

REPORT ON CONSULTANCY STUDY ON PUBLIC OPEN SPACE IN PRIVATE DEVELOPMENTS [POSPD]

Commissioned by:



Consultancy Team:

Rocco Design Architects Ltd.
School of Architecture, CUHK
LandElite Surveyors Ltd.



Content

1. Preamble

- 1.1 Objectives of the Study
- 1.2 POSPD – Definition
- 1.3 Relevant Issues
- 1.4 Application of the Guidelines
- 1.5 Application to Public Passageway

2. Design Principles

- 2.1 Connectivity
- 2.2 Appropriateness
- 2.3 Quality
- 2.4 Spatial Types of POSPD

3. Management Principles

- 3.1 Permissible Activities

- 3.2 Always Permissible Activities

- 3.3 Non-commercial or Charitable Activities

- 3.4 Commercial Activities

- 3.5 Operational Standards and Other General Responsibilities

4. Outcomes of Consultation

Appendix I Design and Management Guidelines

Appendix II Examples of Spatial Types

Appendix III Management Models and Stakeholders Involvement

1. Preamble

1.1 Objectives of the Study

The consultancy team, Rocco Design Architects Ltd., in collaboration with the School of Architecture, the Chinese University of Hong Kong, and LandElite Surveyors Ltd., has been appointed by the Development Bureau of the HKSAR Government to undertake a consultancy study with the objective of drawing up a set of Design and Management Guidelines for public open space in private developments (POSPD) in Hong Kong. Through these Guidelines, we aim to achieve high quality POSPD that can best serve the general public. The consultancy study seeks to :

- evaluate existing POSPD cases, building on their strength or learn from their experience;
- identify ways to achieve quality design, enhanced site planning and better use of POSPD; and
- based on the above, draw up a set of clear and practicable guidelines on the design and management of POSPD.

We have completed our study and prepared a set of design and management guidelines for POSPD at **Appendix I**.

1.2 POSPD – Definition

The provision of POSPD seeks primarily to achieve better quality design, optimisation of land use, better site planning, and/or synchronization of the availability of open space and the community needs arising from developments. With proper design and management, POSPD could contribute towards the provision of quality leisure and recreational space and improve Hong Kong's living environment.

In this consultancy study, the term **POSPD** is used for open space on private land within a private development and/or on government land adjoining a private development **where the general public are entitled to access, use and enjoy** such POSPD under private management.

1.3 Relevant Issues

There is support for the provision of public open space in private developments from professional institutes and some civic groups because such developments would allow more integrated planning and design, and ease the shortage of public open space in districts where land resources for public open space are limited.

However, the idea of POSPD is a paradoxical concept for it has a strong public interest within the private domain, and in some cases, rights of the public conflicts with private interest, or vice versa. For example: public accessibility at open space could intrude into the privacy of individual owners/occupants of the private development. There are cases in Hong Kong that residents of private residential developments were not informed that certain areas within their premises are indeed public open space. Activities in this public open space could cause nuisance, and lingering of non-residents could make residents feel unsafe.¹ Some flat owners consider it unfair for them to bear the recurrent maintenance costs for public facilities which should fall under the Government's responsibilities, and claim that they were not made aware of the responsibilities in managing and maintaining the public open space in their developments when they bought their flats. Another controversy about the POSPD is about the 'privatisation' of public open space where developers 'lease out' public open space with a consideration in return for some form of

1 In relation to the provision of public open space within private residential developments, Development Bureau has received requests to waive the relevant lease requirement, e.g. from Metro Harbourview. Legislative Council, Panel on Development. CB(1)1634/08-09 (08), 16 May 2009.

‘management fee’. Along this line, the public has also complained about ‘overzealous’ security guards who have been preventing people from sitting or lingering in the public area. The ‘Times Square Incident’ in 2008 has brought to light such debates.

The realisation of such concept therefore requires a careful and informed policy thinking, and ongoing supervision or management. To this end, these Guidelines will provide a reference and a common ground of understanding for various stakeholders which include, but are not limited to, different government departments, urban designers, private developers and public end-users.

1.4 Application of the Guidelines

Who should find these Guidelines useful?

- Town Planning Board
- Design Panel on Greening and Landscape
- relevant policy bureaux and government departments
- private developers
- relevant organisations and bodies involved in development projects, such as Urban Renewal Authority, Hong Kong Housing Society, MTR Corporation Limited
- architects, planners, landscape architects, surveyors and urban designers
- private owners
- management agencies
- users of POSPD
- general public

How should these Guidelines be applied to future and existing cases?

The Design Guidelines should apply to future POSPD with flexibility allowed to cater for individual cases on their own merits, while the existing cases are strongly advised to follow the Design Guidelines on a reasonable basis. The Design Guidelines will also serve as a point of reference for the Design Panel on Greening and Landscape to be set up under the Development Bureau. The Design Panel on Greening and Landscape will be tasked to advise on greening and landscaping aspects in large-scale infrastructure as well as POS in comprehensive private developments.

The Management Guidelines serve as a set of good practices and are advisory in nature. They do not override any of the provisions in leases or Deeds of Dedication, or any statutory provisions. The Management Guidelines should apply to new and existing cases insofar as permitted under the leases or the Deeds of Dedication (as the case may be). In general, the application of the Design and Management Guidelines is subject to the latest policy framework of the Development Bureau.

1.5 Application to Public Passageways

The Design and Management Guidelines are **not** meant in general for public passageways in private developments provided under leases or Deeds of Dedication. However, certain isolated cases of public passageways in private developments are perceived by the public to resemble POSPD in their physical characters. If their owners so wish, they are welcome to follow the Management Guidelines, say, in terms of allowing use for non-commercial or charitable arts and cultural activities and Design Guidelines insofar as the requirements are appropriate in site-specific context, such as greening, planting and seating, on a reasonable basis.

In a place like Hong Kong where the population density is high and land resources are scarce, public passageways provided by developers in private developments have served a very important function of promoting connectivity and accessibility. In some cases, these attract pedestrian flow and are well patronised, and their width and condition allow other uses without affecting their functions as passageways, thus making them popular place for arts and cultural activities, civic activities and education activities.

If the owners of public passageways in private developments wish to allow non-commercial or charitable arts and cultural activities on the public passageways, and if such activities do not comply with the lease conditions or the terms of the Deed of Dedication, the owners should approach the Lands Department for a waiver under the lease and/or the Buildings Department for the necessary permission under the Deed of Dedication (as the case may be). The Lands Department acting in the landlord capacity may approve or reject the waiver application at its discretion. The waiver, if approved, may be subject to such terms and conditions as the Lands Department considers appropriate. The Lands Department and the Buildings Department will consider the applications on a case by case basis, having regard to the relevant factors such as size, configuration and location of the public passageways, and whether the proposed uses would prejudice their primary functions as public passageways.

2. Design Principles

The Guidelines intend to establish a concise and flexible framework for the planning, design and management of POSPD, in addition to its dedicated effort to strike a balance between public use of POSPD and owners'/ management companies' need for protecting the interests of private developments.



Fig. 1.1 Passageways also function as popular place for arts and cultural activities
(Taikoo Place, Quarry Bay)

POSPD is planned and designed on individual site basis, taking into account the overall planning and urban design context. It should: *a)* contribute towards a coherent network of open space and green space in the local district; *b)* respect the neighbourhood urban fabrics, local character and cultural history of the local district; *c)* contribute to the improvement of public realm in the local district by means of enhancing linkage and connectivity with community facilities, heritage sites, local green space, and as appropriate, broadening the range of leisure and recreation facilities, and forming part of the green network in the vicinity; and *d)* encourage public engagement and participation in the process of design and management of POSPD.

Preferred design of individual POSPD should be considered through three perspectives of **connectivity**, **appropriateness** and **quality**. When being translated into design considerations, these perspectives could be embodied in terms of:

2.1 Connectivity

To make better use of POSPD, design of individual POSPD should take into account the overall planning of its neighbourhood to allow sufficient physical connectivity, visual connectivity and green connectivity to adjacent streets, passageways and public open space. At the moment, design of POSPD is very much focused on a 2-dimension level. How the POSPD adjoins one another and how it is elevated and spanned across different levels should be accorded due attention. The design should therefore take into account frontage ratio, visual depth, degree of enclosure, etc.

(a) Accessibility

POSPD is reached from the point/level of arrival, i.e. the major public circulation path. The extent of street frontage will determine how accessible a POSPD is and multiple-level entry will increase accessibility for sites on sloping terrain. Accessibility is how convenient a space could be visited or bypassed. Also, the more open and visible the space is, the more accessible it becomes.

Visibility

- (b)** POSPD is seen from the point/level of arrival. The degree of visibility relates to the visual angle from the major portion of POSPD towards the adjoining minor space². A space needs to be seen in order to be used. Visibility enhances the openness and public nature of POSPD. Visibility can be increased by levelling of space, avoiding solid fences and using more transparent materials.

2.2 Appropriateness

By categorising the POSPD into recognisable generic types, the uses and design emphasis can be better defined.

² According to the Guidelines for New York City, the major portion must account for at least 75% of the public plaza area while the minor portion is limited to no more than 25% of the public plaza area. This can be used as a reference.

(a) *Functionality*

POSPD should be designed and function as an open space use in its own right.

(b) *Flexibility*

POSPD should be adapted to different activities from passive seating to active gathering. The shape, gradient, and the proportion of major/minor space should directly relate to the flexibility of the space in accommodating the scope of activities allowed. A regular-shaped and flat open space is a more adaptive form of space with a higher degree of flexibility.

(c) *Usability*

How POSPD can be used should be defined. A POSPD is more usable when there is a balance between space and facilities/amenities (such as seating, planting and other amenities). In general, fragmented and irregular pocket space has lower usability when compared with regular-shaped space.

Inclusiveness

- (d)** POSPD should be designed to be socially inclusive, i.e. available for all age groups and the physically impaired. Irregular shape or space located at steep slopes will impede social inclusiveness.

(e) *Relationship to the Surroundings*

POSPD should be harmonious with the neighbouring land uses and surrounding environment. For example, a public open space next to a refuse disposal facility is undesirable. Outdoor performing area next to a residential area may not be totally compatible.

Environmental Consciousness

- (f)** POSPD should be designed to respond to the neighbouring environmental conditions to achieve a more comfortable micro-climate. For instance, trees and shelters can serve as solar shading devices to achieve a more comfortable outdoor environment. Landscape buffers can mitigate nuisance from road traffic noise.

2.3 *Quality*

The location, the surroundings and the design of POSPD will affect its patronage. The design intent in some cases may not be met due to problems of management, maintenance and denial of access. It is important to evaluate the quality or popularity of such space before and after its operation. The other end is how such space is used by the general public, and hence how it positively contributes to the character of the locality.

(a) Safety

POSPD should be perceived and used by the public without potential threats. The design of the place needs to be safe and to look safe. The more visible and open the space is, the more secure it looks. Safety would be enhanced by avoiding hidden corners and using proper natural/artificial lighting.

(b) Comfort / Hygiene

The public should be able to enjoy POSPD without sensory anxieties. The degree of comfort and hygiene is also a determining factor of the popularity of the space. Comfort can be enhanced by increasing greenery and shading. Hygiene can be enhanced by the use of suitable materials and proper maintenance and management.

Attractiveness

- (c)** POSPD should attract people to stay and enjoy the atmosphere. Space-wise, the space should be open, visible, spacious and bright to become attractive. Design-wise, points of attraction such as public art / sculptures or other special features will help attract more users. The neighbouring conditions should also be considered to minimise nuisance to others.

