

## Breathing Space

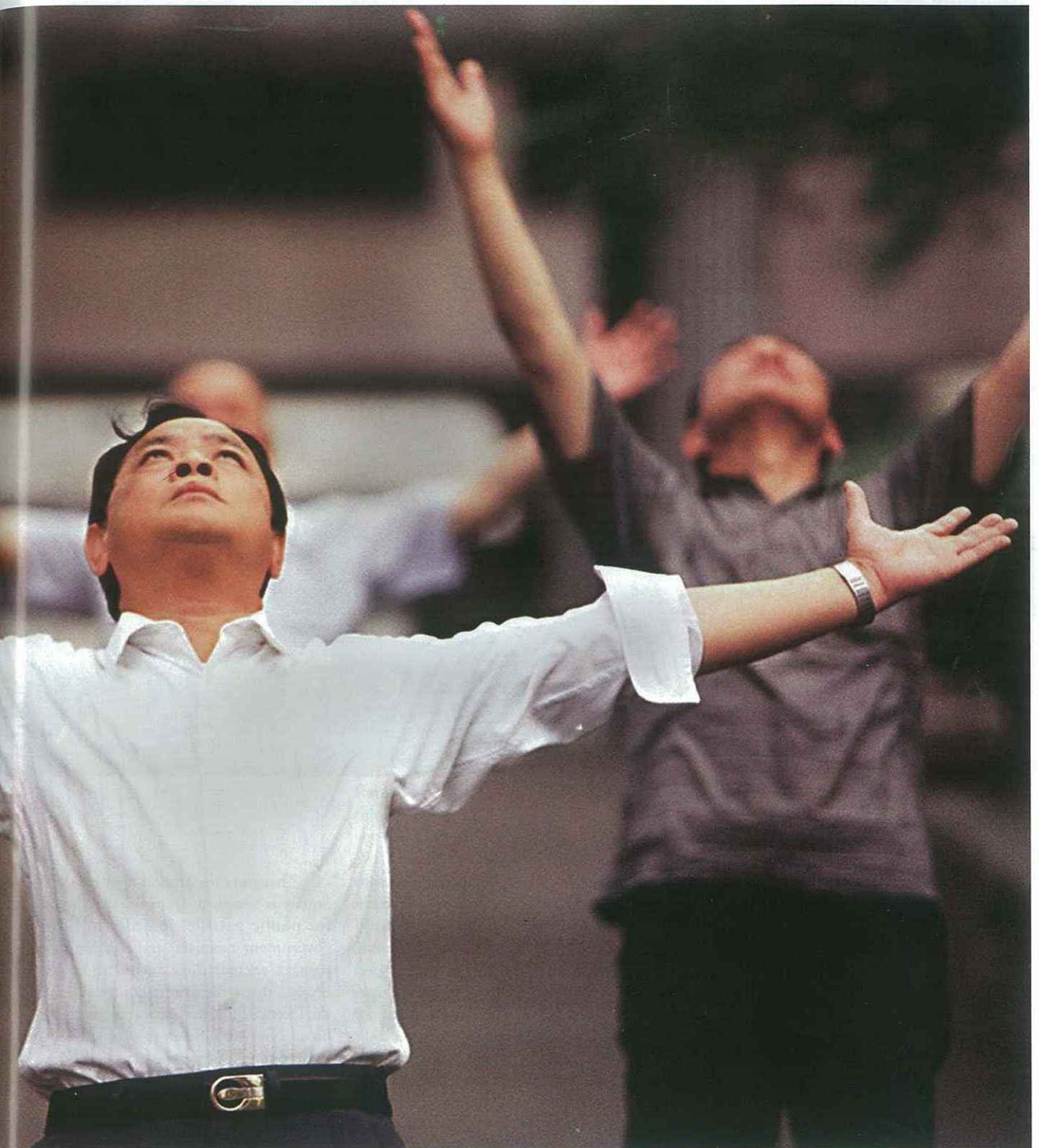
The Times Square debate tells us that the city's public space is shrinking not expanding. Are we doomed to a life of endless shopping?

The heart of Causeway Bay is without doubt the area around SOGO and Times Square and, particularly at weekends and public holidays, these areas are packed with people shopping and socializing. In March this year, the public complained that the property owner of the shopping complex was restricting access to public areas. They argued that the public had the right to use the small but significant area at ground level and that Times Square was misusing this area by using it solely for its own profit.

On June 15, the Government issued a High Court Writ against Times Square seeking damages, claiming the company had "made an unauthorised profit out of the use of the dedicated area (for public use)."

The wrangle started over a cup of coffee. Times Square let the ground floor to the coffee chain Starbucks for an open-air café but denied the public the freedom to use the area. Hong Kong Commercial Broadcasting received phone-ins from members of the public complaining that the security guards prevented them from sitting or remaining in the public area, while at the same time allowing the area to be used by their tenants for profit. A Buildings Department official said that under the Deeds of Dedication, 3,017 square metres of the ground floor had been set aside for public access, therefore they urged the property management to provide public access and remove any illegal obstructions.





