

We refer to the Panel Paper regarding
Provision of Public Facilities in Private Developments
as prepared by the Development Bureau on 8th December, 2008

As mentioned in the Paper, there are **four main categories** of Public Facilities in Private Developments, namely

- (a) Government, Institution and Community (GIC) facilities, such as community halls, elderly centres, nurseries, youth centres, schools etc.;
- (b) Public open space (POS);
- (c) Public transport terminus; and
- (d) Public access (e.g. pedestrian access like footbridges and vehicular access like right of way).

In the Paper, we are pleased to see the Government ascertained that this policy of providing public facilities through private developments should be upheld in view of the special development conditions of Hong Kong, to provide for better planning and optimizes the use of limited land. The Development Bureau had drawn out **some directions** for both the future developments and the existing developments. But nearly all directions are focused on the provisions of the POS, and there are little directions for the other categories, other than the brief discussion on the possible funding for the future provisions of the GIC facilities in private developments.

Our views on the Directions are listed below based on the four categories:

For the GIC provisions,

Development Bureau considered the core problems as the funding issues, operations and maintenance delineation as well as the design and locations of the facilities. We would see the core issue is the not-up-speed planning by Government. The funding problems which lead to the poor design as well as the maintenance dispute are all resulted from the not-up-to-speed planning by Government.

In the early developments, when Government required certain public facilities to be provided for a piece of Land, the auction price of the land would already reflected the provisions and therefore the construction cost seldom have dispute. Detail Technical Schedules and control drawings were attached with the Land lease so that the integrated design can be preceded by private developers immediately. The relevant Department will scrutinize the

design based on the detail Technical Schedules and once approval it was final. Upon completion, the premises will be handed over to the Operation Departments as specified and only the general management fee similar to all undivided shares owners or tenants would be borne by the operation departments

However in the recent developments, the Technical Schedules would not be finalized in the lease conditions and are subjected to changes imposed by different Government Departments during the approval process. Many departments involve in the approval process and yet comments given can be conflicting. In result, there are frustration, tensions and disputes – better planning and timely integration of the planning and design cannot be achieved.

We fully support the inclusiveness, transparency and community involvement in determining our Public Facilities. However, the Public and the Government or Government Official had to learn to distinguish the two processes in Development: the establishment of requirements and the scrutinizing of design. Our Government needs to have the foresight leading the community to decide on our requirements on the Public Facilities and established the requirements well before the Land Sales. Only with such requirements established and agreed, the comments on the Design can be meaningful.

For the Public Open Space

Development Bureau had collected very useful reflection on the Public Open Space which maintenance and operations are bored by the undivided shares owners.

Similar to the GIC facilities, the land cost or land premium should have reflected the construction and capital cost of the Public Open Space borne by the Developers, yet the operation cost of Public Open Spaces are the core problem. DevB realized that the owners normally prefer to continue to manage the Public Open Spaces attached to the commercial development. It is because there are recurrent fund generated to support the maintenance of such Open Spaces. For the residential development with POS attached, there are diverse views regarding the maintenance of the POS. Although the financial burden to maintain the sometime oversize POS can be relieved, there are hesitation for Government to totally take back the POS founded in their Private Lot. The reasons are: the existing Government Agents LCSD may not be able to uphold the standards they used to enjoy, the waiver fee is

difficult to ascertain; it is very difficult to obtain enough consent from those multi-owner residential developments especially for those with more than thousands flats.

We suggest the government to consider new modes of management of POS, active promotion of cultural and leisure activities with some ancillary commercial activities can be conducted to support the maintenance cost so that it would relief the burden of the recurrent expenditure and not subjected to lengthily approval of fund and bureaucratic management for cultural activities. It would be useful to study the Chicago Park Districts and its Millennium Parks.

For Public Transport Terminus

Problems similar to GIC are also encountered by PTI. However, a detail traffic study on transportation shall be conducted before putting such requests to the Land Sale.

For Public Access

There are little directions from DevB's paper on this category. We opine that the Dedicated Area for the Public Passage in the Private development is very important to the urban scene in Hong Kong. Hong Kong had very good and successful examples in working with the Private developments to implement 24 hour continuous public passage in very busy districts. In the Policy Address 2008-2009 of the Chief Executives had spelled out clearly that *"We will take forward pedestrian schemes to minimize vehicle-pedestrian conflicts and improve roadside air quality. The schemes cover footbridges, pedestrian subways, pedestrianised streets and traffic calming streets. Our focus will be on improving the pedestrian environment in business districts, shopping centres, and leisure areas with heavy pedestrian flows."*

However, due to the recent review on "the Provisions of Public Facilities in Private Developments", a lot of submissions had been rejected as government are afraid of giving bonus GFA to the Developers who is willing to dedicated commercial spaces for public passage. In most cases, public passages are initiated by Private Developers when they are planning for redevelopment or major renovation. The approval process had been established for decades and the private and public interest had been well protected through the Deed of Dedication and Lease modification. We had witnessed good public passage schemes being abandoned even though the

Planning Department and Traffic Department had supported but unable to opine it as essential. Being essential, government need to raised fund for immediate implementation.

In very busy district, there are not enough road surfaces and has serious vehicular-pedestrian conflicts. The covered bridges and tunnels system are in high demand. If there is not any private participation, there would not be enough road surfaces to incorporate all the entrances and landings for the covered bridges system and tunnels systems and the public passages are very much interrupted. We request the Development Bureau give positive direction to uphold the system which is much envied by other cities.

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