2.4 Spatial Types of POSPD

Quality design is essential for proper functioning of POSPD as a public open space for various activities and to facilitate public use and enjoyment. Design guidelines are necessary to guide and assess the design of POSPD.

The measurement on the quality of a public open space should take into account the idea of 3-dimensional spatial governance,³ which encompasses a vertical dimension of space, i.e. slope and multi-level access, visibility of elevated space, degree of openness, etc. Through the analysis of existing cases of POSPD, common spatial types could be identified. They include **Public Green, Plaza, Courtyard, Pocket Space** and **Promenade**. This typology of space is useful for the following purposes -

- (a) to categorise POSPD into spatial types;
- (b) to devise these Design Guidelines according to the design intent, characteristics and design requirements of individual spatial type;
- (c) to assess future cases of POSPD according to the Design Guidelines for individual spatial type; and
- (d) to evaluate how different spatial types of POSPD contribute towards a coherent open space system in the planning and design of the district.

The Design Guidelines generally follow those for open space in the Hong Kong Planning Standards and Guidelines and similar overseas cases with flexibility allowed to cater for the relevant circumstances for the Hong Kong planning and urban design context, such as the high density and mixed use urban setting, special characteristics (such as sloping terrain and multi-level access) of some POSPD sites.

³ The idea of 'spatial governance' as suggested by the Hong Kong Institute of Architects in the policy recommendation paper *About Public Space* dated 9 Feb, 2009.

It is possible to have more than one spatial type of public open space within the private development site or within one POSPD site. Each public open space should be identified with a clear boundary, and with its typologies defined and the relevant Design Guidelines applied.

Examples of different spatial types of POSPD are set out in **Appendix II**.

3. Management Principles

The Management Guidelines address a number of management issues and other relevant aspects relating to public accessibility, management and maintenance of POSPD. The common objectives for the management of POSPD for public use and enjoyment include :

- promoting and maintaining high-quality environment and appropriate use of POSPD;
- ensuring high standard in the provision, maintenance and management of POSPD;
- respecting local culture, heritage and characteristics; and
- encouraging involvement of the local community in the management of POSPD.

On the one hand, the public should be facilitated to enjoy POSPD. On the other hand, POSPD on private land remains private property while POSPD on government land is under private management. A fine and pragmatic balance should be struck between the public's use of POSPD and the private owners'/occupants' needs for privacy.

Generally, the responsibilities of owners to manage and maintain POSPD for public use are set out in the relevant contractual documents with the Government, namely the leases and / or Deeds of Dedication. Usually, owners are required to fulfil such responsibilities to the satisfaction of the relevant authorities (the Lands Department or the Buildings Department as the case may be). In fulfilment of the contractual requirement, existing POSPD should continue to be managed and maintained according to the stipulations in the leases or Deeds of Dedication. The legal position and the requirements as enshrined in such contractual documents should be respected.

Generally, owners of the private developments are required to –

- (a) permit the public to access to and / or enjoy such facilities for lawful purposes and not to allow the area to be obstructed, where this is applicable; and
- (b) manage and maintain such facilities to the satisfaction of the relevant authorities.

Most of the POSPD required under land lease are provided for use by the public free of payment. There are rare exceptions of POSPD under Deeds of Dedication where requirements concerning payment are expressly provided for in the Deeds of Dedication.

Currently, the number of POSPD is limited. As at end June 2010, there are 59 POSPD in 55 private developments governed under the leases. To the best of our knowledge, there are only two exceptional cases of dedicated areas that are required by the Town Planning Board to serve as POS or covered area as well, namely Times Square and Shun Lee Mansion.

The Management Guidelines will provide a set of clear and practicable guidance to assist owners to perform their contractual duties under the relevant instruments and for all users to comply.

3.1 Permissible Activities

Scope of uses in POSPD under the leases is neither easy to define nor could this be exhaustive at the stages of planning and site development. Activities in POSPD could be passive, including not only leisure activities such as walking, doing relaxing exercises and passive activities, but also social interactions, social activities and functions such as events, exhibitions, group gathering for a particular purpose.

Activities in POSPD may also vary in nature: while some activities such as arts and cultural and civic education activities run by not-for-profit organisations should be encouraged, there is also demand from commercial organisations for using such facilities. A variety in scope and nature encourages flow of people and instills vibrancy and vitality into POSPD. Towards this end and depending on the type of POSPD (see Section 2.2 in Appendix I on spatial types), flexibility should be given to accommodating as wide a range of permissible uses in POSPD as reasonably possible, unless the activities are causing obstructions to public passage, nuisance and disturbance to security and privacy of occupants of the private developments or at the expense of other members of the public in their enjoyment of the POSPD.

A balance should be struck between the liberal approach of more flexible use of POSPD and the due roles of the owners and management companies in the management of POSPD. In allowing uses by some members of the public, the uses of POSPD by other members of the public and the owners'/occupants' needs for security and



Fig. 1.2 Cultural event in open plaza

privacy should not be compromised, and the health and safety of others should not be adversely affected. Hence, while observing the requirements in the contractual documents on opening POSPD for public use and enjoyment, the owners should be allowed to set general and/or specific rules on the actual use of POSPD according to site-specific context.

No unlawful activities should be allowed. Owners should enquire with the relevant government authorities if in doubt. Should the owner suspect that there is an occurrence of crime or breach of the peace; an imminent danger posed to the public; and a serious disruption to traffic and / or other road users, consideration should be given to making a report to the Hong Kong Police Force. Other issues may be referred to the relevant authorities. Approval/consent from/notifications to statutory or administrative authorities as the case may require, such as the Food and Environmental Hygiene Department, the Social Welfare Department, the Hong Kong Police Force and the Buildings Department, should be obtained by the applicant in parallel with his/her application to the owners / management companies in accordance with their rules, where applicable. In gist, apart from the application and approval procedures in Section 3.3 below, it also remains the responsibility of users to obtain the relevant approval/consent from the relevant authorities for their relevant uses and to comply with other requirements, as imposed by Government Departments or under the relevant statutes and to be responsible for liabilities arising from the uses.

If it is expressly provided in the contractual documents that no fee should be charged for the use of POSPD, the owners should not charge fees unless a waiver at full market waiver fee has been granted.

Insofar as to a few exceptional cases of dedicated areas that are required by the Town Planning Board to serve as POSPD, they need to be subject to the terms of the Deeds of Dedication and the governing principles stated below:

- (i) certain activities always permissible in POSPD, such as doing relaxing exercises, should be subject to site-specific context, e.g. such activities might not be appropriate where the POSPD is serving as a main passageway in a shopping arcade; and
- (ii) whether bonus GFA has previously been granted in return of the dedication of the concerned area for public use should be taken into account in considering applications for commercial uses on the concerned area;
- (iii) if the owners so wish, they may allow activities of non-commercial or charitable nature, such as arts and cultural and civic education activities, subject to the provisions of the Deeds of Dedication. Unless otherwise explicitly provided for in the Deeds of Dedication, the owners should not charge fees for the use of the designated passageways under Deeds of Dedication;
- (iv) the principles and arrangements as set out above should also be applicable.

In the management guidelines, we have broadly classified permissible activities on POSPD into three types as follows -

- (a) always permissible activities;
- (b) non-commercial or charitable activities; and
commercial activities.

.3.2 Always Permissible Activities

There is no pre-determined scope of activities tailor made for a particular form of POSPD, thus leaving flexibility to owners / management companies to accommodate a wide range of activities and to meet local/community needs. Most of day-to-day activities should be always permissible, including leisure activities such as passive activities, walking, temporary stay, etc., without any need for application.

3.3 Non-Commercial or Charitable Activities

Apart from passive activities, we consider that some non-commercial or charitable activities such as festive events, activity-based functions (such as arts and cultural, civic education purposes etc.) can bring vibrancy to the POSPD. While these activities are not under the always permissible category, we consider that the owners should be allowed and encouraged to permit such activities on the POSPD on a voluntary basis subject to the provisions in the contractual documents. If the non-commercial or charitable activities do not comply with the lease conditions or the terms of the Deed of Dedication, the owners should first approach the Lands Department for a waiver under the lease and/or the Buildings Department for the necessary permission under the Deed of Dedication (as the case may be). The Lands Department acting in the landlord capacity may approve or reject the waiver application at its discretion. The waiver, if approved, may be subject to such terms and conditions as the Lands Department considers appropriate. The owners / management companies should set clear application procedures and make them known to the public in a transparent manner (see Section 3.1 in Appendix I) to facilitate community users and the general public to apply for holding non-commercial and charitable activities on the POSPD. The approval shall be subject to administrative arrangements as devised by the management companies. As management

companies are acting on behalf of owners of the private developments, the proper procedures of seeking the blessing from owners, be it from the Owners' Incorporation or equivalent, should be followed up as appropriate.

Similar to other activities on POSPD, no fee should be charged against such non-commercial or charitable uses. If it is expressly provided in the contractual documents that no fee should be charged for the use of POSPD.

The applicants shall also obtain separate approval / consent from the relevant Government Departments and authorities, such as the Food and Environmental Hygiene Department, the Social Welfare Department, the Hong Kong Police Force and the Buildings Department, as required in law or under administrative requirements for such non-commercial and charitable activities.

3.4 Commercial Activities

Concerns have been expressed that a few POSPD has been privatised or converted into commercial space. On the other hand, there have been comments that too restrictive use will result in a loss of vibrancy and vitality. The notion of POSPD defined *only* in terms of "public ownership" neglects a fact that the value and intangible qualities of POSPD could be enhanced by commercial activities that meet people's needs or enrich community spirit, and have local support.

Learning from the experience of New York City, kiosks and open air cafes could provide valuable food service amenities to users of a public open space. Such amenities which are well designed and integrated into POSPD are permitted through certification that the kiosks and cafes comply with operational and design standards. The vibrancy and vitality of POSPD is directly related to the uses in buildings directly adjacent to it. Active uses with visual transparency activate and enliven POSPD by providing physical and visual amenities for plaza users.

As a matter of principle, POSPD is an area that has been devoted to and designated for public use, and the owner is disentitled from making a commercial gain out of it. Nevertheless, it is recognised that limited use for certain commercial activities in the relevant site-specific context which are complementary and related to the use of a POSPD might enhance the use of the POSPD and add vibrancy to the area, as it helps drawing people to stay and use the space actively. However, given the public concern over “depriving their use of such facilities”, the paramount consideration is that such use will not give rise to any obstruction to pedestrian flow and there is sufficient capacity of the remaining POSPD for public use, such that the open space function and prevailing public use / enjoyment of such facilities will not be prejudiced.

Areas designated for open air cafes, kiosks, book / newsstands, eating/drinking stalls, commercial exhibition and events, and Outdoor Restaurant Seating Accommodation should not exceed 10% of the POSPD as a general rule of thumb. The percentage is on the low side compared with international standard so as to reflect its supplementary function to the general use of POSPD in Hong Kong's context⁴. This 10% restriction will be a pilot test subject to



Fig. 1.3 Public open space in New York

(http://graphics8.nytimes.com/images/2008/09/26/travel/v_Paley_front_395.jpg)

⁴ Areas for open air cafes in New York urban plaza, for instance, may not occupy more than 1/3 of the street frontage of the plaza, and retail and service establishments may occupy at least 50% of a building's frontage on a public plaza; *Design and Operational Standards for Privately Owned Public Spaces*, October 17, 2007. In San Francisco, 20% of space could be used for providing commercial and food

relevant Government Bureaux / Departments' review in future for consideration of further restriction or relaxation of commercial activities in POSPD.

