

# Public Open Space in Private Developments Design and Management Guidelines



Development Bureau



## Foreword by Secretary for Development

Quality open space in built-up areas contributes to living environment, particularly in Hong Kong characterised by compact city development, high rises and intense people flow. Creating open space in private development for public use (or in short, POSPD) is therefore an efficient way to improve our urban environment. However, in recent years, public accessibility and standards of provision in these POSPD, and the conflicting interests between public users and private owners, especially those in private residential developments, have become a cause of concern.

In response to these public concerns, the Development Bureau has since 2008 taken the step to systematically compile and publish information on POSPD and other public facilities in private developments, with site plans and photos where applicable. The public may now check on a particular POSPD from the websites of Buildings Department and Lands Department. This enhanced transparency not only facilitates public access to these POSPD, but also encourages the community to help monitor the use of these facilities.

Concurrently, we reviewed the existing arrangements in providing POSPD, taking into account public views and in consultation with the Legislative Council. This has led us to conclude that the provision of POSPD helps achieve integrated design, optimise land use and synchronise the availability of public open space and community's needs, and that the existing policy to provide POSPD where appropriate should continue. At the same time, we recognise the concerns over the implementation and management of these facilities. To this end, we have introduced a set of refined arrangements to guide the future provision of POSPD, one of which is to avoid provision of POSPD on private land in private residential developments so that individual owners would not be made liable to manage and maintain those public facilities.

Public accessibility of POSPD hinges upon the quality of design. Introducing a set of guidelines for the design of POSPD would help enhance public access and enjoyment. Likewise, a set of clear and practical management guidelines would facilitate daily operation and provide a common basis for users, management agencies and owners to follow. As part of the review, we have commissioned Rocco Design Architects Limited, in collaboration with the School of Architecture of the Chinese University of Hong Kong and LandElite Surveyors Limited, to draw up a set of design and management guidelines for POSPD, and to consult stakeholders in the process. This consultancy was completed recently.

The guidelines promulgated by the Development Bureau consist of two parts, namely the design guidelines and the management guidelines. The design guidelines provide a framework of better design based on the principles of connectivity, appropriateness and quality. The management guidelines cover various management and operational issues and standards, and aim to strike a reasonable balance between the owners' obligations and responsibility and the public use and enjoyment of the public open space. We concur with the consultant's view that in line with other cities' experience, some non-commercial or charitable activities as well as limited commercial activities (such as alfresco dining) in suitable POSPD will help bring vibrancy and vitality to the area and benefit the general public. We therefore set out in the guidelines the relevant considerations and the approvals required.

I thank the consultants for their dedication and all involved parties for their thoughtful comments. The Development Bureau is committed to creating a quality city environment for the people of Hong Kong and we look forward to your continuous support.



Mrs Carrie Lam  
Secretary for Development

## **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**

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# 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

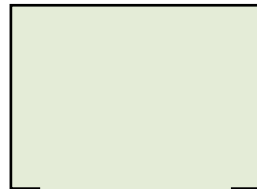
The ensuing paragraphs illustrate the important aspects of spatial dimensions that should be taken into account in the design of POSPD. Examples of good practices are provided for each element.

#### (A) Spatial Issues

##### Shape

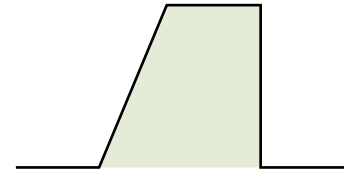
A more defined space is preferred to a loosely defined one, since the former will facilitate public use and enjoyment. A regular-shaped space is generally more usable than one with changing edges and irregular shapes, as acute angles within the irregular space may lower the visibility of the full space.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

(Fig. 1)



Regular

(Fig. 2)

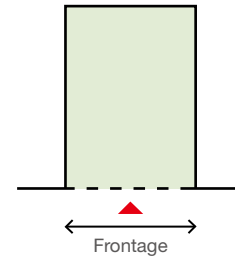


Irregular

## Street Frontage

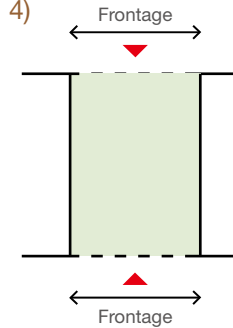
Street frontage is the linear extent of access to the public open space from the adjoining street. A preferred street frontage should have at least the same width as the public open space, and should be as wide as possible so as to enhance visibility and popularity of the space.

