

PRIVATELY OWNED PUBLIC SPACE IN HONG KONG AND NEW YORK: THE URBAN AND SPATIAL INFLUENCE OF THE POLICY

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ABSTRACT: The globalization and technology advancement drive global economy to develop rapidly in past three decades. Many Big shopping malls and large scale commercial developments were built in the high dense city and these changes create new lifestyle under the influence of large scale of corporate business. Many communal spaces are occupied and controlled by corporation. “privately owned public space” (POPS) would help to improve the high dense condition and address the shortage of public space in Hong Kong and New York. In this paper, the policies in Hong Kong and New York will be compared and discussed to reveal their urban and spatial influences and reveal the possibilities for improving the condition in Hong Kong..

KEYWORDS: Public space, urban design, privatization, privately owned public space, interior space



Figure 1 Walkway as public space?



Figure 2 Malls as public space?

1 INTRODUCTION

Public space is an important element in a city as it is a place where the livelihood of the public can be served. Yet, its importance is diminishing in many high dense cities, for examples in Hong Kong and New York. One possible reason is the high density condition and high land price, which make the public spaces expensive to be provided. (Cuthbert, 1997) Majority of space are used for commercial purposes while the importance of public space are neglected and left as some residual spaces. This resulted in the shortage of public spaces in many contemporary cities.

In the case of commercial corporations with dominating role in a society, common corporate spaces, like entrance plazas, interior atrium become important parts to the public daily life. In order to promote contribution of public spaces from the private sectors, New York and Hong Kong established similar policy for “Privately Owned Public Space” (POPS) to encourage the integration between public space and the new development. (Whyte, 1980 / Kayden, 2000) It is a government policy used to tackle the high dense condition of a city as well as enhance the spatial quality in both metropolises. The differences in the policy between New York and Hong Kong resulted into two scenarios. This paper investigates:

- i. The relationship between the policy and the spaces.
- ii. The relationship between the policy and the city

iii. The management requirement and the usage of the spaces

1.1 Definition

The term of “Privately Owned Public Space” was first invented in 1960s in New York City. As a law’s oxymoronic invention¹, it comprises two parts.

“Privately Owned” refers to the legal status of the land and/or building on or in which the public space is located. Owners would continue to control overall access and use of their private property and the public as a whole could not secure rights of access and use without the owner’s express permission. Thus, it is a “Public Space” rather than a public property in this case since it is not owned by the city. (Kayden, 2000)

“Public Space” means a physical place located on private property to which the owner has granted legally binding rights of access and use to members of the public. Ownership continues to reside with the private owner, public space may be thought of as an easement held by the public on the owner’s property. (Kayden, 2000)

The invention of this policy is based on the principles of light and air on the ground level and control overall bulk mass. It aimed at creating better and instant public spaces integrated with the urban development so as to improve the pedestrian experience. This mode of development facilitates co-operation between the private and public sectors. (Kayden, 2000)

This concept is adopted later in Hong Kong for the similar purpose. The relevant policy was set up to balance the interests between the developers and the public when the power was shifting to the corporations during the rapid economic growth in 1980s. Through establishing the policy regarding POPS, corporations are encouraged to take up its social responsibility to contribute to the city development. It was also beneficial to the British Government in developing a colonial city with the assistance from the developers.

1.2 Mechanism

As return of provision of public space to the city, floor area bonus was given to the owner. It means the owner can build higher with more floor area by freeing up some spaces on the ground level for public use. At the same time, they carry the responsibility to maintain and manage the space.

In Hong Kong, the bonus floor area gain is at maximum 5 times of the dedicated area. (HKSARG, 2008) For examples, the POPS in Times Square situated at the Causeway Bay, provided a plaza of approximately 3000 m² and street widening of approximately 1400 m². As a return, allowable floor area bonus of 120,000 m², about 5 storeys, were estimated to be added on top of the towers.²

2 SPATIAL INFLUENCE OF THE POLICY

2.1 Policy and the public space in Hong Kong

The spatial quality of public space is shaped by the underlying policy. The POPS are currently provided for bonus incentive, but not necessary for a better quality spaces. The policy was designed to stimulate the development of social responsibilities and create a better co-operation between the public and private. Yet, lack of enforcement and careful evaluation on policy in Hong Kong resulted into some poor quality of public spaces. In most cases, the private sectors provide POPS as public corridors to fulfill the minimum requirement in the policy and gain maximum benefit.