We also subscribe to the view that whether bonus GFA has previously been granted is a factor that should be taken into account in considering applications for commercial uses. Generally speaking, for a POSPD to be considered suitable for commercial activities, at least 10% of its total area should not have been granted bonus GFA.

In cases where the POSPD is connected to a passageway dedicated for public use, for these cases to be considered suitable for commercial use, at least 10% of the total area of the POSPD and the public passageway should not have been granted bonus GFA.

The owners of the private developments who wish to use part of the POSPD for commercial activities should apply for a waiver / permission as appropriate from the Lands Department / the Buildings Department subject to technical feasibility and whether there are any legal impediments. The Lands Department acting in the landlord capacity may approve or reject the waiver application. The waiver, if approved, may be subject to such terms and conditions as the Lands Department considers appropriate including the payment of waiver fee to the Lands Department.

There should also be local support for the limited use for commercial activities. In particular, in considering whether a waiver / permission for commercial use should be granted, the Lands Department may take into account views of the relevant District Council. It is considered justified to take into account District Council's advice as it plays an



Fig. 1.4 Commercial use in public open space in Hong Kong

important role in providing their views on waiver applications having regard to the local circumstances, the views of the local community and their experience in participating in the management of local leisure facilities.

If a waiver at full market waiver fee has been granted, the owners may charge fees for the commercial activities on the POSPD.

Business operators must also obtain separate approval / consent from the relevant Government Departments and authorities, for example the Food and Environmental Hygiene Department for Outdoor Restaurant Seating Accommodation operation.

To conclude, with respect to the overall objective to make POSPD alive, depending on the type of POSPD and where site-specific context is appropriate, limited commercial activities within reasonable bounds may be allowed in the form of a waiver at the Government's sole discretion subject to views of local community and payment of full market waiver fees.

In addition to the requirements stated above, other restrictions on commercial uses include:

- there should be no blockage of major access points, entrances and walkways within the developments;
- any structure on the area for commercial activities should comply with the relevant buildings regulations and requirements; and
- uses incompatible with the purpose of a POSPD such as commercial activities supported by permanent structures and establishments for wholesale/retail business, provision of office space, banks or manufacturing activities should not be allowed.

3.5 Operational Standards and Other General Responsibilities

We have set out in details in Section 3.2 in Appendix I on “Guidance Operational Standards and Other General Responsibilities” of owners / management companies of POSPD. Taking account of views collected during the consultation on the draft POSPD Design and Management Guidelines, we have set out the requirements as clearly and specific as possible to facilitate owners / management companies to follow.

4. Outcomes of Consultation

Following the issue of the draft POSPD Design and Management Guidelines on 26 January 2010, we have consulted / received submissions from the following stakeholders or organisations -

Chartered Institute of Housing (Asian Pacific Branch),
Designing Hong Kong,
Food Business Task Force under the Business Facilitation Advisory Committee,
Pre-construction Task Force under the Business Facilitation Advisory Committee,
Hong Kong Association of Property Management Companies,
Hong Kong Institute of Real Estate Administrators,
Hong Kong Institute of Architects,
Hong Kong Institute of Housing,
Hong Kong Institute of Landscape Architects,
Hong Kong Institute of Planners,

Hong Kong Institute of Surveyors,
Planning Sub-committee under the Land and Development Advisory Committee, and
Real Estate Developers Association of Hong Kong

We summarise below views of common concerns collected through the consultation sessions and written submissions, our responses to these views, and how these concerns are addressed in this final version of the POSPD Design and Management Guidelines.

(a) Design Panel on Greening and Landscape

While the respondents were in general supportive to initiatives to improve the design and greening quality of POSPD, there were concerns about the future role and operation of the proposed Design Panel on Greening and Landscape. The respondents were interested to know the terms of reference and the composition of the Design Panel, how it would operate with other existing authorities such as the Town Planning Board and District Lands Conference, and whether there will be any pledge on the timing of approval. They considered that such a new mechanism should not impede the development process. Some respondents suggested that the Government should make more information available concerning the Design Panel on Greening and Landscape.

It is our understanding that the proposed Design Panel on Greening and Landscape, which will comprise local and non-local experts on landscape planning and design, will be put in place to advise on greening and landscaping aspects in large-scale infrastructure as well as such POS in comprehensive private developments. The Design

Panel on Greening and Landscape will also make reference to the POSPD Design and Management Guidelines in considering proposals of POS in future private developments. Detailed operation of the Design Panel on Greening and Landscape is a matter outside the scope of this consultancy. As far as the design of POSPD is concerned, we believe that the POSPD Design Guidelines are comprehensive and have addressed the concerns amongst different stakeholders. They should serve a good basis for the future Design Panel on Greening and Landscape in its consideration of design proposals of POSPD (see Section 1.4 above).

(b) Design Qualities and Flexibility

Some respondents were concerned that the dichotomy approach in illustrating design qualities might be overly-rigid and did not help promote diversity and creativity in design of POSPD. Some respondents suggested that the preamble of the POSPD Guidelines should make clear that the design principles should be applied with flexibility taking account of site-specific circumstances. Some respondents also commented that the Design Guidelines should have a wider coverage to include other factors such as climatic considerations.

Given the purpose of the POSPD Design and Management Guidelines is to provide a basic framework for designing and managing POSPD, it is not intended to cover all specific details, nor to prescribe any design approach. The framework for considerations is to allow sufficient flexibility in designing POSPD without sacrificing design qualities. To this end, individual designs should respect local/ site specific context to achieve qualities of corresponding spatial types. Also, it is advised to observe the overall urban conditions, e.g. urban breezeways, green corridors, etc. Recommendations such as minimum green coverage percentages for different spatial types of POSPD also help address climatic concerns.

We have revised the POSPD Guidelines (see Sections 2 and 3 in Appendix I) to set out upfront the principles in both design and management guidelines for the users' easy reference. We have also suggested in the preamble that the Design Guidelines should apply to POSPD with flexibility allowed to cater for individual cases on their own merits. It is suggested that the POSPD Design and Management Guidelines could be reviewed and revised in the future to respond to dynamic and changing environment.

(c) Clarity and Certainty in Operational Standards

Some respondents suggested that technical requirements and specific management terms such as size, location, essential features and opening hours should be clearly stipulated in the lease documents and/or the POSPD Guidelines to avoid possible disputes between the owners, management companies and the users.

We note that in most POSPD, the size and location are already stipulated in the lease documents. On essential features, the Design Guidelines of this POSPD Guidelines would provide a useful basis of consideration without compromising the flexibility that might be required for different sites. On opening hours, we consider that different types of POSPD, subject to specific context and the minimum requirements as specified in leases, can have its own rules of opening hours but the minimum hours for public access should not be less than 13 hours (see Section 3.2 in Appendix I).

(d) Legal Basis for Management of POSPD

Some respondents would like to clarify the legal basis for managing POSPD and whether the management companies will be vested with the statutory power similar to power of government officers to manage POSPD. They pointed out that certain enforcement actions against illegal activities on POSPD could only be taken by Government official but not by staff of private management companies.

The majority of the POSPD have been provided as conditions in the leases with a few exceptional cases required under Deeds of Dedication. Both leases and Deeds of Dedication are contractual documents in nature. As a contractual obligation under the lease conditions or Deeds of Dedication as the case may be, the design, development, maintenance and management of the POSPD are normally subject to the satisfaction of government authorities, which are usually the Lands Department for leases and the Buildings Department for Deeds of Dedication (see Section 3 in Appendix I).

The POSPD Guidelines do not override any of the provisions in leases or Deeds of Dedication, or any statutory provisions.

We have suggested in the POSPD Guidelines that owners and management companies may set reasonable rules having regard to site-specific context for proper management of the POSPDs to ensure the uses of any individuals do not cause nuisance nor impair the reasonable enjoyment of the POSPD by the public. Should the owner suspect that there is an occurrence of crime or breach of the peace; an imminent danger posed to the public; and a serious disruption to traffic and/ or other road users, consideration should be given to making a report to the Hong Kong Police Force. Other issues may be referred to the relevant authorities. (see Section 3.1 above).

(e) Non-Commercial and Commercial Activities on POSPD

On non-commercial activities by non-profit making organisations, some respondents considered that it was unfair to the owners not to be able to recover the additional costs incurred by allowing such activities. They also considered it difficult to identify whether the applicants were non-profit making organisations (compared with charitable organisations). In view of the respondents' concern in the difficulties in verifying the non-profit making status of the applicants, we have revised this part of the POSPD Guidelines so that only non-commercial activities or charitable activities would be allowed. We also wish to clarify that we are merely encouraging owners of the private developments, on a voluntary basis, to permit non-commercial or charitable activities for arts and cultural, civic education purposes etc., subject to the provisions in the contractual documents. The purpose is to bring vibrancy to the POSPD through these activities. If the owners so choose to permit such activities on POSPD, they should observe the relevant requirements in leases so that no fee should be charged against such activities if it is expressly provided in lease that no fee should be charged for the use of POSPD (see Sections 3.1 and 3.3 above).

On commercial activities, the respondents were generally in support of allowing these activities on POSPD since they could bring vibrancy and vitality to the development and vicinity. Some respondents considered that more space should be allowed for commercial uses while some considered the proposed 10% of total space of POSPD was appropriate. We consider that the provision of commercial uses in POSPD is to enhance a vibrant environment and to facilitate public uses. The maximum percentage of 10% commercial uses would enable sufficient vitality without jeopardizing the major purposes of POSPD to provide public spaces for passive, leisure and other non-commercial activities. We have clarified in Section 3.1(c) in Appendix I with more specific criteria on the use of POSPD for commercial activities.

(f) Management Model and Stakeholders Involvement

A number of respondents were concerned that the involvement of community and users would put the owners and management companies in difficult situations and long-drawn out processes especially when there were divergent interests among different groups. We consider that certain level of engagement of the local community is essential to build consensus and balance the interests of users and owners. For example, we suggest that the Lands Department may take account of the local District Council's views in the processing of waiver application for commercial activities on POSPD, because the District Council plays an important role in soliciting views of the local community and the District Council's experience in managing local leisure facilities would also shed light on whether commercial uses should be allowed in a particular POSPD (see Section 3.4 above). On other more straightforward and operational issues such as opening hours, the POSPD Guidelines already set out clearly the requirement for owners / management companies / users to follow. We also encourage alternative management models so that non-government organisations and local community can be involved in the design and management of POSPD. Nonetheless, we also realise the practical difficulties in putting these alternative models into practice. These suggestions are therefore regarded as longer term goals and suggested good practices instead of strict requirements for owner and management company to follow. These longer term suggestions on management model and stakeholders' involvement are detailed in **Appendix III**.

Appendix I Design and Management Guidelines

- 1. Preamble**

- 2. Design Guidelines**
 - 2.1 Design Elements – Spatial Dimensions and Human Perspectives of POSPD
 - 2.2 Spatial Types of POSPD

- 3. Management Guidelines**
 - 3.1 Permissible Activities
 - 3.2 Guidance on Operational Standards and Other General Responsibilities
 - 3.3 Application to Public Passageway

1. Preamble

The provision of Public Open Space in Private Development (POSPD) seeks primarily to achieve better quality design, optimisation of land use, better site planning, and/or synchronising the availability of open space and the community needs arising from developments. With proper design and management, POSPD could contribute towards the provision of quality leisure and recreational space and improve Hong Kong's living environment.