(Fig. 3)



Long Street Frontage

(Fig. 4)

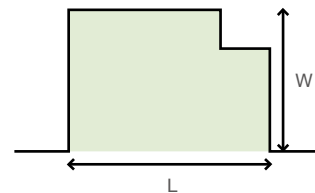


Frontage on Both Sides

## 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. 5)



Well-proportioned

(Fig. 6)



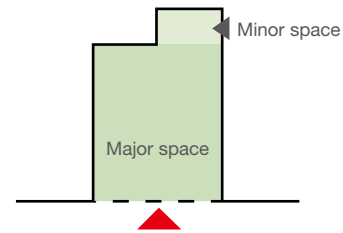
Elongated space mainly for circulation purposes



## Major / Minor Space

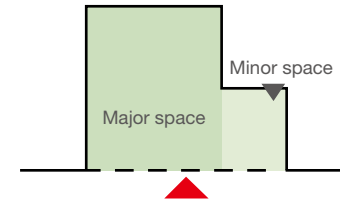
Major space refers to the main portion of the POSPD, which in general is larger in area. Minor space refers to the space attached to a major space, usually with smaller sizes. Its relationship with and the transition to major space will affect the scope of possible activities. Major space should account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

(Fig. 7)



Minor Space is visible and connected to Major Space

(Fig. 8)



Minor Space of appropriate proportion and having street frontage

## Area

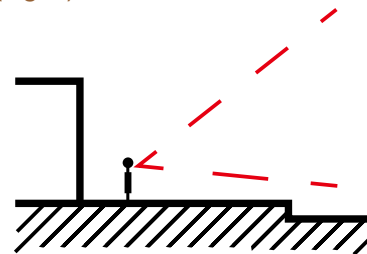
Area refers to the extent of space available for specific use. The smaller the area, the more restrictive the space would be to uses, activities and other amenities that could be accommodated. If the area was too big and without proper design, it would affect the intimacy and lose human touch. POSPD 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. 9)

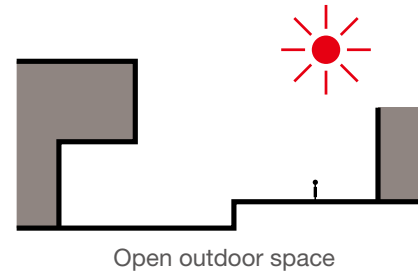


Visible to and from  
surrounding area

## 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.

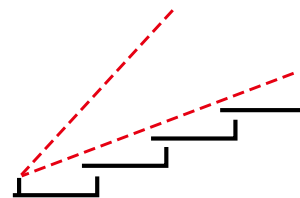
(Fig. 10)



## 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. 11)



Terraces with visual connection

(Fig. 12)



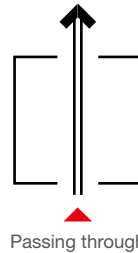
Multi-levels with green linkages

## 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. 13)

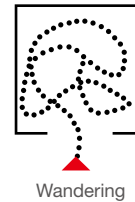


(Fig. 14)

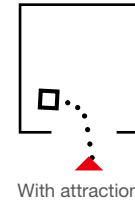


### Space for Staying

(Fig. 15)



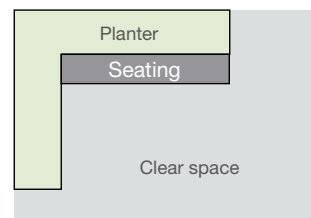
(Fig. 16)



## Clear Space/Amenities Arrangement

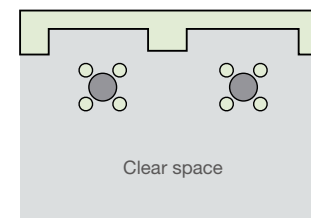
POSPD should generally be free of obstructions except for planting, seating and other amenities. A space cleared of obstructions (the clear space) is more suitable for activities. An appropriate balance between the clear space and other amenities of the POSPD such as seating, planting, play areas etc.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

