee meetings.

3. Prepare an information dissemination plan for the draft CLUP/ZO and designate the implementing department or office.

Strategies for information dissemination may include publication in local newspapers, radio broadcast, and distribution of posters/flyers in schools, offices and public assemblies, depending on the level of development or complexity of the municipality/city concerned. These will also depend on the budget and funds available for the purpose.

4. Constitute the Public Hearing Board.

SUGGESTED COMPOSITION OF THE PUBLIC HEARING BOARD (PHB):

- *City/Municipal Mayor as Chairperson*
- *City/Municipal Planning and Development Coordinator*
- *HLURB Technical Representative, as may be available*
- *SP/SB Representatives*
- *Local Sectoral Representatives*

FUNCTIONS OF THE PHB:

- *Coordinate activities prior to and after the conduct of public hearing. Such activities may include organizing, designing, facilitating, documenting, disseminating information, and evaluating.*
- *Actual conduct of public hearing to be presided by the chairperson of the PHB. Refer to Annex 9-2 for the principles of an effective consultation process.*
- *Evaluate and decide on comments, suggestions and position papers for incorporation in the plan.*

A quorum is necessary to convene the session. A simple majority (50% + 1) of the total membership of the Public Hearing Board constitutes a quorum.

The Mayor, as Chairperson of the Public Hearing Board, shall preside over the public hearing. In the absence of the Chairperson or inability to preside, the members of the hearing board shall elect among themselves the Presiding Officer of the day.

The Chairperson may appoint a moderator to assist during the proceedings of the public hearing. The Moderator need not be a member of the Public Hearing Board.

5. Implement the three-stage process as follows:

5.1 Public exhibition of the draft CLUP and ZO (Stage I)

- 5.1.1 Identify strategic areas to display the above documents. Suggested places are: the provincial/city/municipal halls, barangay centers, public markets, civic centers, shopping centers, and other places frequently visited by the public.
- 5.1.2 Exhibit the plan and other information documents at least seven (7) days prior to the public hearing.

- *Public display of CLUP is a more effective way of getting public reaction and in making the public more aware of the proposed city/municipal development plan.*
- *The number of days of the exhibit shall be at least seven (7) days.*

- 5.1.3 Disseminate information on the CLUP through any of the following ways: publication in local newspapers, radio broadcast, and distribution of posters/flyers in schools, offices and public assemblies.

5.2 Conduct of Public Hearing (Stage II)

Public hearing on the draft CLUP can be undertaken in several stages depending on the budget and complexity/level of development of an LGU. This is undertaken prior to endorsing the plan to the SP/SB for deliberation and enactment.

- *For Component Cities and Municipalities (CCMs), at least one public hearing is recommended*
- *For Highly Urbanized Cities (HUCs) and independent component cities (ICCs), at least two (2) public hearings.*

In addition to the said minimum number of public hearings, SP/SB committee hearings may be conducted with the participation of the committee stakeholders.

- 5.2.1 Design the public hearing/consultation process guided by the following questions:

- Why conduct the consultation
- Who to consult
- When to consult/accept reactions
- How to consult/submit position papers/reactions
- How to evaluate the consultation

*Refer to Chapter 4, Designing a Consultation Program, **Planning Strategically**, HLURB (2000).*

- 5.2.2 Announce/publicize the public hearing through the following:

- Letters, posters, banners, flyers, advertisements and use of internet
- Verbally by phone, face-to-face contact, through meetings, presentations, displays in public, house-to-house visits
- Through print media, radio and television

- 5.2.3 Conduct the public hearing.

The presence of the Provincial Land Use Committee (PLUC) members during this stage is suggested to facilitate the subsequent review of the draft CLUP/ZO. The public hearing may be conducted with the following suggested activities:

- i. Briefing of participants on mechanics, purpose and scope of the consultation.

