

Deputation on Public Open Space - Legislative Council Panel on Development

1. Revamping the Hong Kong Standard Planning Guidelines

Civic Party reiterates our position that we welcome the Bureaux/Departments will no longer recommend to the TPB to accept public open space in private residential developments (page 13, point 27). The responsibility to provide and execute POS now falls squarely on the government. POS in our dense urban neighborhoods are still short, and the need is high. Government should show determination in;

- A. Revamp and update the current planning and design guidelines in the Hong Kong Planning Standard Guidelines. The current version of HKPSG provides standards on size, distribution, density and nature on different types of open space. The Planning Department should follow their own planning guidelines vehemently.
- B. Current HKPSG definitions and descriptions on 'design' aspects related to POS and urban planning in general is stale, inflexible and does little to encourage flexible interpretation for innovative and diverse design solutions. We recommend the sections related to the detail design of POS and their implementation be expanded, become less codified as requirements, and become more flexible for design interpretation to foster more creativity, diversity and quality be injected to the design of our parks and public open spaces.
- C. Part of the original intent of POS developments in private developments was to enhance the urban integration of large scale developments in our urban fabric. Practical efforts to encourage developers to undertake POS works in private residential developments have failed, but the need for sound integration of private and public lands ensues. The reversal of this policy could potentially lead to private developments becoming fortified, isolated and devoid of its urban context, resulting in degraded 'patchy' urban developments. The government should clearly pre-define areas for POS within or around urban developments, and set design parameters and considerations before property development schemes are designed. So developers and professional consultants could properly design and anticipate their schemes, maintaining sound urban integration.



- D. For POS in Commercial Building e.g. shopping malls, we support the practice of continuing to encourage developers to design and shoulder the management responsibilities, as they would have the motives to better their designs as part of their shopping attraction. However, as stated on page 14 (item 29.), the government needs to define clearly how these POS should be operated and consider to designate areas for public performances, art and cultural activities and exhibitions. In order to ensure the diversity and freedom of expression for the cultural activities to be held on private commercial POS, vetting and approval should be ‘community’ driven and given to the district councils to ensure ‘cultural relevance and diversity’. Small and large scale cultural activities on POS are now left un-managed, un-protected and un-encouraged. Conflict of interest in developers overwhelms POS activities with ‘commercial promotion’ over genuine ‘cultural activities’. The responsibility of up-keeping POS spaces and vetting ‘activities’ should be separated. This is not to say all commercial activities should be discouraged, but a balance between the two is needed. This can only be achieved by allowing community-base councils to run and vet activities in public open spaces.

2. Upgrading the quality in our governance and planning agencies

In the government’s report, a critical factor concerning the quality of the district planning officers responsible for approving designs of poorly conceived POS in private developments is not mentioned. As was evident in the Metro Harbor View scenario, basic design guidelines outlined in the HKPSG for open air, open light, easy access and avoidance of immediate encapsulation of high rises are overlooked. This calls into question the quality of the DPOs and the factors they considered when vetting designs. While the developer might have been at fault in failing to properly design, and have questionably satisfy POS provisions for private gains. The final responsibility still falls squarely on the Planning Department whom is entrusted to ensure the public’s interests is looked after.

- A. Planning officials responsible for vetting designs and developing planning strategies should bear a more flexible mindset to encourage creative, diverse and innovative solutions from practitioners and professionals submitting proposals. Tolerance and design sense is needed in our officials to rightly balance the need for creativity and practicality. We do not wish to see officials practicing with a stringent and inflexible attitude, believing in a



mentality that 'doing less = less mistakes'. An overly bureaucratic attitude stifles creativity and harms HK's public asset by resulting in stale urban environments.

- B. A re-education effort in creativity, working culture and appreciation for the arts should be infused to our planning officials. Officials should be able to identify potentials for creative solutions when planning our city. Professional practitioners will naturally draw up more creative design proposals, if the government can encourage the process in vetting and providing guidelines.
- C. It is clear from the controversy and row over POS last year, that the District Planning Officers responsible for the initial approvals of the designs were inept and did not follow the guidelines outlined in their own HKPSG. This serious flaw and incompetency demonstrates there is a serious flaw in the civil service system, and requires a serious and concerted effort to fix. It is important that DPOs follow their own design guidelines as published on HKPSG. As mentioned above, the upgrading of the HKPSG itself will also help.
- D. Inter-departmental cooperation needs to be improved to facilitate easier implementation, better designed, and properly managed POS facilities. Again creativity and innovation in design needs to be encouraged, and this cannot be accomplished with serious government commitment.