(Fig. 17)



Flexible central space for a variety of activities

(Fig. 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	Considerations
Hard/Soft	Creating attractive landscape that visually emphasises streets and public open space
Hard/Soft	Protecting and linking areas of significant local habitats where appropriate
Hard/Soft	Protecting and enhancing any significant natural and cultural features
Hard/Soft	Supporting integrated water management systems with appropriate landscape design and other urban design features
Hard/Soft	Providing shade in streets, walkways and public open space
Hard/Soft	Developing appropriate landscape for the intended use of POSPD including areas for passive and active recreation, use by pets, playgrounds, shaded areas, etc.
Hard	Different forms of public arts and installations of artworks should be encouraged
Hard/Soft	Providing landscaped walkways that link with community facilities and other activity nodes
Hard	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
Hard/Soft	Taking account of the physical features of the land including landform, soil and climate
Soft	Maintaining existing vegetation
Hard/Soft	Water features should be provided as appropriate to form attractive features and improve the micro climate
Hard/Soft	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

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

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Focal or interest plantings to create sense of place

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

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

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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

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'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.

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

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

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

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

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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.)

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Adequate irrigation arrangement to be provided.

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## 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

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Reflect the distinctive character and amenity of an area

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Reinforce desirable local character through appropriate artworks and landscape design

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

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## 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” for details.]

### Physical qualities

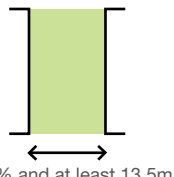
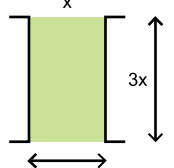
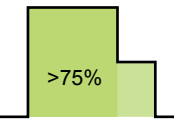
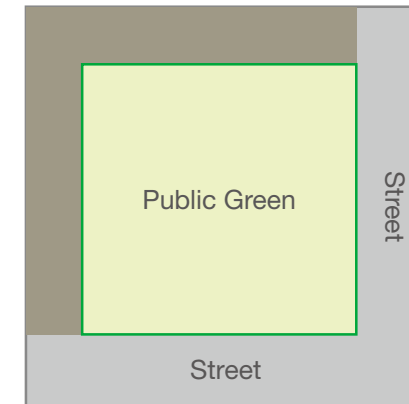
Size	500 sqm min
Shape	Site-specific
Street Frontage	(Fig. 19) 
Width / Length Ratio	(Fig. 20) 
Major / Minor Space	(Fig. 21) 
Green Coverage	50% min
Visibility	Visible
Open To Sky	Open air
Slope / Gradient	Preferably on flat land

DIAGRAM OF PUBLIC GREEN (Fig. 22)



EXAMPLE (Fig. 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” for details.]

### Physical qualities


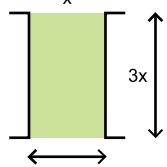
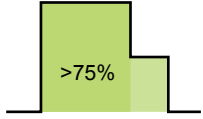
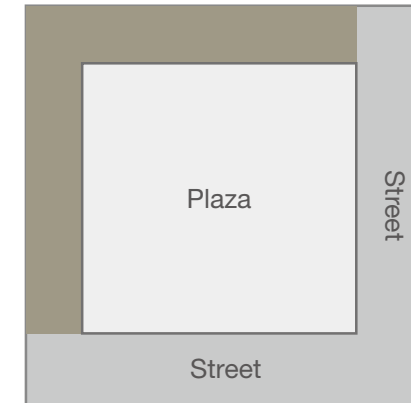
Size	500 sqm min
Shape	Site-specific
Street Frontage	(Fig. 24) 
Width / Length Ratio	(Fig. 25) 
Major / Minor Space	(Fig. 26) 
Green Coverage	30% min
Visibility	Highly visible
Open To Sky	Open air
Slope / Gradient	Preferably on flat land

DIAGRAM OF PLAZA (Fig. 27)



EXAMPLE (Fig. 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” for details.]