According to the current statistics (HKSARG, 2008), around 70% of the POPS have a size less than 50 m². They mostly are narrow spaces which serve for circulation or left over spaces. The circulation spaces may serve for the busy pedestrian traffic in high dense areas, but they are unable to relieve the demands of public spaces in the city. In Central, Many POPS serve as connecting passages or bridges between different properties. In rare cases, large spaces can be found serving as some leisure green spaces.

¹ Definition of POPS from [1]“Privately Owned Public Space – New York Experience”.

² According to the deed of dedication of Time Square

2.1.1 Integrated Design with demands in Soft landscape

In small number of urban renewal projects, the policy was better demonstrated. The POPS has stronger role of linking up different neighbouring spaces together. Specific requirements were set up to define a clearly the role of these public spaces so as to provide a usable and enjoyable space for the public. Some developments like Times Square and Grand Millennium Plaza are built for the urban renewal with integrated public spaces.

Time Square (figure 4, 5, 6), owned by the Wharf Property Ltd, was built in 1994 as major shopping mall redeveloped from a former tramway depot. The public space provided in the Time Square is located at the corner of Russell Street and Matheson Road and acts as a node of the pedestrian network connecting different directions with the covered corridor and the linkage with the Causeway Bay MTR station. The plaza surrounded by high dense condition with generous set back becomes an important breathing space.

Its good connection to the surroundings makes it become a meeting point. It is a successful case of POPS where people can walk from one place to another or gather and sit there in the dense urban condition in the district. The plaza provided is open and easily accessible for the public. Various activities can take place in it which can be an attraction during important events, like Christmas and Count-down in New Year.

However, the plantings and seating provided in the plaza are insufficient to serve the public. There are only 10 benches for 2000 m² of public spaces, while trees are planted on the peripheral area. The ratio of soft landscape is relatively low comparing to parks or gardens. People still can enjoy waiting on this plaza. Moreover, the central space allows flexibility for exhibitions, festivals celebrations and public events.

There are recent debates on the inappropriate management of this POPS. The corporations prevented people from sitting or performing in the space, which weakens its publicness of the space. Nonetheless, compared to the examples discussed earlier, it demonstrates a better spatial design and responds to the urban context.

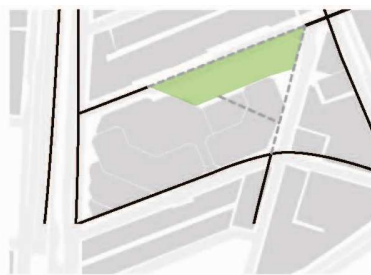


Figure 4, 5 Location and Plan of Times Square

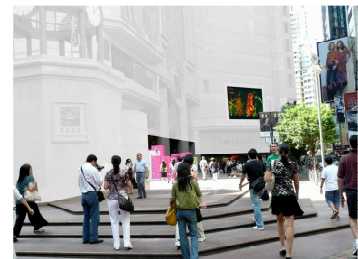
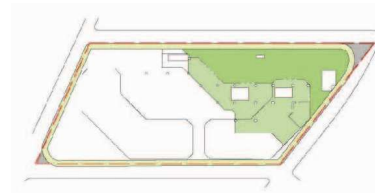


Figure 6 Existing Situation of Times Square

2.1.2 Circulation Dominant in Voluntary Application

Most public passages meet only the minimum requirement and not more than a corridor (Fig. 7). Some provides circulation space through shopping arcades, like Prince Building, and Alexander House, while some others provide as a wider passage.

The Alexandra House (figure 7, 8, 9) provided over 1400 m² of spaces which link the Des Voeux Road and the Queen's Road Central, the MTR station and other properties of the Hong Kong Land³. Elevators and air-conditioned covered walkways allow alternative network other than streets without crossing the busy traffic on the ground. This POPS is well used as a part of the pedestrian network, but does not satisfy public needs for leisure and activities. Many spaces are used for the major circulation space in the shopping malls as arcade surrounded by luxury shops. The amenity like seating, planting is not provided. The space does not give a feeling of belonging.