The Design and Management Guidelines aim to provide a set of clear and practicable guidelines to facilitate better design and management of POSPD. On design, the guidelines provide standards and guidance on better quality design based on the principles of connectivity, appropriateness and quality. According to their spatial characteristics, POSPD are categorised into five types, namely public green, plaza, courtyard, pocket space and promenade. As regards management of POSPD, the guidelines cover such issues as rights and obligations of owners and users, uses (including commercial uses) of the POSPD and other operational matters, with the objective of striking a reasonable balance between the rights of the owners and the public enjoyment of such POSPD.

POSPD Definition

For these POSPD Design and Management Guidelines, POSPD is defined as an open space in private development under private management where the general public are entitled to access, use and enjoy such POSPD. POSPD may be located on private land within a private development and/or on government land adjoining a private development.

Application of the Guidelines

Who should find these Guidelines useful?

- Town Planning Board
- Design Panel on Greening and Landscape
- relevant policy bureaux and government departments
- private developers
- relevant organisations and bodies involved in development projects, such as Urban Renewal Authority, Hong Kong Housing Society, MTR Corporation Limited
- architects, planners, landscape architects, surveyors and urban designers
- private owners
- management agencies
- users of POSPD
- general public

How should these Guidelines be applied to future and existing cases?

The Design Guidelines should apply to future POSPD with flexibility allowed to cater for individual cases on their own merits, while the existing cases are strongly advised to follow the Design Guidelines on a reasonable basis. The Design Guidelines will also serve as a point of reference for the Design Panel on Greening and Landscape to be set up under the Development Bureau.

The Management Guidelines serve as a set of good practices and are advisory in nature. They do not override any of the provisions in leases or Deeds of Dedication, or any statutory provisions. The Management Guidelines should apply to new and existing cases insofar as permitted under the leases or the Deeds of Dedication (as the case may be). In general, the application of the Design and Management Guidelines is subject to the latest policy framework of the Development Bureau.

2. Design Guidelines

2.1 Design Elements – Spatial Dimensions and Human Perspectives of POSPD

The ensuing paragraphs illustrate the important aspects of spatial dimensions that should be taken into account in the design of POSPD. Examples of good practices are provided for each element.

(A) Spatial Issues

Shape

A more defined space is preferred to a loosely defined one, since the former will facilitate public use and enjoyment. A regular-shaped space is generally more usable than one with changing edges and irregular shapes, as acute angles within the irregular space may lower the visibility of the full space. That said, design flexibility should be allowed on individual merits.

Fig. 2.1

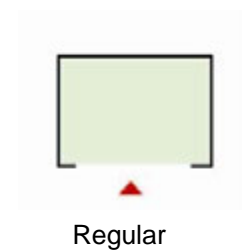
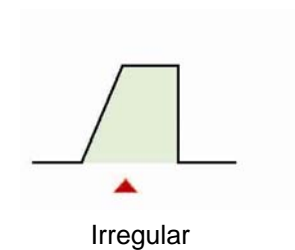


Fig. 2.2



Street Frontage

Street frontage is the linear extent of access to the public open space from the adjoining street. A preferred street frontage should have at least the same width as the public open space, and should be as wide as possible so as to enhance visibility and popularity of the space.

Fig. 2.3

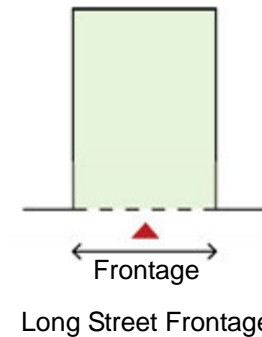
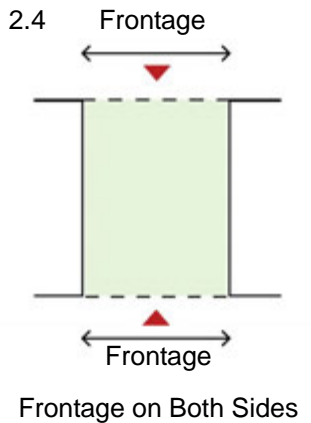


Fig. 2.4



Width to Length Ratio

The width to length (or width to depth) proportion defines visibility of the space. Length generally refers to the greater dimension of the space, or the average of such; while width or depth refers to the lesser. The more elongated the space is, the lower the possibility for it to accommodate a variety of public uses. Elongated space is mainly for circulation purpose. A higher width or depth to length ratio is preferred.

Fig. 2.5

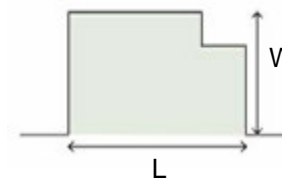


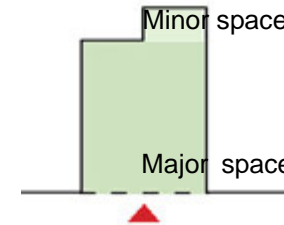
Fig. 2.6



Major / Minor Space

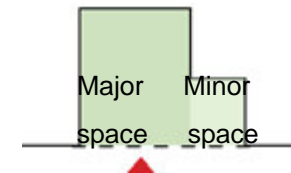
Major space refers to the main portion of the POSPD, which in general is larger in area. Minor space refers to the space attached to a major space, usually with smaller sizes. Its relationship with and the transition to major space will affect the scope of possible activities. Major space should account for preferably not less than 75% of the area of POSPD.

Fig. 2.7



Minor Space is visible
and connected to Major Space

Fig. 2.8



Minor Space of appropriate
proportion and having street
frontage

Area

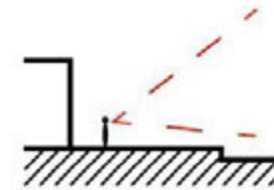
Area refers to the extent of space available for specific use. The smaller the area, the more restrictive the space would be to uses, activities and other amenities that could be accommodated. If the area was too big and without proper design, it would affect the intimacy and lose human touch. POSPD of appropriate size that corresponds to its use and context is preferred.

(B) Perceptual Issues

Visibility

Visibility relates directly to seeing the public open space and being seen from the view of the public. The position or orientation of the seating at various locations determines the view. It is ideal to have views without any blockage, and the range of openness may vary from a fully open view to facing a slope or other visual barriers. Visibility into and around the space is also important to promote a sense of openness and safety.

Fig.2.9

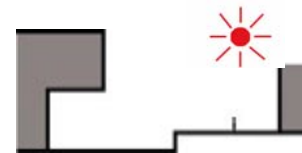


Visible to and from surrounding area

Open-to-sky

Openness to sky or outdoor open air public space should generally be adopted as a design principle. Canopy and tree shading could be employed to create a more comfortable micro-climate for the open space. Transparent materials could be selected for canopy required to provide weather protection while admitting natural light to enhance the environmental quality.

Fig. 2.10

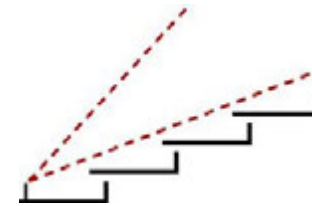


Open outdoor space

Slope/Gradient

It is always desirable to have public open space at grade or on the principal pedestrian level. Inappropriate gradient change would limit the use of space while suitable gradient or change in level could create linkages with visual interests. Connection and continuation at different levels, both spatial and visual, could enhance visibility and hence popularity. Multi-level space should be well designed and integrated. Mechanical access may be accepted to improve the connectivity between levels.

Fig. 2.11



Terraces with visual connection

Fig. 2.12



Multi-levels with green linkages

Length of Stay

Length of stay is another measurement of the popularity of space. Space for circulation purpose only has a short length of stay, as the public simply walk through it. For space for circulation with added attractions, people may stay a bit longer in walking through it. The longer the length of stay, the more popular the public space is.

Space for circulation

Fig. 2.13



Passing through

Fig. 2.14



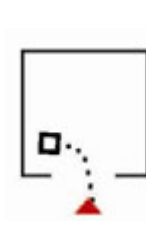
Meandering

Fig. 2.15



Wandering

Fig. 2.16



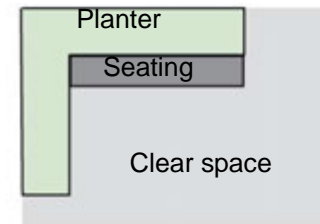
With attractions

Space for Staying

Clear Space/Amenities Arrangement

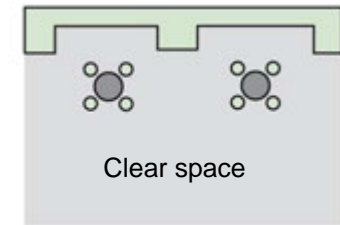
POSPD should generally be free of obstructions except for planting, seating and other amenities. A space cleared of obstructions (the clear space) is more suitable for activities. An appropriate balance between the clear space and other amenities of the POSPD such as seating, planting, play areas etc. should be maintained.

Fig. 2.17



Flexible central space for a variety of activities

Fig.2.18



Flexible and variety in arrangements

(C) Landscape Planning Issues

Landscape Planning

The objective is to provide an attractive and comprehensive landscaping strategy within the POSPD that contributes to the character and identity of the neighbourhood and urban place. Besides, the incorporation of natural and cultural features in the design of POSPD, where appropriate, should be encouraged. Native natural habitats or existing urban fabrics should be protected. In case of waterfront promenades and landscaped walkways, spatial recess, water features and break-out points for enjoying water scenes, river views and sea views are important landscape items to be included. The landscaped space should also be accessible and promote a green environment for public enjoyment. It should be designed to respond to the neighbouring environmental conditions to achieve a more comfortable micro-climate. Some considerations on planning of hard and soft landscape elements are shown in the following table:

Hard / Soft Landscape	
H/S	Creating attractive landscape that visually emphasises streets and public open space
H/S	Protecting and linking areas of significant local habitats where appropriate
H/S	Protecting and enhancing any significant natural and cultural features
H/S	Supporting integrated water management systems with appropriate landscape design and other urban design features.
H/S	Providing shade in streets, walkways and public open space
H/S	Developing appropriate landscape for the intended use of POSPD including areas for passive and active recreation, use by pets, playgrounds, shaded areas, etc.
H	Different forms of public arts and installations of artworks should be encouraged
H/S	Providing landscaped walkways that link with community facilities and other activity nodes
H	Selection of site furnishings (e.g. that for pathways, public lighting and street furniture) should be of materials and design which require little maintenance and are durable
H/S	Taking account of the physical features of the land including landform, soil and climate
S	Maintaining existing vegetation
H/S	Water features should be provided as appropriate to form attractive features and improve the micro climate.
H/S	Planting areas should preferably be at grade and visually accessible. High raised planters should be avoided.

Planting

Greenery and planting are essential components of POSPD. People enjoy to be close to greenery with a lot of planting which offer shading. Major trees or canopy-type trees also foster a feeling of permanence to the site and improve air quality. The provision of planting should serve the cause of landscaping. The design should aim to make reference to:

- (a) Greening Master Plans developed by the Civil Engineering and Development Department, (including the greening themes and concepts for each of the districts, and the medium-term proposals in which private-sector participants are involved) which reflect the local context and the results of local consultations; and
- (b) Advice from the Greening, Landscape and Tree Management Section of the Development Bureau and the Design Panel on Greening and Landscape.