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As tensions rose James To, of the Democratic Party and Member of the Legislative Council, expressed his concerns: “According to the Deeds of Dedication, the ground floor area is meant to provide recreational use. So people have the right to choose, accordingly to their will. The Deeds of Dedication have clearly stated that Times Square cannot use the ground floor area for commercial use; they should pay back the profit made by commercial use to the government. Secretary of Justice and the LEGCO should consider following this case.” Although To insisted that the ground floor area should be open to the public he suggested that if the public wanted to use the area to conduct organised activities they should inform Times Square management in advance, in order to minimise any inconveniences that might arise.

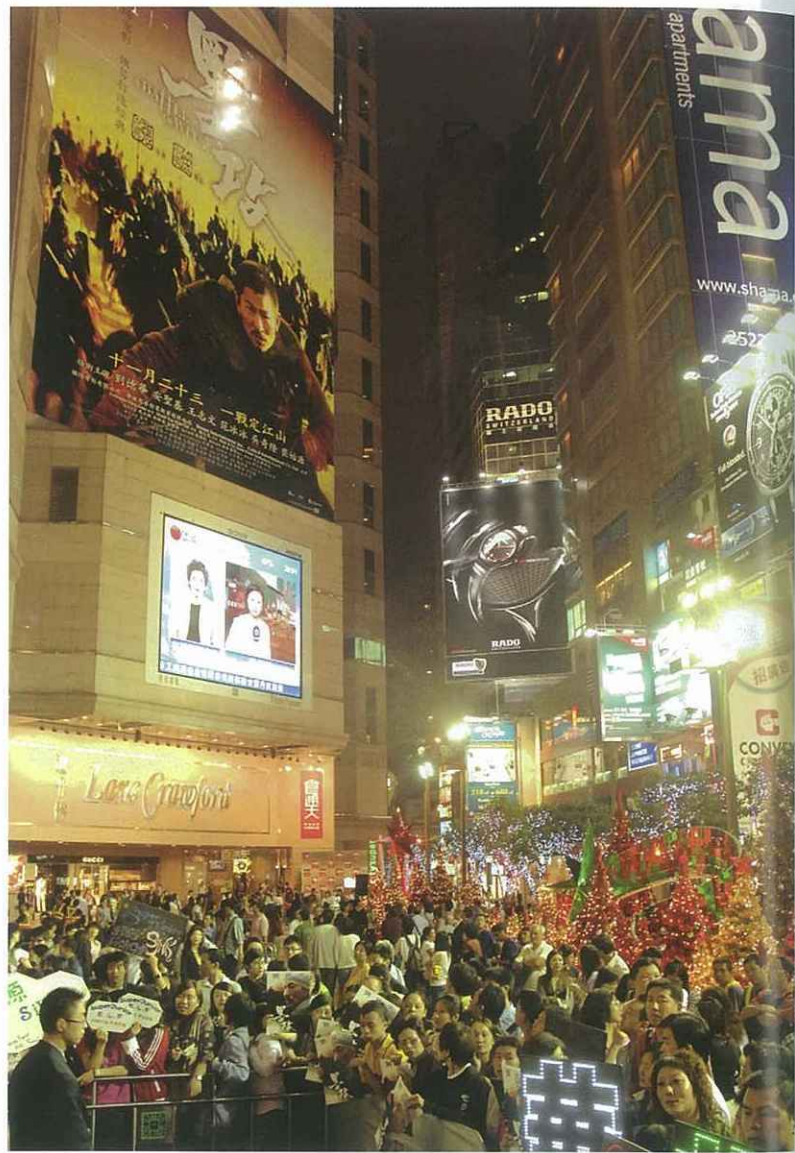
The debate escalated as many organizations, social activists, artists and stage performers gathered in the ground floor space over the following weekends to organise events, performances and protests to assert what they believed to be their right of access. Times Square’s management announced in a media statement March 5, that they rented out the open space on one occasion only, when they allowed Starbucks to seat patrons in a small corner between July 2003 and March 2005. “The arrangement was not provided for in the Deeds of Dedication and was an oversight. We rectified the situation as soon as it was brought to our attention.”

The definition of “Open Space”, according to the Planning Department, is “A statutory land use zone for the provision of open space and recreation facilities for the enjoyment of the general public.” But Patsy Cheng, chief editor of *SEE* magazine and one of the founders of the SEE Network, says this definition is too vague and that the public has a different understanding of the meaning of “open space” and “public space” to that of the government. “The conception of public space is a description of one type of living environment. This is a kind of utopia, and what the public is discussing now is called ‘open space’, which is within the urban planning system, and means

land use purpose. They (public space and open space) are totally different subjects. “There is no doubt of who is the owner of the property,” says Cheng, “The Deeds of Dedication contains a statement stating that if Times Square agrees the architectural plan, then the property owner should provide a certain area of ground floor area (GFA) for exchange. You might argue if the architectural plan is good or not, but you can imagine if Times Square includes the ground floor area within their shopping mall’s interior, then the whole area’s traffic and passenger circulation would be affected.”