The problem of insufficient amenities is similar in other properties under the Hong Kong Land in Central, and many other developments with the application of the policy. Many are provided as passages.

³ "Hong Kong Lands" is one of the well-established developer which held many property in the Central. There premises are linked with bridges and form a network of commercial spaces.

Without spaces for sitting or leisure, shopping is the only encouraged activity.

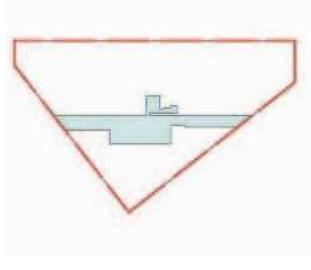
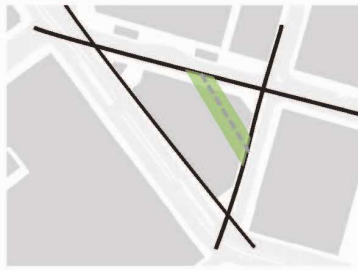


Figure 7,8 Location and Plan of Alexandra House

Figure 9 Photo of Alexandra House

POPS in both the Times Square and Alexandra House are successful in terms of their connectivity and accessibility. They might improve the circulation in the city, but the spatial qualities are very different. Mono-usage and lack of facilities of the latter case revealed the deficiency in the policy. Public spaces are necessary to act as a place for people to breath, to seat, and as a ground for different activities. No guideline or suggestion focusing on establishing these qualities of public space in amenity.

A very general regulation is applied to all range of public spaces and it allows developers to provide spaces which only meeting the minimum requirements no matter how large they are. The spatiality of POPS is not well served and controlled. Trees and seating are seldom provided due to the absence in the guidelines. Besides being an efficient passages throughout a district, these corridor spaces provide no contribution for the public life.

2.2 Policy and the public space in the New York City

In the New York City, the policy of POPS was influential to the cityscape, especially in the commercial districts. The concept was first proposed in the Voorhees draft zoning resolution in 1958 and established as a part of the zoning regulation in 1961. After the establishment of the regulation, over 500 cases of POPS were provided. Similar to Hong Kong, the developments are able to gain certain times of floor area bonus as return for the contribution of public space.

However, the policy prompted failure during the first 10 years. The developers gained extra floor area bonuses easily due to the loose requirement. Isolated plazas and arcades were provided to satisfy the minimum requirement and make little impact made on the urban condition. In order to avoid abuse of the policy, more specific spatial types and requirement were set up. "Plaza" was replaced by "Urban Plaza" and "Residential Plazas" which introduced in 1975 with clearly defined requirements on various criteria to ensure the quality of the dedicated public space. Furthermore, "Sidewalk Widening" was added as new spatial type to provide fewer bonuses as it only served as "the circulation space as a continuous open area at the same elevation as the adjoining sidewalk". Through the research and evaluation conducted by Jerold S. Kayden, a significant improvement of spatial type of the latter revision proved the success of the Plaza Reform. (Kayden, 2000)

		Destination	Neighbor- hood	Hiatus	Circulation	Marginal
Plaza	167	1	8	37	13	105
Residential Plaza	57	0	25	3	2	5
Urban Plaza	32	0	10	16	9	1
Sidewalk Widening	12	0	0	0	0	3
Elevated Plaza	1	0	0	1	0	0

Figure 10 comparison of the Plaza reform⁴(Kayden, 2000)

An evaluation mechanism was set up and conducted by the Department of City Planning to ensure the quality of public space periodically. Detailed records of all cases are maintained to judge their successes and shortcomings. According to the on-going analysis on the quality of the existing cases, the gradual refinement of these regulations prevents unsatisfactory POPS formed. Some unsatisfying spatial types are now proposing to be cancelled in the latest discussion in New York City. Categories with different requirements and bonus ratios were introduced and modified to prevent inappropriate application on the regulation. Followings are the spatial types used:

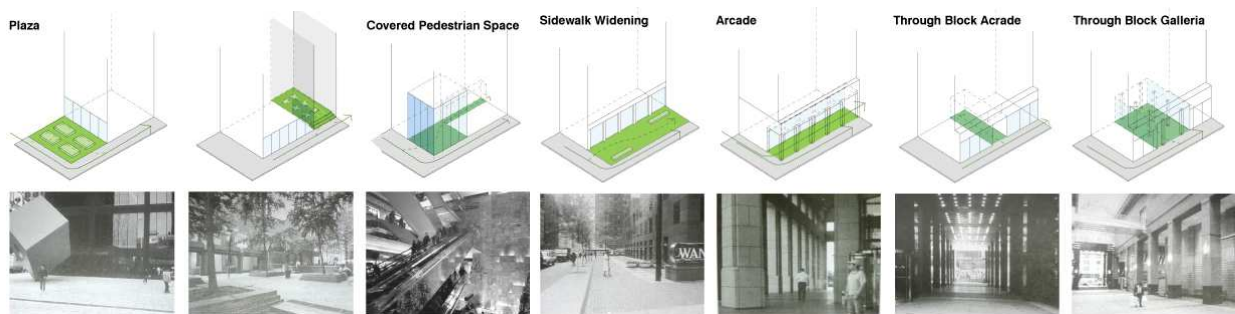


Figure 11 Spatial Types established in New York City ⁵

2.2.1 Urban Plaza

Urban Plaza is an open area for public use on a zoning lot. It is publicly accessible and visible, and meets the requirements to ensure the quality of public space. This spatial type was set up at the beginning of the policy and was aimed to relax the dense urban fabric. It is required in size of minimum of 200 m², with sufficient plantings and seating, and good control in accessibility and visibility from the surrounding. (Kayden, 2000)

POPS in various sizes ranging from 200 m² can be applied as an urban plaza and make this spatial types flexible to contribute in the city fabric. Some successful small pocket spaces like the space on 520, the Fifth Avenue, provide protected and quiet spaces for lunch and leisure gathering. Trees and water features help in creating relaxing atmosphere which acts as an instant relieve in the crowded district. Meanwhile, big plazas, like the one found in the Citigroup Centre are able to provide sufficient space for group activities and various functions. The same ratio of seating and planting are kept for these cases to ensure the quality and use of the spaces.

2.2.2 Covered Pedestrian Space - 590, Madison Avenue

Covered Pedestrian space is an enclosed space provided for the comfort and convenience interior spaces for the general public. It allows connection between two streets or to the transport interchange. It is required to be open between 7.00am to 12.00am. The intention of this spatial type is to provide an alternative of interior pedestrian spaces for flexible usage, which protected from rain strong sun and poor air quality. (Kayden, 2000)

590, Madison Avenue (previous known as IBM Building) is one of the successful covered pedestrian spaces. The building is situated at a dense commercial district in a corner between the Fifth Avenue and the 57th Street. A transparent atrium is provided on the ground level with connection to its adjacent street. It is well connected to the two adjacent streets and the neighboring buildings and provide as an alternative circulation. Its transparent façade allows direction visual connection with the streets and draw people to the

⁴ Statistics from [1]“Privately Owned Public Space – New York Experience”, The research conducted distinguished the cases into 5 standards. Destination cases demonstrate a user-friendly and enjoyable environment while Marginal cases are not satisfying. Spatial type “Plaza” was first established in 1960s. Due to the loose requirement, majority of the cases was disappointing and fell into the lower standard of spaces. The new spatial types “Urban Plaza” and “Residential Plazas” were introduced to substitute “Plaza” in 1975. The number of better POPS was provided after this amendment.

⁵ Spatial Types and Photos from [1]“Privately Owned Public Space – New York Experience”.

interior. Plenty of vegetation and movable chairs and tables are offered as a welcoming gesture and create a leisure atmosphere.

However, this is one of the few good applications of covered pedestrian space found in New York City. Similar to the cases found in Hong Kong, privatization of POPS is easily found in these interior public spaces. The low visibility and integration with the commercial activities is the major factor of diluting the sense of public. The surrounded atmosphere cannot serve well for some public activities and over-managed by the securities within the enclosed space. Many cases only can serve as a passage with low activities variety.