The following issues in planting should be considered when landscaping new POSPD facilities:

Considerations

Maximum preservation of existing trees versus removal of unhealthy trees and trees incompatible with the development with new ones

Focal or interest plantings to create sense of place

Trees may be used to define, emphasise or soften architectural elements and further define circulation systems and the spatial quality of open space

30% to 50% of the area of POSPD for soft landscaping, half of which for planting large trees and shade trees

Plantings may be used in association with entrances, activity nodes and facilities, and/or located in positions that are highly visible from roadsides and/or focal points and where people gather

'Right tree for the right place' should be the key to tree selection, apart from the visual quality and design criteria to be fulfilled. Suitable tree species should be selected to suit the site conditions for long-term sustainable growth.

Plantings should generally be evergreen with few (if any) deciduous species to avoid too many gaps in canopy cover during winter

Shade should be provided in POSPD through either trees or structures, especially along paths, where users stay and gather

Spacing of tree planting should take account of the ultimate mature size of the species

Suitable soil volume and space should be provided. Continuous planting bed should be provided to sustain the mature size of trees instead of small insulated tree pits or small separate planters

Trees should be selected for their visual quality (e.g. seasonal changes, attractive flowers/leaves/fruits, colour or texture); environmental quality (e.g. shade in summer); ecological quality (e.g. biodiversity and native origin); biological quality (e.g. resilient to pests and diseases); and other attractive features (e.g. fragrance, cultural value, etc.)

Adequate irrigation arrangement to be provided

Types of Facilities

Facilities in POSPD are intended to provide the users with a sense of place which is safe and comfortable. The provision of POSPD should be accomplished by a wide range of facilities and maintained by the management agency.

Facilities	Requirements
Lighting	Provide appropriate lighting (functional and/or visually distinctive) and coordinate it with the pedestrian lighting
Lighting	Pedestrian-scale lighting is encouraged
Universal Access	Universal access (such as that for physical and/or visually impaired people and the elderly)
Seating	Provide primary seating (chairs and benches) and/or secondary seating (walls, steps and planter ledges). Appropriate covers should be provided over the seating as shades and/or rainshelter
Seating	At least 10% seating should be primary
Seating	Provide choice of a variety of seating forms or seating configuration. Moveable tables and chairs could provide flexibility; linear benches or ledges and circular benches could achieve different design effects; and a combination of varied forms allow people to define their own social seating

Signage

POSPD hidden from public view may result in low usage. In contrast, identifiable POSPD with clear, visible and legible signage would invite people to use the space.

Guidelines

Clear indication of maps, location and signage would help inform the public of the available space for public use, and help them identify the space and its vicinity

Connectivity, historical and cultural character, and landscape feature of a place would make itself an identifiable site to the public

The signage system should contain information on boundary and demarcation, rules and regulations, opening hours and contact information of management agencies

Materials, size and location of information plaque should be included in the signage plan of POSPD

Local Character and Neighbourhood Pattern

Frequent use and social interaction in the POSPD can attract more people to come and enhance the public nature of POSPD. However, overly intense activities and undue emphasis on crowd gathering would deter public use and minimise public enjoyment. A place of unique visual interest, high aesthetical value or cultural value reinforced by inspiring artworks and enjoyable landscape design would enhance the identity of the POS. The design of POSPD is suggested to follow the below guidelines:

Guidelines

Reflect the distinctive character and amenity of an area;

Reinforce desirable local character through appropriate artworks and landscape design; and

Highlight the uniqueness of local characteristics in terms of landform, landscape character, vegetation, local cultures, landmarks etc.

2.2 Spatial Types of POSPD

There are five common spatial types of POSPD. The design guidelines for each type of POSPD are set out below -

(a) **Public Green**

Public Green is defined as a public open space with extensive green coverage and soft landscaping that serves the district for leisure, relaxation, and breathing space in the neighbourhood. It is open to sky, passive recreation-oriented and should preferably be at grade. The minimum area should be 500 sqm and minimum green coverage should be 50%.

(b) **Plaza**

Plaza is defined as a public open space with a vibrant atmosphere that serves the district and/or the city with multiple usage from leisure, communal gathering, to cultural performance. It is well connected with adjacent streets and has high visibility to the surrounding area, and a high degree of flexibility on uses. The location should preferably be at grade or at the principal pedestrian level with sufficient size allowing multiple uses and well-proportioned configuration. The minimum area should be 500 sqm and minimum green coverage should be 30%.

(c) Courtyard

Courtyard is defined as a public open space similar to plaza but with a relatively less vibrant atmosphere that serves the neighbourhood and/or the district with more limited usage from leisure, informal gathering, to play areas. It is surrounded by buildings and the major space is indirectly connected with the street through a pedestrian path with a minimum width of 6m and maximum length of 15m. The minimum area should be 200 sqm and minimum green coverage should be 30%.

(d) Pocket Space

Pocket Space is defined as a small scale public open space indented along the street and serves the local neighbourhood as resting space, casual gathering and sitting as well as a brief stop for passers-by. The space is connected with the adjacent street and has a minimum width of 6m. The minimum area should be 100 sqm and minimum green coverage should be 30%.

(e) Promenade

Promenade is defined as a public space which provides passive recreation facilities and is more than a passageway for public access. For such promenades to be able to serve the purpose as POSPD, the space should be linear with a minimum width of at least 15-20m, which allows activities and other uses to take place along it. Every 50m requires a spatial recess with seating or resting area.

Design Guidelines for PUBLIC GREEN

DESIGN INTENT:

Public Green is a passive open space with extensive soft landscaping within urban districts.

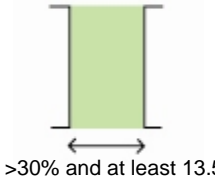
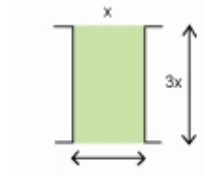
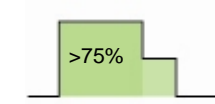
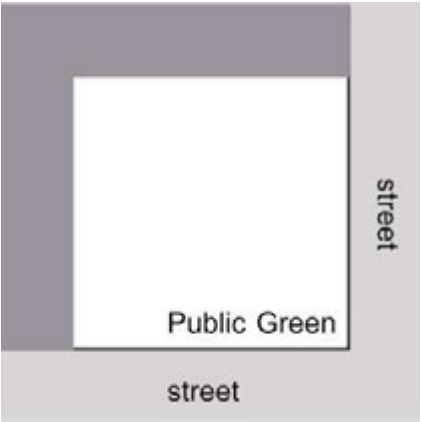
- Use
 - Individual activities of walking and relaxing
 - Passive recreation
 - Radius of attraction
 - It attracts local residents, visitors from outside, as well as from the immediate neighbourhood
 - Amenities
 - Extensive greenery
 - Various seating
 - Leisure facilities
 - Combination of refreshment kiosks, artwork, restrooms as well as seating, tables, trees, etc. [On commercial uses of POSPD, see also Section 3 "Management Guidelines" in Appendix I for details.]
- Physical qualities
 - Size500 sqm min
 - ShapeSite-specific
 - Street Frontage(Fig. 2.19)
 - Width / Length Ratio(Fig. 2.20)
 - Major / Minor Space(Fig. 2.21)
 - Green Coverage50% min
 - VisibilityVisible
 - Open To SkyOpen air
 - Slope / GradientPreferably on flat land

DIAGRAM OF PUBLIC GREEN

(Fig. 2.22)



EXAMPLE



Fig. 2.23 Cheung Kong Park, Central

Design Guidelines for PLAZA

DESIGN INTENT:

Plaza is a quality public open space within urban districts with a vibrant environment, high flexibility, visibility and usability.

- Use
 - Socialising, leisure, eating, viewing art or attending events
 - Individual activities of walking and relaxing
- Radius of attraction
 - It attracts office workers, residents, visitors from outside, as well as from the immediate neighbourhood
- Amenities
 - Various amenities
 - Combination of refreshment kiosks, outdoor café, artwork, restrooms, commercial frontage as well as seating, tables, trees, water fountain, etc. [On commercial uses of POSPD, see also Section 3 "Management Guidelines" in Appendix I for details.]

Physical qualities

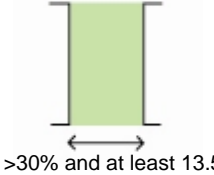
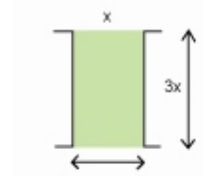
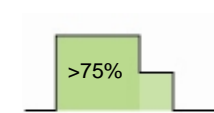
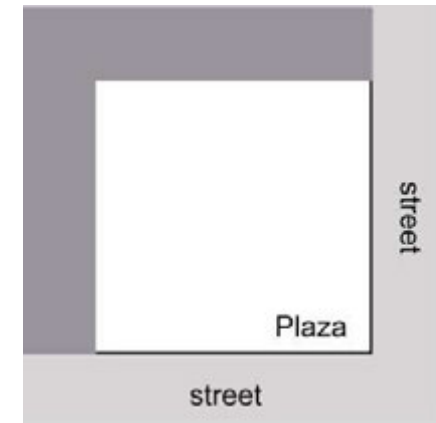
- Size 500 sqm min
- Shape Site-specific
- Street Frontage (Fig. 2.24)
 
- Width / Length Ratio (Fig. 2.25)
 
- Major / Minor Space (Fig. 2.26)
 
- Green Coverage 30% min
- Visibility .Highly visible
- Open To Sky Open air
- Slope / Gradient Preferably on flat land

DIAGRAM OF PLAZA

(Fig. 2.27)



EXAMPLE



Fig. 2.28 Citygate, Tung Chung

Design Guidelines for COURTYARD

DESIGN INTENT:

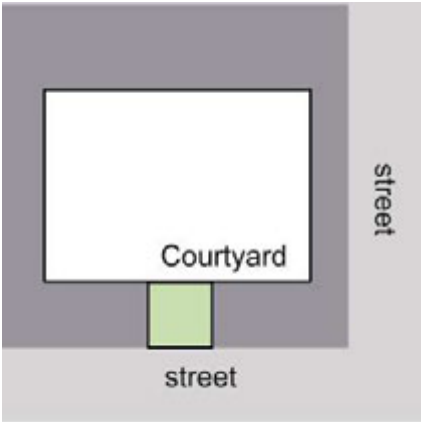
Courtyard is a quality public open space that is surrounded by buildings with indirect access from adjacent street.

- Use
 - Socialising, leisure, sitting, eating, relaxing and children caring
 - Occasionally with small scale programmed events
- Radius of attraction
 - It attracts office workers, residents, visitors from outside, as well as from the immediate neighbourhood
- Amenities
 - Seating, tables, trees, water fountains, children’s play area, refreshment kiosks and commercial frontage when necessary [On commercial uses of POSPD, see also Section 3 “Management Guidelines” in Appendix I for details.]