Briefing of the participants shall include the following: :

- *The importance/benefits/use of having a CLUP.*
- *The manner it was drafted.*
- *Objective of the public hearing/consultation.*
- *Matters outside the scope of consultation, i.e., matters that are “Non-negotiable”.*

*These **non-negotiable aspects** shall be made clear at the beginning of the consultation. It is important to define what the consultation is about and what it is not about. For instance, the government may have already decided that a dumping site within a City/Municipality with significant number of informal settlers will be redeveloped for medium density housing. The purpose of the consultation process is not to seek feedback on whether the community agrees with that decision, but rather to seek their views on issues that need to be addressed in the actual redevelopment of the area, as well as options for the development.*

- *How the stakeholders’ views will influence the decision-making process or the final CLUP.*

The Public Hearing Board shall be guided by the following parameters to ensure accountability of actions relative to the consultation/hearing:

- *Who will make the final decision?*
- *How will the outcomes of the consultation process be used?*
- *What factors in addition to the community’s views will also be taken into account?*
- *How will the community be informed of the outcomes of the consultation process?*
- *Will they be able to see clear evidence of how their views have been taken into account?*
- *When is the likely final decision?*

- ii. Presentation of the highlights of the draft CLUP and ZO and supporting sectoral studies.
- iii. Open forum to solicit reactions/comments on the plan. Workshops/small group discussions may be opted to ensure maximum participation.
- iv. Presentation of next steps to be undertaken or subsequent activities of Hearing Board to include the tentative date when the finalized CLUP is expected to be ready.

5.3. Conduct the SP/SB committee hearings to be participated in by concerned stakeholders (Stage III)

(example: The hearings of the Committee on Housing shall include stakeholders such as the homeowners associations, real estate developers and concerned national agencies).

*Refer to **step 5.2.3** above for the flow of activities during the committee hearings.*

The committee hearings can be done after the Public Hearing, while awaiting for the comments and while refining the draft CLUP/ZO.

6. Consolidate, evaluate the comments, suggestions, and positions received by the Hearing Board, and decide on what will be incorporated/considered in the final draft.

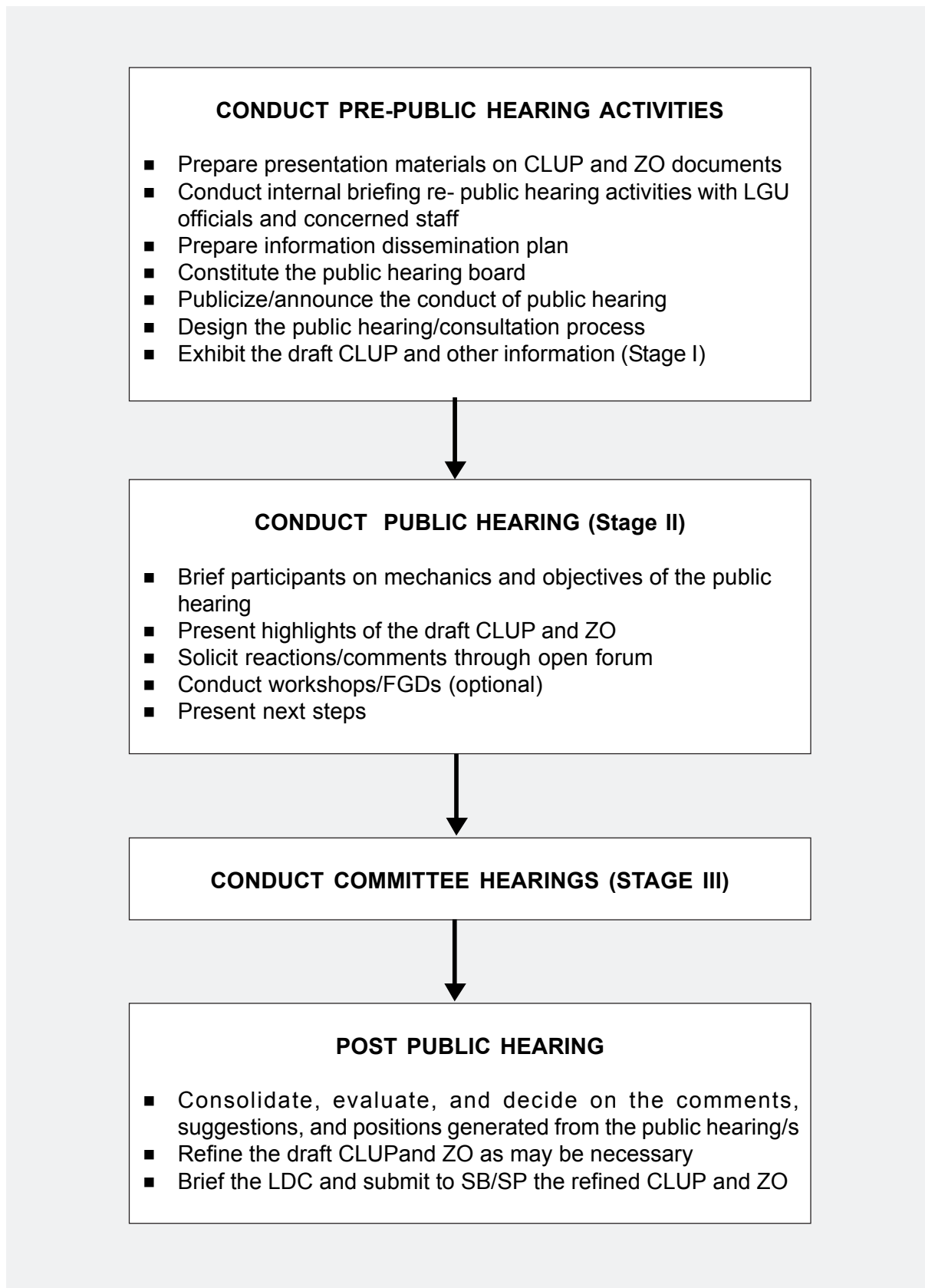
The public should be given at least fifteen (15) days after the public hearing to submit position papers.