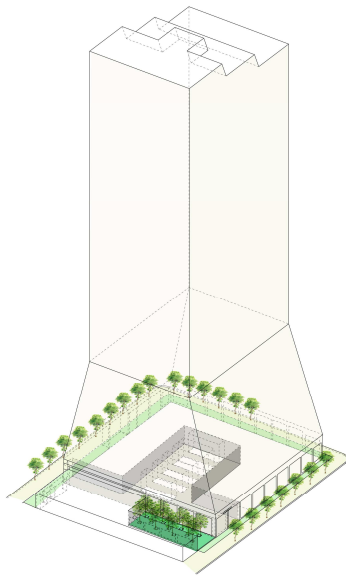


Figure 12 Urban Plaza in 520, Madison Avenue

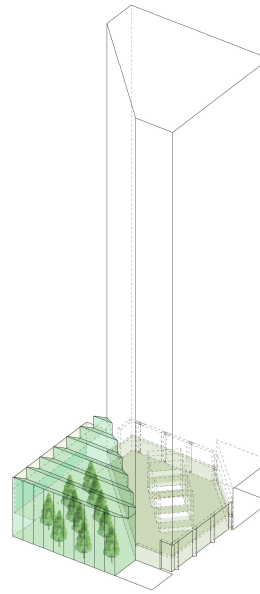


Figure 13 Covered Pedestrian Space, 590, Madison Avenue

2.3 Policies required for improving the urban and spatial situation

Even though the concept of POPS are applied in both cities, the qualities resulted are different under the policies between the two cities. Due to the insufficient guidance in the Hong Kong policy, many unsatisfying cases exist. Some unsatisfying cases are also found in New York City, however, there are increasing amount of better cases. This reflects POPS ensure New York City to shape a better public environment.

2.3.1 Defining Spatial Types

The current regulation in Hong Kong was defined with one major purpose, but no system of spatial types is established to differentiate the qualities. This resulted in spaces reaching only the minimum requirement and serving as narrow corridors. The system of spatial types in New York City is able to help to improve the situation, and regulate the standard of the spaces with bonus ratio reconsidered and prevent unsatisfactory cases happened. Different types are set up with specific requirements according to the usage. Spatial types used for leisure and enjoyment, like “Plaza” and “Internal Pedestrian Space”, require detail guidelines to achieve better quality of spaces. The requirements for circulation spaces, like “street widening” is fewer, but the floor area bonus should be lower.

One of the merits of the invention in Hong Kong is the multi-level of public spaces addressed in the policy. Towards the modern development, the city can be developed in a multi-levels of ground, with both interior and exterior public spaces. The accessibility and visibility are need to be addressed. The interior spaces can be usable only when it is visible directly to the public.

2.3.2 Detail Guidelines to ensure the quality

The detail guidelines established in New York City also help in regulating the POPS. Many criteria on the dimensional aspects like size, frontage, minor spaces, and visibility are required to be met. Sufficient amenities, including trees and seating, signage, rubbish bins are also stated in the requirement. These quantitative requirements are effective to control the spaces, but it is better to have a qualitative framework for this set of guidelines. As these spaces are provided to serve the public, setting qualitative framework helps to reduce the cases only satisfying the minimum requirement, but not public usable for the public. The following are the proposed parameters which we would look at:

Connectivity and Accessibility

The POPS are required to be easily accessible and welcoming to the public. It should be easily found and not isolated with the surrounding context. Visual connection is also important for people finding the space and can avoid privatization. The requirement on frontage, depths, transparency for interior space may provide a better control in this aspect.

Usability

Secondly, the POPS needed to be usable. Well-shaped and Well-proportion are important for accommodating various activities. Seating and amenities is necessary to serve the public activities. For large public space, zoning of active and passive usage can support different activities taking place.

Attractiveness

The atmosphere of the POPS is also important. Soft landscape is attractive within the dense environment and introducing trees and water feature can create a leisure sensation. Public events or exhibition can also activate the spaces with temporary activities.