### Physical qualities

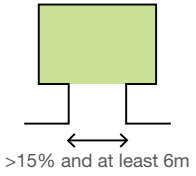
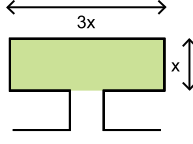
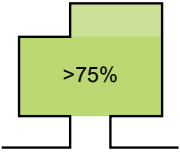
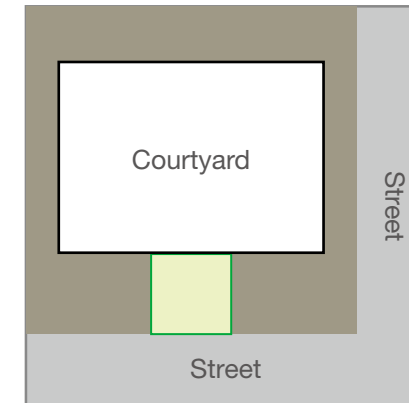
Size	200 sqm min
Shape	Site-specific
Street Frontage	(Fig. 29) 
Width / Length Ratio	(Fig. 30) 
Major / Minor Space	(Fig. 31) 
Green Coverage	30% min
Visibility	Visible
Open To Sky	Open air
Slope / Gradient	Preferably on flat land

DIAGRAM OF COURTYARD (Fig. 32)



EXAMPLE (Fig. 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

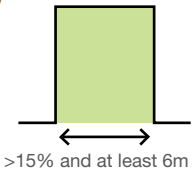
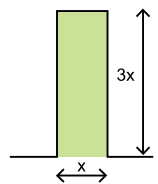
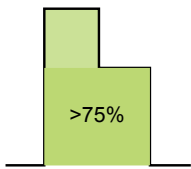
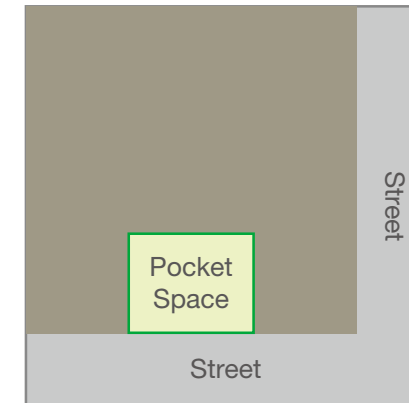
Size	100 sqm min
Shape	Site-specific
Street Frontage	(Fig. 34) 
Width / Length Ratio	(Fig. 35) 
Major / Minor Space	(Fig. 36) 
Green Coverage	30% min
Visibility	Visible
Open To Sky	Open air
Slope / Gradient	Preferably on flat land

DIAGRAM OF POCKET SPACE (Fig. 37)



EXAMPLE (Fig. 38)



Three Pacific Place, Wanchai

## Design Guidelines for PROMENADE

### DESIGN INTENT:

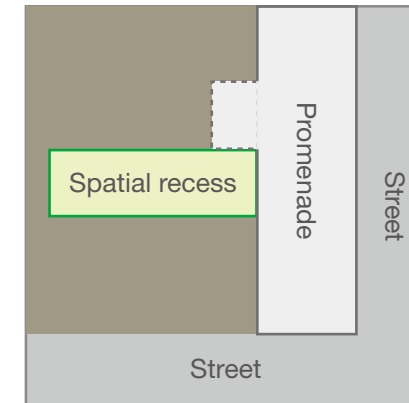
Promenade is a linear public open space that provides for passive recreation, apart from pedestrian circulation. It improves the pedestrian experience and connects to other space/streets at its two ends

- Use
  - Leisure, walking, jogging, relaxing
  - Brief stop, resting, sitting
  - Occasionally with programmed activities
  - Arts and sculpture display
- Radius of attraction
  - It attracts office workers, residents and workers from outside, as well as from the immediate neighbourhood
- Amenities
  - Seatings, plantings, tree shading and weather protection are provided for spatial recess

### Physical qualities

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. 39)

