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Panel on Development
Legislative Council
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Re: Deliberations over Public Open Space and Compliance by Real Estate Developers in the Provision of Open Space and Facilities (22 April 2008)

Honorable Chair and Members,

These spaces should never have been classified as 'public' open space

Times Square's renting out of the piazza for private gain, Cheung Kong's policing of its pond, the lack of seating in Pacific Place's Park Court, the encroachment by bars on the roof of IFC, 24 hour access to the podium of the Henderson's Metro Harbour View – compliance by developers is merely a symptom of the real problem: these spaces should never have been classified as 'public' open space in the first place.

The Government happily counts these areas within private developments as 'public (sic) open space' to meet the required minimum standard provision of 2 square meters of open space per person as set out in Hong Kong's Planning Standards and Guidelines. By including these private open spaces alternative land is freed up for sales. In addition the cost of the design and upkeep of public space is then transferred to the private sector.

The developers oblige as they get compensated with additional gross floor area. Moreover, they can design and manage these spaces in line with their interests, rather than suffer the, at times ridiculous, over-management by the Leisure and Cultural Services Department or the abysmal under-management by the Highways Department.

The shortfall of open space, circulation space and pedestrian connections

By selling land but refusing to create new street level space for pedestrians, Hong Kong has failed to keep up with its increasing density. As a result the city now suffers a shortfall of open space, circulation space and pedestrian connections in all urban areas. This precarious situation occurs at a time when we should increase the standards for the minimum open space required to cope with the demands of an aging population, doubling of leisure time with Saturdays off, increasing tourist arrivals, and the general call for a better quality of life.

Not only does the public suffer from the lack of easily accessible, quality open space, the so-called open space within private developments is a sub-standard replacement and it appears impossible to make sure these spaces are managed for the benefit of the public. After all, how 'open' is a podium garden? How 'public' is space managed by private interests?

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The solutions are quite straight forward.

1. First off all, **more land must be freed up for true public open space** at street level, not in the least by splitting up the oversized lots on the land sales list.
2. Secondly, the Lands Department must **implement set-back rules for all redevelopment**, including those announced by the URA, to create more circulation space at street level. When smaller buildings are replaced with larger ones, there will be more people and more traffic. Set-backs are simple solutions the Lands Department refuses to accept as they deem it 'too expensive' (read – can't maximize land premiums) to the detriment of the quality of life in Hong Kong, the health and well-being of the community, and the experience of our city for visitors.
3. Thirdly, we need **a new classification system to specify the open space to be provided within private developments**, and they can't be counted against the requirement for 'public open space'. Obviously the piazza of Times Square should be classified as 'circulation space' to cope with the pedestrian traffic. The rooftop of IFC should be classified as 'retail open space' so that it can be properly used for outdoor dining. Podium gardens in housing estates should be classified as 'residential open space' catering for those who live there.
4. Fourth, the **Government must lead by example for its own developments**. Following a rezoning approval, a large park in front of the new offices on Tamar is to be broken up into smaller gardens surrounding the different buildings and as a 'green carpet' under through the main complex. In recent communications the Director of Administration has stated that the public open space on Tamar will be open (sic) when security and operational requirements allow. If so, the Government should act responsibly and declare these as private gardens that will only be open when convenient. This involves rezoning from 'public open space' to 'government and institutional uses' to avoid that these are counted against the minimum provision of open space. Alternatively, Government must make sure that the full two hectares of open space on Tamar are accessible and enjoyable 24 hours a day.
5. Fifth, the Government must **review all existing open spaces within private developments and reconsider the agreement according to the local circumstances**, constraints, requirements and opportunities for each development/area.

Public Open Space – Information sought from the Government

1. How is public open space defined - what does this include?
2. Is 2 sq. m. of easily accessible passive public open space per person the minimum required in each district under the Hong Kong Planning Standards and Guidelines (Provision of Recreational Facilities)?
3. Should this minimum standard in urban areas be reviewed for the aging population, doubling of leisure time with Saturdays off, increasing tourist arrivals, and the general call for a better quality of life?
4. How much public open space is required in each district?
5. How much public open space is provided in each district?
6. Where can we obtain a comprehensive list of all public open spaces in each district - identifying the site and the size of each public open space?
7. Which public open spaces are privately managed? Which public open spaces are within the boundaries of a private development?
8. What is the shortfall or excess open space in each district?
9. Which sites/land is earmarked to resolve any shortfall?
10. What are the projected densities for each district assuming that all land is developed to the maximum allowed under the current planning parameters?
11. What is the total amount of open space required under such scenario in each district?
12. Which land/sites are earmarked in each district to cope with this additional demand for public open space?

Herewith we so submit for your consideration and we look forward to an opportunity to be heard on this issue.



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