- Physical qualities
 - Size
 - 200 sqm min
 - Site-specific
 - Shape
 - >15% and at least 6m
 - Street Frontage (Fig. 2.29)
- Width / Length Ratio (Fig. 2.30)
 - 3x
 - x
- Major / Minor Space (Fig. 2.31)
 - >75%
- Green Coverage
 - 30% min
- Visibility
 - .Visible
- Open To Sky
 - Open air
- Slope / Gradient
 - Preferably on flat land

DIAGRAM OF COURTYARD

(Fig. 2.32)



EXAMPLE



Fig. 2.33 Li Chit Garden, Wanchai

Design Guidelines for POCKET SPACE

DESIGN INTENT:

Pocket Space is a relatively small-sized enclave public open space that is indented along adjacent street

- Use
 - Brief stop, resting, sitting, casual gatherings, waiting and weather protection
- Radius of attraction
 - It attracts passers-by or users of immediate neighbourhood
- Amenities
 - Seating, trees and weather-proof covers

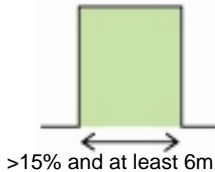
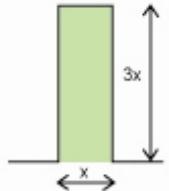
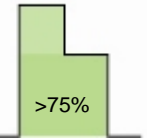
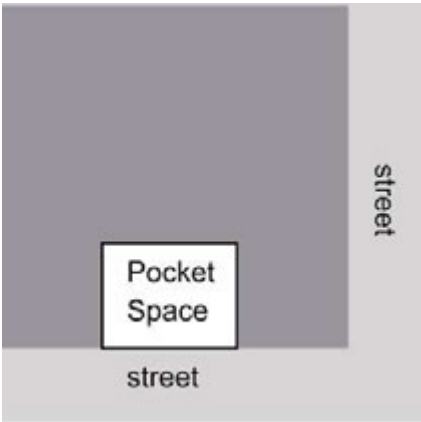
- Physical qualities
 - Size 100 sqm min
 - Shape Site-specific
 - Street Frontage (Fig. 2.34)
 - Width / Length Ratio (Fig. 2.35)
 - Major / Minor Space (Fig. 2.36)
 - Green Coverage 30% min
 - Visibility Visible
 - Open To Sky Open air
 - Slope / Gradient Preferably on flat land

DIAGRAM OF POCKET SPACE

(Fig. 2.37)



EXAMPLE



Fig. 2.38 Three Pacific Place, Wanchai

Design Guidelines for PROMENADE

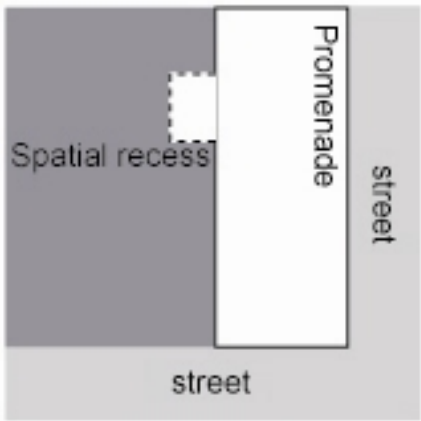
DESIGN INTENT:

Promenade is a linear public open space that provides for passive recreation, apart from pedestrian circulation. It improves the pedestrian experience and connects to other space/streets at its two ends

- | | |
|--|--|
| <ul style="list-style-type: none">• Use<ul style="list-style-type: none">• Leisure, walking, jogging, relaxing• Brief stop, resting, sitting• Occasionally with programmed activities• Arts and sculpture display• Radius of attraction<ul style="list-style-type: none">• It attracts office workers, residents and workers from outside, as well as from the immediate neighbourhood• Amenities<ul style="list-style-type: none">• Seatings, plantings, tree shading and weather protection are provided for spatial recess | <ul style="list-style-type: none">• Physical qualities<ul style="list-style-type: none">• Size N/A• Shape Site-specific but generally elongated• Street Frontage N/A• Width / Length Ratio 15-20m min width
spatial recess every 50m of length• Major / Minor Space Site-specific but generally elongated• Green Coverage Site-specific, trees for shading should preferably be provided• Visibility Visible• Open To Sky Open air• Slope / Gradient Site-specific |
|--|--|

DIAGRAM OF PROMENADE

(Fig. 2.39)

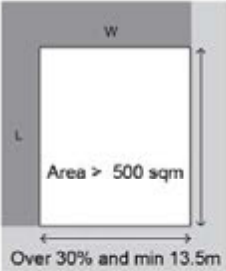
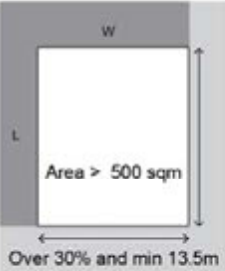
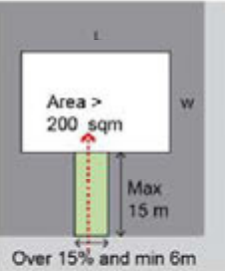
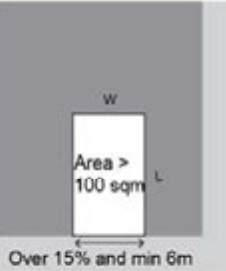
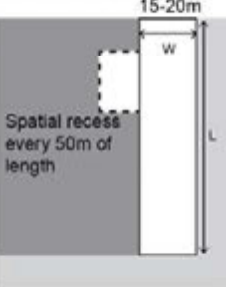


EXAMPLE



Fig. 2.40 Tsing Yi Promenade, Tsing Yi

Fig. 2.41 Summary of Design Guidelines for Different Spatial Types of POSPD

CRITERIA	PUBLIC GREEN	PLAZA	COURTYARD	POCKET SPACE	PROMENADE
Shape					
Street Frontage	Over 30% 13.5 m min width	Over 30% 13.5 m min width	Over 15% 6 m min width	Over 15% 6 m min width	N/A
Width / Length Ratio	1:3 min	1:3 min	1:3 min	1:3 min	15-20 m min width, spatial recess every 50 m of length
Major / Minor Space	Site-specific but preferably 75% min for major space	Site-specific but preferably 75% min for major space	Site-specific but preferably 75% min for major space	Site-specific but preferably 75% min for major space	Site-specific but Generally elongated
Area	500 sqm min	500 sqm min	200 sqm min	100 sqm min	N/A
Visibility	Visible	Highly visible	Visible	Visible	Visible
Open To Sky	Open air	Open air	Open air	Open air	Open air
Slope / Gradient	Preferably on flat land	Preferably on flat land	Preferably on flat land	Preferably on flat land	Site-specific
Green Coverage	50% min	30% min	30% min	30% min	Site-specific, Tree for shading should preferably be provided

3. Management Guidelines

Generally, the responsibilities of owners to manage and maintain POSPD for public use are set out in the relevant contractual documents with the Government, namely the leases and / or Deeds of Dedication. Usually, owners of the private developments are required to –

- (i) permit the public to access to and /or enjoy such facilities for lawful purposes and not to allow the area to be obstructed, where this is applicable; and
- (ii) manage and maintain such facilities to the satisfaction of the relevant authorities.

3.1 Permissible Activities

In considering whether a particular activity should be permissible in POSPD, the owners should take account of the following factors –

- (a) flexibility should be given to accommodating as wide a range of permissible uses in POSPD as reasonably possible. At the same time, a balance should be struck between the flexible use of POSPD, rights of occupants of the private developments and the enjoyment of the POSPD by other members of the public;
- (b) in general, the uses of POSPD should not cause obstructions to public passage, nuisance and disturbance to security and privacy of occupants of the private developments or at the expense of other members of the public in their enjoyment of the POSPD; and
- (c) no unlawful activities should be allowed on the POSPD.



Fig. 2.42 Cultural event in open plaza

On the basis of the above general principles, activities permissible in POSPD are broadly classified into three types as follows -

- (a) always permissible activities;
- (b) non-commercial or charitable activities; and
- (c) commercial activities.

(a) Always Permissible Activities

Most day-to-day activities should be always permissible, including leisure activities such as passive activities, walking, temporary stay, etc., without any need for application.

(b) Non-Commercial or Charitable Activities

On a voluntary basis, owners may choose to permit non-commercial or charitable activities on the POSPD subject to the provisions in the contractual documents. If the non-commercial or charitable activities do not comply with the lease conditions or the terms of the Deeds of Dedication, the owners should first approach the Lands Department for a waiver under the lease and/or the Buildings Department for the necessary permission under the Deed of Dedication (as the case may be). The Lands Department acting in landlord capacity may approve or reject the waiver application at its discretion. The waiver, if approved, may be subject to such terms and conditions as the Lands Department considers appropriate. The owners / management companies should set clear application

procedures and make them known to the public in a transparent manner to facilitate community users and the general public to apply for holding non-commercial and charitable activities on the POSPD.

Similar to other activities on POSPD, no fee should be charged against such non-commercial or charitable uses if it is expressly provided in the contractual documents that no fee should be charged for the use of POSPD.

It also remains the responsibility of the applicants to obtain the relevant approval/consent from the relevant authorities for their uses (such as the Food and Environmental Hygiene Department, the Social Welfare Department, the Hong Kong Police Force and the Buildings Department) and to comply with other requirements, as imposed by Government Departments or under the relevant statutes and to be responsible for liabilities arising from the uses.

(c) Commercial Activities

If the owners wish to permit commercial activities on the POSPD, they should first apply for a waiver and / or permission as appropriate respectively from the Lands Department and the Buildings Department. The Lands Department acting in the landlord capacity may approve or reject the waiver application. The waiver, if approved, may be subject to such terms and conditions as the Lands Department considers appropriate including the payment of waiver fee to the Lands Department. The Lands Department may consider the waiver applications on a case-by-case basis and in doing so may take into account the following factors -

- (a) whether the commercial use will give rise to blockage of major access points, entrances and walkways within the developments and hence prejudice the capacity of the remaining POSPD for public enjoyment;

- (b) areas designated for open air cafes, kiosks, book / newsstands, eating/drinking stalls, commercial exhibition and events, and Outdoor Restaurant Seating Accommodation (OSA) should not exceed 10% of the POSPD as a general rule of thumb;
- (c) whether bonus GFA has previously been granted to the concerned POSPD. Generally speaking, for a POSPD to be considered suitable for commercial activities, at least 10% of its total area should not have been granted bonus GFA. In cases where the POSPD is connected to a passageway dedicated for public use, for these cases to be considered suitable for commercial use, at least 10% of the total area of the POSPD and the public passageway should not have been granted bonus GFA;
- (d) the technical feasibility and whether there are any legal impediments in allowing commercial activities at the concerned POSPD;
- (e) views of the relevant District Council;
- (f) uses incompatible with the purpose of a POSPD such as commercial activities supported by permanent structures and establishments for wholesale/retail business, provision of office space, banks or manufacturing activities should not be allowed; and
- (g) any structure on the area for commercial activities should comply with the relevant buildings regulations and requirements.

If a waiver at full market waiver fee has been granted, the owners may charge fees for the commercial activities on the POSPD.

Apart from a waiver from the Lands Department and permission from the Buildings Department (as necessary), it is the responsibility of the owners or the commercial operators to seek necessary approval / consent from the relevant

Government Departments and authorities, for example the approval by the Food and Environmental Hygiene Department for Outdoor Restaurant Seating Accommodation operation.

(d) Summary of Permissible Activities

A table summarising the three types of permissible activities in POSPD is set out below –

	Examples of Activities	Management Advice
Activities Always Permissible, without any need for application	Leisure activities such as passive activities, walking, relaxing exercises, temporary stay etc.	<ul style="list-style-type: none">● The owners / management companies should impose and enforce minimal restrictions with respect to crowd control and security where these are necessary, and set rules having regard to site-specific context.● To keep the place clean and to undertake proper maintenance.

