

Lateral-Privatisation of the Publics: Hong Kong's Spatial Struggles

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Abstract

Hong Kong is one of the most 'public' open space challenged cities in the world. As a result of the city's 'patchwork' planning practices, the privatisation of all space has become a means of control that directly impacts developmental typologies and social mobility. It remains a landscape which is more opportunistic than strategic, resulting in spatial compression for the sake of profitability. Through over privatisation, the multi-utilities of 'spaces for the public' constitutes negotiated spatial norms, a process whereby space is reclaimed through tactical means. This paper focuses on how the social mechanises the concept of spatial piracy of accessible (in and exterior) space to define what we term 'lateral-privatisation', in the lieu of a civic-spatial relationship. The argument presents two examples that expedite lateral-privatisation, discussing the *umbrella movement* and *weekly takeover of open space by foreign domestic helpers*. Conclusions are made by arguing that lateral-privatisation should be viewed as a spatial alternative, an informal design mechanism that advocates socially driven, spatially situated social justice. Through examining 'by who', 'for whom' and 'where', the lateral-privatisation concept positions an alternative model, between the privatisation of cities and the social (re)claims made within dense landscapes that promotes social dis-inclusion.

Keywords: public space, lateral-privatisation, high density city, spatial piracy, Hong Kong.

Introduction

“Streets and parks may rest [in governments but] they have immemorially been held in trust for the use of the public and...have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens” (Hague v. CIO, 1939)

In 2014, for a period of 81 days, students and individuals gathered in key parts of Hong Kong to protest against the lack of universal suffrage granted by Beijing to the Special Administrative Region’s residents. This social movement became known as the ‘Umbrella Movement’, or in more formal terms, ‘Occupy Central with Love and Peace’. At the height of the protest, the movement drew in over 100,000 people to participate at any one time (Harding, 2014). In its totality, the movement, irrespective of its political motive, focussed on the streets, pedestrian walkways, flyovers, and any form of pedestrianised space as the primary mediums of protests: claiming spaces for sit-in’s, facilitating make shift study centres for students, using spaces to address the masses, and installing spatial obstacles across roads. In March of 2019, the second and yet more violent bout of student protests flared for twelve months and counting (at the time of writing), once again claiming all sense of open space. In this instance the protests territorialised a university campus, its publicly accessible spaces, buildings, bridges and flyovers for twelve consecutive days (17-29 November 2019).

Irrespective of the city scale lock-down, each of the protest highlights two concerns. First, the types of protest actions provided new functional means of social inclusion as part of the protest activities. Second, given Hong Kong’s status as one of the densest and ‘public’ open space challenged cities in the world meant that the mere lack of any spaces dedicated for the public, opens the debate between public space and space that is ‘open’ in their distinctions of privatisation and accessibility.

Given this context, this paper begins to raise questions about how the lack of public space, through the over privatisation of space, state or for private use, becomes an instrument of exclusion, and as such, begins formulating divisive planning instruments that counteract, rather than promote, social inclusion. Within this paper, our focus will be on the reaction and reclamation harnessed by spatial piracy of open (in and exterior) space when public tensions rise and begin to define what we term ‘lateral-privatisation’. To begin, we highlight the role and potential implication of a lack of the civic (Davis, 1992; Olmsted, 1997) as social mechanisms in

contemporary urbanisation. Thereafter, through the use of a review of the literature, mapping, and empirical evidence, we present two examples unique to Hong Kong, namely the *umbrella movement* and the *weekly takeover of open space by foreign domestic helpers*, to showcase operationalisation of the tactical as societal redress to spatial dis-inclusion.