3. URBAN INFLUENCE OF THE POLICY

The urban development is shaped by the economic growth. The shift of power from the government to the private sectors becomes a challenge in the public realm. The policy of POPS is responding to this current urban phenomenon by allowing co-operation between the private and the public so as to balance the interest of the two parties. The developers are urged to take up the social responsibility through the policy of POPS. This kind of contribution of public spaces can be integrated with the urban fabric and influence the pedestrian experience.

This policy is intended to release the high density of the city centre and bring a positive impact towards the cityscape. 40 years after the implantation of the policy in New York, communal spaces were provided and integrated with the rapid urban development. The POPS on one hand celebrated the powers of private sectors; on the other hand, they demonstrated a new interpretation of the nolle map through commercial development. The cases located in the fifth avenue in New York (figure 14), is one of the cases illustrated the interconnected interior and exterior public spaces between the Sony Building, AT&T building and the Trump Tower. This integration of the transition and connection served well for the city and easily connected to the atrium space in the IBM Building.

Introduction of the policy was also beneficial to the urban condition in Hong Kong, even though most cases are used as connective tissues in the city. The network in Central (figure 15), the central business district in Hong Kong, was composed by these public spaces under private development. They create a pedestrian network between the major buildings. Hong Kong Land as the major owner of the district provided a multi-layer pedestrian linkage and passage which allows an alternative circulation in the air-conditioned walkway and bridges. This is an advantageous to the passengers to have this alternative. Yet, dominated by circulation and integration with luxury activities reduces the publicness of the POPS.



Figure 14 Urban Condition of POPS in the New York City (5th Avenue)

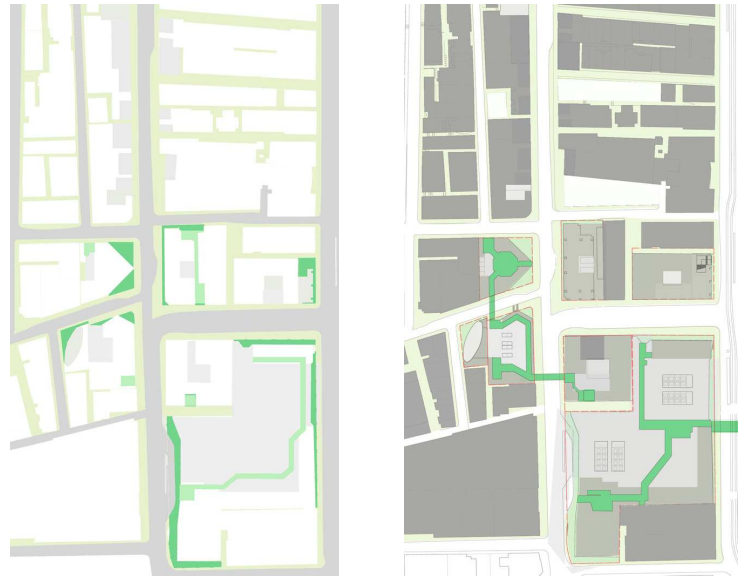


Figure 15 Urban Conditions of POPS in Hong Kong (Central)
 a. Narrow public space found distributed on ground
 b. Bridge connection between the development

Voluntary application is adopted in both cities and GFA bonus is the incentive to activate the private contribution on public spaces. No overall planning or co-ordination between each privately owned public space control the location of them. This sometime resulted into public spaces repeating the roles within a small district. A district planning is applied in Singapore (figure 16) to provide a framework for the system of this kind of public space. The issue of connectivity, types of usage are planned and suggested to the private developers. The Orchard Road redevelopment scheme was done in this planning way and led by the government planning, which ensure the contribution of the public spaces, but it is conducted in a more restricted way.