	Examples of Activities	Management Advice
Non-Commercial or charitable Activities Requiring Permission by Management Companies and Relevant Government Departments	-	<ul style="list-style-type: none"> ● If the non-commercial or charitable activities do not comply with the lease conditions or the terms of the Deed of Dedication, the owners should first approach the Lands Department for a waiver under the lease and/or the Buildings Department for the necessary permission under the Deed of Dedication (as the case may be). ● The owners / management companies should state clearly the procedure of applications and the rules and regulations for conducting such activities in POSPD. ● Potential users shall submit applications to the owners / management companies of POSPD for approval. ● On giving such approval, the owners / management companies should satisfy itself that such activity would not cause obstruction to pedestrian flow. ● Applicants must also obtain approval / consent / licence from Government Departments and statutory authorities as required in law or under administrative requirements. ● The owners / management company have the right to set site-specific rules and requirements on matters such as the appropriateness of conducting such activity on the site, installation of temporary structures, the use of equipment, duration of the exhibition, and crowd control measures etc. Such rules and regulations should be reasonable and not to impair the reasonable enjoyment of the POSPD by the public.

	Examples of Activities	Management Advice
		<ul style="list-style-type: none"> ● If it is expressly provided in the contractual documents that no fee should be charged for the use of POSPD, the owners / management companies of the private developments should not charge fees for such non-commercial / charitable uses.

	Examples of Activities	Management Advice
Commercial Activities Requiring Permission by Management Companies and Relevant Government Departments		<ul style="list-style-type: none"> ● The owners / management companies of the private developments should obtain permission from the Buildings Department (as necessary) and a waiver from the Lands Department and pay the full market waiver fees, before accepting any applications for commercial activities on the POSPD. ● If a waiver at full market waiver fee has been granted, the owners may charge fees for the commercial activities on the POSPD. ● As a general rule of thumb, areas designated for commercial uses should not exceed 10% of the POSPD. Also, generally speaking, for a POSPD to be considered suitable for commercial activities, at least 10% of its total area should not have been granted bonus GFA. In cases where the POSPD is connected to a passageway dedicated for public use, for these cases to be considered suitable for commercial use, at least 10% of the total area of the POSPD and the public passageway should not have been granted bonus GFA.

	Examples of Activities	Management Advice
		<ul style="list-style-type: none"> ● Potential users shall submit applications to the owners / management companies of POSPD for approval. ● The owners / management companies shall state clearly the procedure of application and the rules and regulations for conducting such activities in POSPD. ● Applicants must also obtain separate approval / consent / licence from Government Departments and statutory authorities where applicable, including from the Lands Department under the leases and other authorities as required in law or under administrative requirements. ● The owners / management company have the right to set site-specific rules and requirements on matters such as the appropriateness of conducting such activity in the site, installation of temporary structures, the use of equipment, and crowd control measures, etc. Such rules and regulations should be reasonable and not to impair the reasonable enjoyment of the POSPD by the public.

3.2 Guidance on Operational Standards and Other General Responsibilities

The general guidance on operational standards and other general responsibilities are set out below -

(a) Opening Hours

- (a) in general, owners should keep the POSPD and public passageways open to the public at the hours stipulated in the leases or Deeds of Dedication as the case may be, or otherwise agreed by the Government;
- (b) POSPD as key passage in local pedestrian system or waterfront promenade should be open 24 hours a day unless exemption is granted under leases or Deeds of Dedication for security reason and/or for public safety at night;
- (c) different types of POSPD, subject to specific context and the minimum requirements as specified in leases, can have its own rules of opening hours but the minimum hours for public access should not be less than 13 hours;
- (d) information regarding opening hours and boundaries shall be made available to the public and written on a plate at all main entrances or major access points of POSPD.



Fig. 2.43 Public open space at night

(b) Transparency and Information Dissemination

- (a) a set of documents/information should be made available to the public for public inspection. These include (i) rules, and specifications with respect to use and/or permissible activities and management issues in POSPD; (ii) application procedures and documents for applying activities in the POSPD; (iii) opening hours; (iv) location of POSPD and how to get there, and (v) contacts of management companies.
- (b) information available to the public and/or to the local communities should be delivered by, for example, notice boards at prominent locations of POSPD, announcements, newsletters, periodical publications such as management reports and hard copies of documents made available in the office of the management companies and/or through information portal on the website of the management companies.

(c) Other General Responsibilities

- (a) owners / management companies should ensure proper management with particular regard to personal safety and security, cleanliness, and upkeeping the place with proper maintenance. Where circumstances permit, owners should be encouraged to provide more green landscaping and seating and facilities to cater for needs of users irrespective of age, gender and ability, e.g. facilitating access for persons with disabilities.
- (b) owners / management companies should ensure that the POSPD and public passageways will not be obstructed or unreasonably denied to the public. Owners / management companies should not conduct activities, and may stop any users from conducting activities which would unduly obstruct other users from enjoying the POSPD or which block the public access and passageways.



Fig. 2.44 Access for the disabled

- (c) owners / management companies shall have the flexibility to decide on the management issues such as:
 - (i) use by pets;
 - (ii) smoking in outdoor areas; and
 - (iii) busking.

taking into account factors such as views from the users, the possible implications for the surrounding environment and the availability of adequate facilities and maintenance service to keep the POSPD in good sanitary conditions.

- (d) Subject to the provisions in leases or Deeds of Dedication as the case may be, owners / management companies are responsible to ensure that the maintenance works for the POSPD are undertaken to the satisfaction of the relevant authorities. Such maintenance works include horticultural and arboricultural maintenance work (such as appropriate pruning, plant health care, fertilising, support, etc.) gardening work (such as the replacement of plant materials, trimming of grassed areas and hedges, etc.) and other maintenance works (such as replacement and repair of fencing/railings, watering, litter control, etc.).

3.3 Application to Public Passageway

The Design and Management Guidelines are not meant in general for public passageways in private developments provided under leases or Deed of Dedication. If the owners of public passageway in private developments so wish, they are welcome to follow the Management Guidelines, say, in terms of allowing use for non-commercial or charitable arts and cultural activities, and to follow the Design Guidelines insofar as the requirements are appropriate in site-specific context, such as greening, planting and seating, on a reasonable basis.

Certain activities always permissible in POSPD, such as doing relaxing exercise, should be subject to site-specific context, and might not be appropriate where the passageway is serving as a main access in a shopping arcade.

For non-commercial / charitable uses, similar to the procedures applicable to POSPD, if the non-commercial / charitable activities do not comply with the lease conditions or the terms of the Deed of Dedication, the owners should approach the Lands Department for a waiver under the lease and/or the Buildings Department for the necessary permission under the Deed of Dedication (as the case may be). The Lands Department acting in the landlord capacity may approve or reject the waiver application at its discretion. The waiver, if approved, may be subject to such terms and conditions as the Lands Department considers appropriate. The Lands Department and the Buildings Department will consider the applications on a case by case basis, having regard to the relevant factors such as size, configuration and location of the public passageways, and whether the proposed uses would prejudice their primary functions as public passageways. Similar to POSPD, if it is expressly provided in the contractual documents that no fee should be charged for the use of the public passageway, the owners should not charge fees unless a waiver at full market waiver fee has been granted.

For commercial uses, the Lands Department and the Buildings Department will consider individual applications, and the procedures and criteria for POSPD would also apply. In particular, the commercial use should not give rise to blockage of major access points, entrances and walkways and hence prejudice the primary function of the passageway. The 10% ceiling for commercial activities and the 10% minimum size of area without bonus GFA granted shall apply. Views of the relevant District Council may be taken into account. The Lands Department acting in the landlord capacity may approve or reject the waiver application at its discretion. The waiver, if

approved, may be subject to such terms and conditions as the Lands Department considers appropriate, including the payment of waiver fee to the Lands Department.

Appendix II Examples of Spatial Types

Example of Spatial Type – Public Green



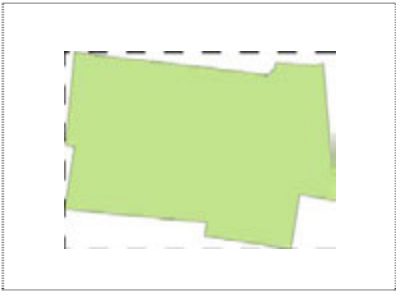
Fig. 3.1



Project:
Cheung Kong Centre
Spatial Type:
Public Green

Shape

Fig. 3.3



Basically Rectangular

Street frontage

Fig. 3.4

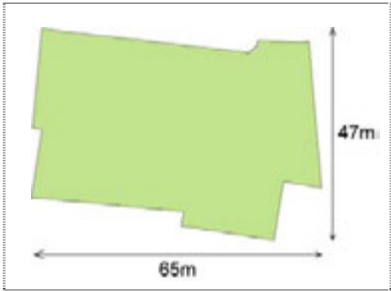


47%

Fig. 3.2

W:L Ratio

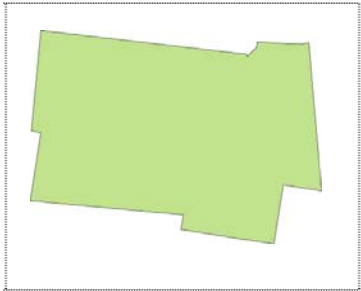
Fig. 3.5



1:0.7

Major/Minor Space

Fig. 3.6



Single Major Space

Green Coverage

Fig. 3.7



80%

*All figures indicated are approximate

*For W/L ratio, measurement refers to the greatest dimension.



Fig. 3.8



Fig. 3.9

Example of Spatial Type - Plaza

Project:
Cosco Tower, Central
Spatial Type:
Plaza

Shape

Fig. 3.10



Basically Trapezoid

Street frontage

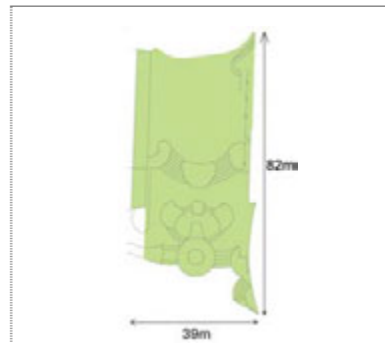
Fig. 3.11



45%

W:L Ratio

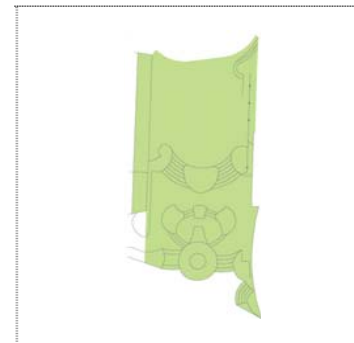
Fig. 3.12



1:2 > 1:3

Major/Minor Space

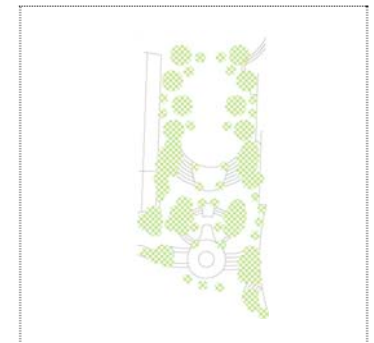
Fig. 3.13



Single Major Space

Green Coverage

Fig. 3.14



45%

*All figures indicated are approximate

*For W/L ratio, measurement refers to the greatest dimension.