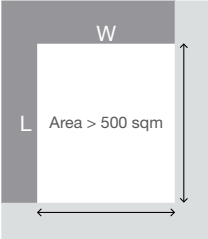
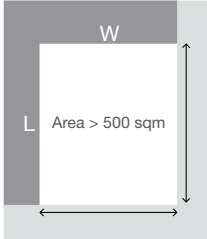
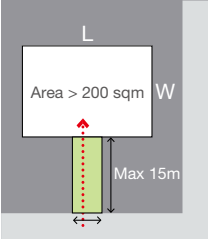
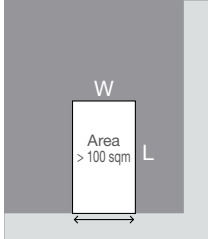
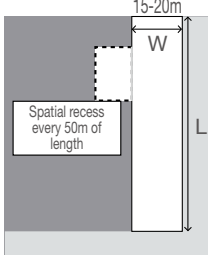


EXAMPLE (Fig. 40)



Tsing Yi Promenade, Tsing Yi

(Fig. 41) Summary of Design Guidelines for Different Spatial Types of POSPD

CRITERIA	PUBLIC GREEN	PLAZA	COURTYARD	POCKET SPACE	PROMENADE
	 <p>Over 30% and min 13.5m</p>	 <p>Over 30% and min 13.5m</p>	 <p>Over 15% and min 6m</p>	 <p>Over 15% and min 6m</p>	 <p>15-20m</p>
Shape	Site-specific	Site-specific	Site-specific	Site-specific	Site-specific but Generally elongated
Street Frontage	Over 30% 13.5m min width	Over 30% 13.5m min width	Over 15% 6m min width	Over 15% 6m min width	N/A
Width / Length Ratio	1:3 min	1:3 min	1:3 min	1:3 min	15-20m min width, spatial recess every 50m 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.

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.

(Fig. 42)



Cultural event in open plaza

**(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 –

Type A	Examples of Activities	Management Advice
<p>Activities Always Permissible, without any need for application</p>	<p>Leisure activities such as passive activities, walking, relaxing exercises, temporary stay etc.</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• To keep the place clean and to undertake proper maintenance.</li> </ul>
Type B	Examples of Activities	Management Advice
<p>Non-Commercial or charitable Activities Requiring Permission by Management Companies and Relevant Government Departments</p>	<p>Non-commercial / charitable temporary exhibition, festive activities, civic education and art and cultural events, community / charitable events, one-off event with no permanent structures etc.</p> <p>Non-commercial / charitable out-door/in-door performance such as musical performance, entertainment performance, or charitable activities.</p>	<ul style="list-style-type: none"> <li>• 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).</li> <li>• The owners / management companies should state clearly the procedure of applications and the rules and regulations for conducting such activities in POSPD.</li> <li>• Potential users shall submit applications to the owners / management companies of POSPD for approval.</li> </ul>

Type B	Examples of Activities	Management Advice
		<ul style="list-style-type: none"> <li>• On giving such approval, the owners / management companies should satisfy itself that such activity would not cause obstruction to pedestrian flow.</li> <li>• Applicants must also obtain approval / consent / licence from Government Departments and statutory authorities as required in law or under administrative requirements.</li> <li>• 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.</li> <li>• 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.</li> </ul>

Type C	Examples of Activities	Management Advice
<p>Commercial Activities Requiring Permission by Management Companies and Relevant Government Departments</p>	<p>Certain commercial activities which are complementary and related to the use of POSPD and have local support may be allowed to bring vibrancy and vitality to the vicinity, subject to the 10% ceiling on space in POSPD for commercial use and the payment of market waiver fees.</p> <p>These activities might include, for example, food or drink services such as open air cafes, eating and/or drinking stalls</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• If a waiver at full market waiver fee has been granted, the owners may charge fees for the commercial activities on the POSPD.</li> </ul>

Type C	Examples of Activities	Management Advice
		<ul style="list-style-type: none"> <li>• 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.</li> <li>• Potential users shall submit applications to the owners / management companies of POSPD for approval.</li> <li>• The owners / management companies shall state clearly the procedure of application and the rules and regulations for conducting such activities in POSPD.</li> <li>• 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.</li> <li>• 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.</li> </ul>

## 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.

### (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.

(Fig. 43)



Public open space at night

### (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.
- (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.).

(Fig. 44)



Access for the disabled



### 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.