7. Refine the draft CLUP and ZO as a result of above steps (5.1 to 5.3). A series of meetings/workshops may be conducted, as necessary.
8. Brief the LDC and submit to Sangguniang Panglunsod/Bayan (SP/SB) the refined draft CLUP and ZO for their First and Second Readings prior to the subsequent mandatory review by the concerned offices/agencies in the provincial, regional, or national levels.

After passing the 1st and 2nd readings of the SP/SB, the CLUP/ZO will then be submitted to the Sangguniang Panlalawigan (SP) through the PLUC or to the HLURB through the Regional Land Use Committee (RLUC) as appropriate. The CLUP and ZO shall be finally adopted by the SP/SB after the comprehensive review and favorable endorsement by the appropriate body.

Please refer to CLUP Step 10 for the complete guide on CLUP/ZO Review, Adoption and Approval.

Flow Chart for Conducting Public Hearing for CLUP and ZO



EXECUTIVE SUMMARY

CITY/MUNICIPALITY

Planning Period _____ to _____

I. Vision

II. Brief Situationer

- *Demography*
- *Social Services*
- *Economy*
- *Physical Infrastructure*
- *Natural Environment (forest, water bodies, solid/liquid wastes, etc.)*
- *Land Use Development Trend*
- *Local Administration*

III. Development Constraints and Opportunities including a list of prioritized Issues and Concerns

IV. Major Development Goals and Objectives

V. Preferred Development Thrust(s) and Spatial Strategy (Structure/Concept Plan)

VI. Proposed Land Uses and Zoning Plan

VII. Proposed Major Programs and Projects

PRINCIPLES OF EFFECTIVE CONSULTATION

The following points summarize the key aspects or principles that underpin an effective consultation process. They are useful to use as a checklist when planning and undertaking a consultation process.

1. Clearly define the purpose and scope of the consultation process including:

- The aims of the consultation process;
- The extent to which the consultation can influence the outcomes having clearly identified what decisions have already been made and what remains to be made.

2. Involve all those likely to be affected, recognizing:

- The diversity of the community, including minority groups;
- Opportunities to link into existing networks.

3. Involve the community as early as possible and in all stages of the project in:

- Identifying issues and ideas for addressing these issues;
- Providing input into and feedback on options and draft plans.

4. Provide information about the topic under discussion as well as a consultation process that is:

- Accurate and unbiased;
- Clear and free of jargon;
- Appropriate to the reader's level of interest, literacy and cultural background.

5. Use a range of techniques to inform and involve the community recognizing:

- Different levels of interest and awareness about the topic under discussion;
- The need for different techniques for different situations.

6. Allow adequate time and resources insuring:

- Longer time frames that will be needed for more complex projects or proposals;
- Consultation events that do not conflict with other commitments such as holidays, peak times for business and major community events.

7. Treat people with respect by:

- Actively listening and valuing all ideas and opinions;
- Providing information in a non-defensive manner;
- Accurately recording what people have said.

8. Ensure that decision making processes are open and accountable by:

- Advising those who have participated about the outcomes of the decision making process which followed consultation;
- Demonstrating how the outcomes of the consultation have been considered in making the final decision.

9. Continue to improve consultation process by:

- Evaluating the consultation process both during and at the end of the process;
- Learning from these experiences