Example of Spatial Type – Courtyard



Fig. 3.15

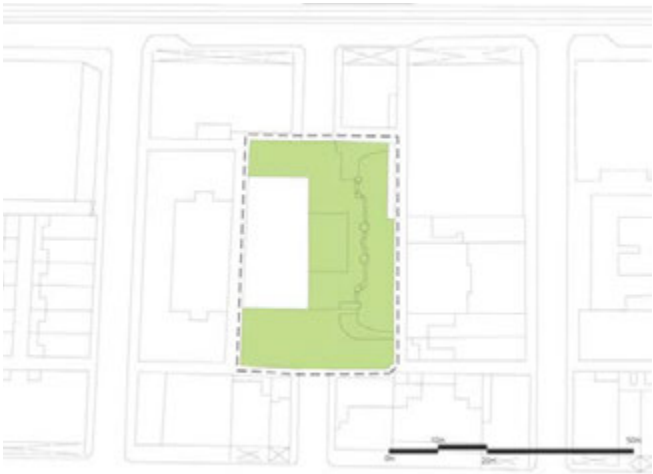
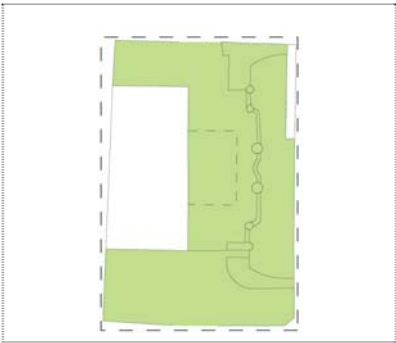


Fig. 3.16

Project:
Li Chit Garden, Wan Chai
Spatial Type:
Courtyard

Shape

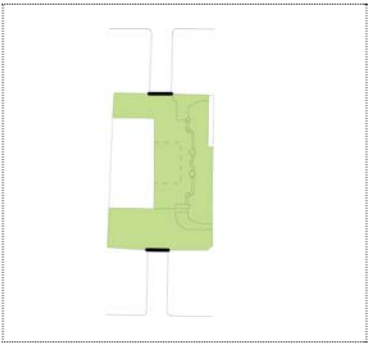
Fig. 3.17



Basically Rectangular

Street frontage

Fig. 3.18



10%

W:L Ratio

Fig. 3.19



1:1.6
width of pedestrian link: 6.5m

Major/Minor Space

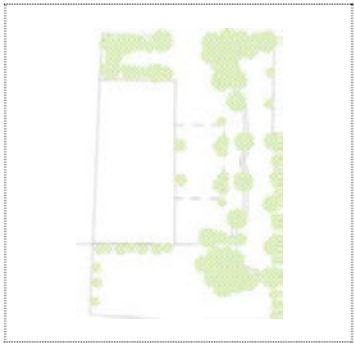
Fig. 3.20



75% for major space

Green Coverage

Fig. 3.21



30%

*All figures indicated are approximate

*For W/L ratio, measurement refers to the greatest dimension.

Example of Spatial Type - Pocket Space



Fig. 3.22

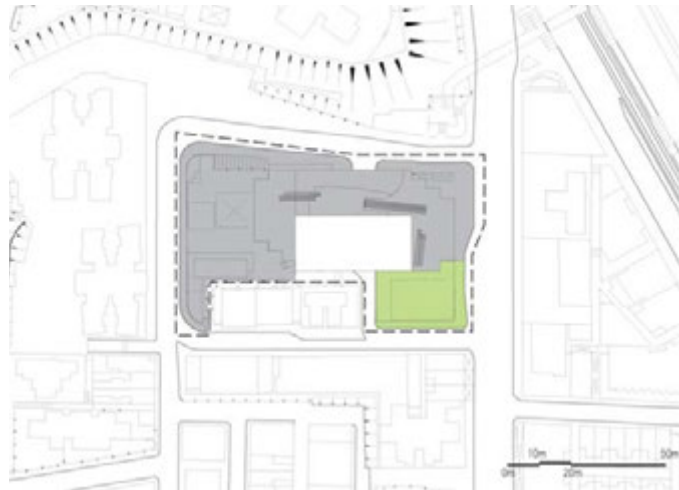
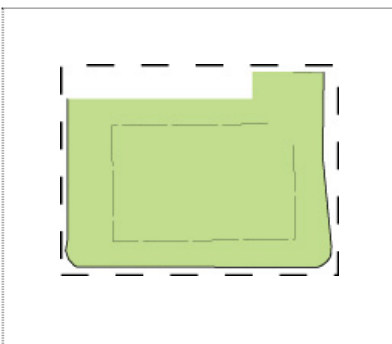


Fig. 3.23

Project:
Three Pacific Place,
Wan Chai
Spatial Type:
Pocket Space

Shape

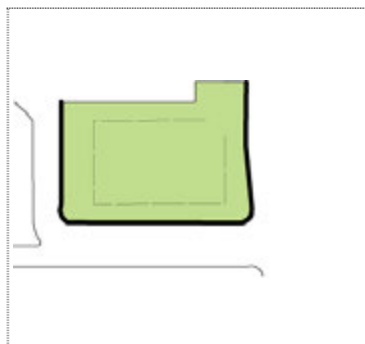
Fig. 3.24



Basically Rectangular

Street frontage

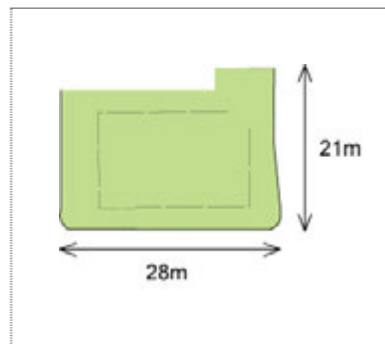
Fig. 3.25



68%

W:L Ratio

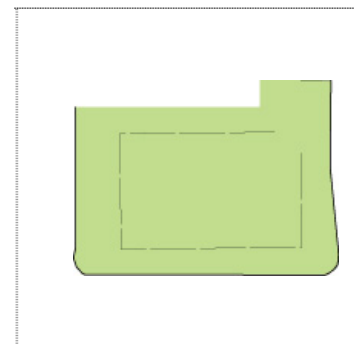
Fig. 3.26



1:0.75

Major/Minor Space

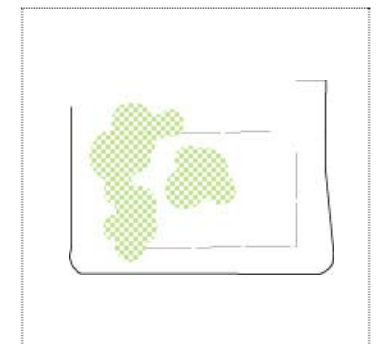
Fig. 3.27



Single Major Space

Green Coverage

Fig. 3.28



30%

*All figures indicated are approximate

*For W/L ratio, measurement refers to the greatest dimension.



Fig. 3.29

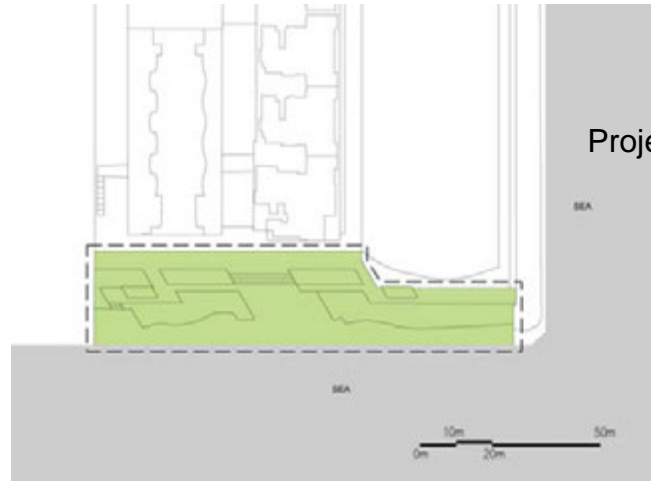


Fig. 3.30

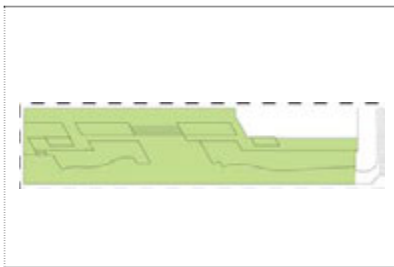
Example of Spatial Type – Promenade

One SilverSea, Kowloon

Project:
Spatial Type:
Promenade

Shape

Fig. 3.31



Basically Rectangular

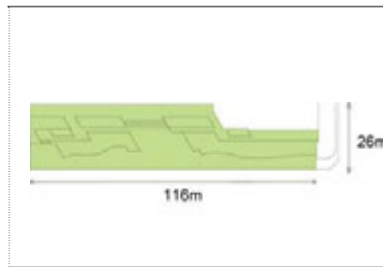
Street frontage

N/A

N/A

W:L Ratio

Fig. 3.32



Width = 26m
Length = 116m

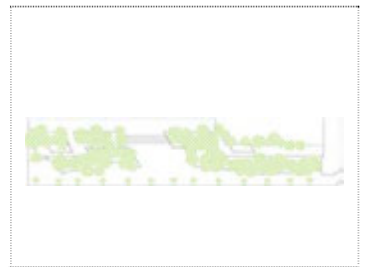
Major/Minor Space

N/A

N/A

Green Coverage

Fig. 3.33



45%

*All figures indicated are approximate

*For W/L ratio, measurement refers to the greatest dimension.

Appendix III Management Models and Stakeholders Involvement

MANAGEMENT MODELS AND STAKEHOLDERS INVOLVEMENT⁵

Management of public open space is about urban governance where a group of stakeholders contribute to and shape the quality of and set the management practices for POSPD. Stakeholders – including developers, incorporated owners, management companies, local community and public authorities – are expected to perform roles of different nature, but each contributing towards a well-organised, accountable and collaborative model for the maintenance and management of POSPD. To depict their roles in a conceptual framework, these Guidelines suggest *four aspects of roles* played by stakeholders. The basic constituents of POSPD management model are stated below.

At the stage of land grant and in the development of the provision of POSPD, a developer plays a leading role to define the principal requirements as to spatial provisions (design) and management provisions (opening hours, management standards and requirements). Local communities should be given opportunities to express views and aspirations in the process of development through the District Officer as the channel, while the Director of Planning, the Director of Lands and the Director of Buildings oversee the realisation of the provision of POSPD.

Management practices of POSPD are location-context specific; therefore, interactions between incorporated owners, management companies and local communities take place in a collaborative way so that the daily uses and management practices of the POSPD would be formed on a consensus basis and could meet the needs and aspirations of different parties.

⁵ This section will not be applicable to dedicated areas under the Deeds of Dedication for areas simply for passage only. Individual cases where the Guidelines (or part of) can apply are determined on a case-by-case basis.

Setting management parameters for POSPD, despite largely the roles played by developers, incorporated owners and management companies, should be a process that allows local communities an opportunity to express their demands on and aspirations for the POSPD. Depending on readiness and local context, local communities could serve as partners in setting management requirements and take part in the management of POSPD.

A well-organised and transparent governance structure that supports community participation is the key to the effective provision and operation of POSPD for two reasons. Firstly, this helps delineate the relevant parameters catering for context-specific conditions in individual cases of POSPD. Secondly, when making a space open to the public, issues concerning management practices, community needs and, in some cases, conflicting use of space have to be addressed from time to time and resolved upon community consensus. Guiding principles to develop a good practice of management model are:

- A management body which promotes some degrees of public participation will allow room to meet public expectations and needs of the local communities.
- The District Officer, who will liaise with the District Council and/or the local communities as appropriate, shall be consulted; members of the local / community representatives shall be given opportunities to express their views and opinions on the use and management of POSPD.



Fig. 4.1 Activities of local flavour
(<http://www.9tour.cnUploadFileTravelNews2008-8-211334061482.jpg/>)

- Management companies in commercial developments, on the other hand, shall develop mechanisms or channels to absorb community views, feedbacks and management advice.
- Different forms of governance structure shall be encouraged. Innovative practices in alternative governance models such as inviting NGOs (charitable, arts and cultural organisations, etc.) on board, and/or as partners of the management companies should be explored.