3. Commissioning of Public Open Space works

With the government now undertaking responsibility to execute and commission works for POS, the government should consider inviting independent architects and landscape architects to engage these works through an open and competitive manner. This will encourage more innovative and diverse designs in public open spaces, increase job for the sector, and serve as a good platform for elevating the design competitiveness in the local industry.

- A. Bidding for POS works in their design and execution should be based on design merits, and be open and competitive so as to foster better quality, diversity and innovation.



- B. Commissions should not be grouped and allotted in a single lump sum contract to a single consultant or be carried out by the Architectural Service Department to ensure diversity through competitiveness.
- C. Designs should be consulted with the local communities, so as to anticipate for their needs and wishes.

4. POS on Existing Developments

Concerns on how to handle poorly design POS in private residential and commercial developments are more of a legal concern.

- A. For the Metro Harbour View case, we maintain our position that the government should waive podium open space as public open space for a proper consideration. But the consideration should be met by the developer who agreed to the condition for public access and responsible for its design, and not by the owners as successors in title.
- B. The government report claims that 12 other cases of POS are found to be located on podium levels, and that Metro Harbour View is the only exceptional case which warrants a waiver. We request that the government provide a full analysis base on the points used to assess Metro Harbour View for the other 11 cases, and provide justification as to why these other developments do not qualify for a waiver. We do not want to see that the small owners in these other developments denied their potential right for a waiver especially when there is precedence to do so. We urge the government to also disclose to the public the report.

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With no more recommendations of POS in Private Residential Developments, responsibility for POS execution in residential neighborhoods lies with the Government.

- A. Planning Department should follow their own HKSPG when vetting designs. To ensure size, distribution and quality is maintained.
- B. Expanding the 'Design' guidelines related to POS in the HKPSG. Flexible interpretation for creative, innovative and diverse solutions.
- C. Urban Integration needed, reversal of POS policies should not result in large scale private residential developments becoming fortified, isolated and devoid of its urban context, resulting in degraded 'patchy' urban developments..
- D. Developer to carry out POS in commercial buildings should continue. But the responsibility of up-keeping POS spaces and vetting 'activities' should be separated. Vetting of 'Cultural Activities' on POS should be delegated to 'District Councils' or 'Community Networks'.

2 – Upgrading the quality in our governance and planning agencies

The quality of urban environment depends on the quality of our Planning Officials.

- A. Planning officials responsible for vetting designs and developing planning strategies should bear a more flexible mindset to encourage creative, diverse and innovative solutions from practitioners and professionals submitting proposals. Diverse, creative and innovative solutions need to be encouraged through less bureaucratic attitudes.
- B. A re-education effort in creativity, working culture and appreciation for the arts should be infused to our planning officials.
- C. It is important that DPOs follow their own design guidelines as published on HKPSG.
- D. Pro-active inter-departmental cooperation to encourage creative and innovative design submissions.

3 – Commissioning of Public Open Space Works

The government should engage architects and landscape architects directly in commissioning POS works.

- A. Bidding for POS works should be based on design merits. Be open and competitive to foster quality, diversity and innovation. Encourage more innovative and diverse designs in public open spaces, increase job for the sector, and serve as a good platform for elevating the design competitiveness in the local industry
- B. Commissions should not be grouped and allotted in single contract. To ensure diversity in a creatively competitive bidding scenario. Nor should it be carried by ASD, to avoid 'single' approaches and solutions.
- C. Designs should consult local communities.

4 – POS on Existing Developments

Concerns on how to handle poorly design POS in private residential and commercial developments are more of a legal concern.

- A On the Metro Harbor View Case, the government should waive podium open space as public open space for a proper consideration. But the consideration should be met by the developer who agreed to the condition for public access and responsible for its design.
- B Carry out an assessment report and publically disclose on the other 11 cases of POS on podium designs cited in the report. Justify why the government believes they do not qualify for waivers.