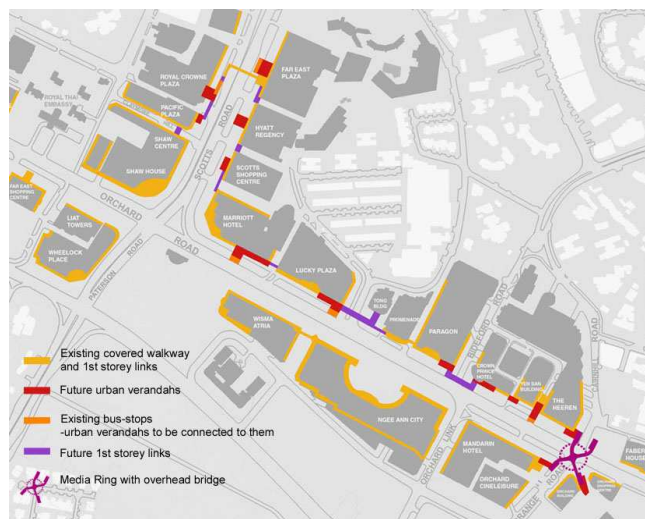


Figure 16 Urban design plan in Singapore (from <http://www.ura.gov.sg>)

4 MANAGEMENT AND THE RELATED POLICY

The management issue is one of the major drawbacks of applying POPS. Under the legal definition of POPS, the management and ownership of the space are in the hands of the owners. It is their responsibility to manage with the area. The ownership principally does not affect the publicness, however, the management power entitled would limit the use in these public spaces.

4.1 Commercial Activities

Inappropriate usage for commercial activities will be privatized the space. The freedom to the public would be reduced as it limits types of users who are able to enjoy the space. If rents are involved in these activities, it would further violate the intent of the policy as the building area was given in advance as bonus. Generally only minor portion up to 5% is allowed for commercial use as café or kiosk, which are meant to serve the public.

A controversy on these privately owned public spaces in Hong Kong was raised in 2008 on the management issue. The plaza provided in the Times Square located in Causeway Bay, was well-designed and popular for various uses. Its popularity is also attractive for commercial activities organized in plazas. However, it was discovered that the developer made profit from renting its plaza. It should be open for the public in return of the bonus received. The grey zones in the guidelines for management and operation created loopholes for the owner to make profit through renting the public space.

4.2 Restriction and Surveillance

The management power of private sectors also involves the issues of surveillance. Some management agents abuse this management in restricting public activities. (Cuthbert, 1995)

The same standard for management is applied in both the private and public parts of the development and restricting the public activities. Activities like performance, sitting on steps or planter are always discouraged, especially for the interior spaces. These all measure are not necessary for the public spaces and reducing the publicness of these spaces. To secure the public and the property of the corporations, cameras and guards are used in the area. Although they can provide security, they also unnecessarily disturb the activities of the general public.

Lack of public acknowledgement of the public space is another reason for allowing the inappropriate management mentioned above. Signage in standard format is required to be provided in New York City for public's information. It allows the public to know their right in these public rights and avoid inappropriate management occur. If the general public do not realize such public spaces exist, the privatization of public spaces and surveillance will be easier to occur without the public observation.

The solution for management required a clear definition of the rights and responsibility for the owners to avoid the grey area in the legislation. Guidelines on management and government/public inspection may help in reducing the above problems. This drawback may still exist, but the situation can be improved through the debates between private and public sectors and clarify the issues.

5 Conclusion

Public space is a place where all the public is allowed to have the rights of access and use, but not necessarily related to its ownership. Both the government and private developers provide public space to serve the public life. The policy of "privately owned public space" allows the contribution from the private sectors and beneficial to the private urban development. This kind of public spaces cannot be compared with the traditional European piazza, which contains strong symbolic meaning and combined with the public buildings and churches, but they can serve well as leisure spaces in the high dense city. The policy has strong shaping force on the city and transforms commercial districts into enjoyable places.

The involvement of private sector can share the cost of urban development, but privatization of the public spaces may easily occur without careful guidelines and regulations. Loopholes in the policy will easily cause mis-uses of the policy for owner's benefits and neglecting the social welfare. On-going revisions of the New York policies reveal the necessity of setting up an evaluation mechanism. Accessibility, visibility

and usability are important to ensure the protection of the public realm. For the condition in Hong Kong, the multiple ground situation and relationship with the sloped topography may also need to be addressed in the spatial types, which are affecting the accessibility. In order make use of POPS in Hong Kong, a similar evaluation process is necessary to adjust the policy suitable for the local culture and urban condition.

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