Therefore, the ground floor area of Times Square is designed, from the very beginning, for public passage, in order to fulfill the government’s request, and provide for some passive recreational activities. However, because this agreement is not clearly stated on the Deeds of Dedication and the meaning is so broad it is very difficult to define who has the right to use the area.

David Ashen, a New York based architect and director of d-ash design, talked to us about the different perceptions of the concept of public space in Hong Kong and New



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York. "New York is a condensed city, because Manhattan is on an island. Just like Hong Kong, New York has limited space. When you think of public space in New York, of course, you think immediately of Central Park.

"Hong Kong and New York have something in common, for example, in that often you will not realize that you are on an island because you are so contained by the walls of the tall buildings surrounding you. Only recently, in the last ten years, has the New York administration tried to create new public spaces along the edge of the city. The major construction is the public parks along the river, which didn't exist before. Hong Kong is the same; there is not much open space or parks by the water. The other similarity between Hong Kong and New York is that neither city has public squares like European

cities. In New York, we have the big public space, Central Park, and some small parks, but in European cities like Paris, and Rome they have squares where people can walk and meet. "When we compare Hong Kong to New York, the apartment sizes are similar, in both cities people prefer to be outside of their apartments. It is quite different from European cities where people like to invite friends into their apartment. In New York, people meet in restaurants, cafes and the public spaces of the city. In Hong Kong the public spaces are rarer, probably because Hong Kong is more of a vertical city; and due to the weather or temperature, most of the public spaces in Hong Kong are interior spaces where people meet and congregate." Ashen finds it hard to share the feelings of the Times Square protestors in Hong Kong as he finds that: "The ground floor area is

*This spread*

2 The area which has become the focus of the debate

3 For the benefit of whom?



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“They add an extra dimension, the civic dimension, which engages the community”

just a place to pass through; it doesn't feel like a place for hanging out or gathering. Sometimes they have promotions or other events, but still it doesn't feel very welcoming. I just want to walk through it quickly to get into the mall.” However, Ashen agrees that public space is very important to a city, “Usually city people are confined in a small area, so the need for people to have access to fresh air, relief from work or their apartment, a place for markets, or where things can happen by chance, etc, is always there.”

Would better public space design improve the local environment and the city's business and social image? The President of Taubman Asia, Morgan Parker believes so. Taubman Asia is a global leader in the development of shopping centres and focuses on owning, managing, and developing high-quality

and sustainable retail real estate projects in Asia. Parker says, “Definitely. It will bring merchandisers and people together. If the property developers are able to design space that seamlessly and fluidly distributes people around the space, into the stores, out of the stores, like water flowing in the space, this is great for the customers.” He adds, “People are increasingly more cautious of public spaces. But they add an extra dimension, the civic dimension, which engages the community, becoming part of the urban fabric. A lot of the time, developers might think if they give too much public space, they are losing their business. This is the old mindset. The new mindset is to intertwine commercial activities with public and social activities. People can shop and dwell and get away from the transactional environment which the old design



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forced on them.” He argues that there are three elements involved in the Times Square debate: the legal, economic and social. “Legal elements, that is a black and white issue,” he says. “Either the land or the lease of the land belongs to the developer or the government. We can’t argue about that. Then there is the economic issue. It is about money, so most of the time, the argument starts because who is making money out of the space. The solution to this argument is easy, if I were the developer; I would look at the law, and see if the land belongs to me, or the government. If the land belongs to me, but the government or the community wants to be involved with it, I would share the economic benefits with them, making the government a partner, not an enemy. And the social issue is the easiest one of all to solve. The space is a social space, forget about who owns it, forget

about who gets the money from it, it is clearly a social space so we need to treat it in a social way, a democratic way. Therefore, the programs and physical planning and entertainment in that space, should not be debated; it should be for the benefit of society. That doesn’t necessary mean as a business space.”

Like Ashen he argues that any social use of space is also commercial use in an area like a shopping centre, and he concludes that: “People are not thinking ahead, they think if they give you a dollar, they will lose a dollar.” His own opinion is that, “I think that space should be used by the community and not the developer.” And I do believe this is also what the public wants.

It will be interesting to see how the ‘Great Times Square Debate’ impacts on future developments in the city. ■

- 4 Protesters proclaim: ‘This is public space’
- 5 Architect, David Ashen
- 6 Morgan Parker, president of Taubman Asia