Elements of the Civic, and their Role for Social Inclusion

As preface to their work on the transformative character of cities, the Harvard Project on the City, entitled 'Mutations' (Koolhaas et al., 2000), commences with an invaluable definition to the questions of city as material object and their forms of change. Rem Koolhaas' students pose a rudimentary question to a complex issue: "How to Build a City?" At its basis, the text examines the elementary definition of city, by description of a generic city, and its constitutive modules. It is claimed that any traditional city consists of a *Basilica* (commercial buildings), *Capitolium* (buildings of the state), *Templa* (religious buildings), *Theatrum* (entertainment and performances), *Therma* (baths or buildings associated with health) and *Arcus* (military buildings) planned through the devices of the *Cardo et Decumanus* (main urban axes), *Centuraro* (urban grids) and most importantly for the purposes here, the *Forum*. As such the *Forum* represents the collection of commercial and social centres of Roman cities. In comparison, *Aquae Ductus* (routes for water and transportation), *Limites* (borders to the territorial edges) and *Viae* (network of roads and routes) served as urban infrastructure, feeding the populous into and away from the city.

Within this definition, the *Forum* is defined as the primary social space meant for the exchange of not only goods and services but as a social condenser. With its morphological epicentral position and its social importance, the openness of the forum attracts other functions that feed its processes. Primarily, *Basilicas*, *Capitolium*, *Themae* and other adjacent public granaries, museums and libraries define the character of the forum's periphery, forming the urban backdrop to the forum's social contents, which according to Lewis Mumford (1989, p. 210), was a "cesspool of human debasement and inequality", mixing senators, slaves, merchants and other members of the polis.

In the medieval city the forum basically remained unchanged. Still claiming a central position in the urban fabric, the importance of the space remained central to the deployment of medieval life. Apart from festivals, pageants, and celebrations, the central market or square represented the primal space wherein "collective drama's"

(Mumford, 1945, p. 36) could unfold. Seasonal civic celebrations, social, religious and political in nature, characterised the central market of Antwerp. For Amsterdam, the Dam Square was recognised for its legal position, receiving victorious armies, and emperors, and is adjacent to the court of law and to the place of execution. In comparison, München's central squares hosted plays, pageantry, and medieval tournaments. Florence, a holy city, allowed for, amongst other civic functions, their inhabitants a closer perspective on the rites and rituals of religious processions.

Although the constitutive elements' definitions are derived from pre-industrial urban settings, their roles within the city remain as important today as they did then. As it is through the proliferation of the 'parts to the whole' and the 'whole to the parts', including local and contextual influences, which ultimately define the manners, variables, degrees of urbanity and, more importantly, an urbanisation driven by the people and their needs.

Within the contemporary framework of the post-industrial city, with its 'splintered' (Graham and Marvin, 2001) character and incohesive polycentric structures (Hajer, 2001), the link between urban space and the social remains a scattered condition in rapid decline (Roulier, 2018, p. 81), in part thanks to the privatisation of the urban. Hannaf and Strong's (2001) research links democratic models to public sphere. The relationship between democracy and the articulations of public space raise further concern in the global neoliberal climate. In this, we concur with both Mike Davis' (1992) criticism of urban fortification as a tendency that continuously emphasises the militarisation of the urban, as well as Frederick Olmsted's (1997) plea for civic landscapes as social mechanisms of safety, facilitating the intermingling of class and ethnicities through amusement and pleasure. For Kohn (2004), the privatisation of public space, in the American context, represents the defacto disembodiment of the social, eliminating 'one-to-one' engagement that public space affords (Kohn in Roulier, 2018, p. 70). The comprehensive privatisation of space distorts the 'access to' or 'to be part of' a group in a specific space. The spatial isolation of race and economic groups have become instruments to ensure those who are privileged (Kohn, 2004) are not left in discomfort nor with the possible confrontation of comprehending inequality (Roulier, 2018, p. 82). In terms of Olmsted's plea, the crux is in linking the civic with the physicality of space in the concept that the civic is a spatially cohesive community, or rather fraternity (Roulier, 2018, p. 83; Mitchell, 2003, p. 15). This was crucial to Olmsted's idea of a democratic understanding of life, an ethos against privacy, unifying a diversity of groups and interests in a context (Roulier, 2018, p. 79). Advancing the argument,

Kohn regards government owned land, parks as well as streets, as public amenities to which everyone should have the 'right to space' equal to the 'right to use' (Kohn, 2004, p. 36). She writes:

"Is government-owned property always public? And how do the laws governing public space enrich or inhibit a democratic culture of debate and dissent?" (Kohn, 2004, p. 36), and the ... "traditional public forum' is important because political activity is protected in such forums but not in other government-owned places." (Kohn, 2004, p. 37)

With the lack of available public space and, where available, limited access to such 'spatial outlets', the importance of visibility for expediting social, political and gender tactics (cf. Buker and Bruyns, 2019), or any micro forms of civil disobedience forms part of larger urban issues. Ranked fourth globally in terms of overall urban density (UN-DESA, 2017; World Bank, 2017), Hong Kong's hyper-dense and complex urban form is characterised as 'spatially locked', and more specifically, with a lack of public space (Lai, 2017). Noteworthy in this context are Hong Kong's elevated platforms or 'podiums', which reposition urban space and are literally extracted from the street.

In this, the city's civic visibility and what is deemed as the city's civic surface or ground – the street – is separated under a new distinction, as a pseudo domain, part private and part public. These configurations demonstrate tendencies that promote the spatial and visual fragmentation of the civic body, compressing social density into every available floor space above the city's surface (Koolhaas et al., 2000). Furthermore, as a direct consequence, the city has had to come to terms with the physical interiorization of all forms of urban space (Frampton et al., 2012; Hasdel & Bruyns, 2014; MONU, 2014). What is easily distinguishable in the conventional understanding of open and accessible spaces, where the social can gather, congregate or voice opinion, is in the Hong Kong landscape a continued negotiation of in and exterior entities. As a physical environment, where streets mutate from external to internal walkways and thoroughfares that pass through, along, and under buildings or malls, we are left to question by way of which spatial mechanisms and how Hong Kong citizens deploy their civic roles?

Civic in Figures – The Hong Kong Landscape as POPS

Given the discussion of a spatially locked landscape, how does public space measure in the Hong Kong context? Here we will provide a brief account of Hong Kong's current and extreme spatial condition, with the emphasis on public space.

Previously referred to as an 'island of entrepreneurship' (Clinton, 2014), the Hong Kong Special Administrative Region is known as a 'market city' (Ohno, 1992) with a prominent skyline and high-rise tradition defining its physical and formal characteristics, pertaining to a landscape of severe density, three-dimensional hybridity of public-private-spatial-landscapes and structural and social conditions of adjacency. It is known as a city that has embraced amplifying levels of excessiveness, accepted radical neoliberal incentives, and allowed for 'manic' density and hyper-consumerism – all unified through multiplicity and the vertical stacking of urban infrastructure (Shelton et al., 2010).

Statistics on Hong Kong's public space paints a bleak reality. The city-state has a population of about 7.3 million people and has an average population density of 6,830 people per km², with the density in some areas peaking to over 250,000 people per km² (HKCSD, 2017a). However, according to Hong Kong's Task Force on Land Supply (2018), the territory currently has a residential land supply (land area) of around 14.4 km², which, given the current population of the city, equates to an average population density of about 509,500 people per km² residing on residential land. This extreme density is partly explained by the fact that the current estimated residential land supply shortfall is 1.08 km², with the shortfall expected to grow to around 2.3 km² by 2046 (ibid).

Given the shortfall for residential land, as well as the current shortfall of land for economic use of 1.35 km², it is unsurprising that open space, a non-taxable and thus non-profitable, urban commodity becomes side-lined within this land scarce and highly privatised territory (Chu, 2010). Land supply for infrastructure and facilities, which include open space, is 10.9 km² with an estimated short fall of 5.7 km² (Task Force on Land Supply, 2018). Within this, it is estimated that open space in Hong Kong only takes up 25 km² or 2.3% of the total area of the territory and results in an overall ratio of about 0.3 km² of open space for every 1 km² of residential space (HKPD, 2016). This ratio is rationalised by Hong Kong's current planning provisions which stipulates that the open space ratio should be 2 m² per person at the Metro level and a mere 1 m² per person at the district and local level (HKPD, 2018, pp. 9–10).

In a study of the availability of open space in Hong Kong, commissioned by the Civic Exchange, Lai (2017) found that on average Hong Kong has around 2.7 m² of open space per person, which meets the standard of two square metres per person. However, when compared to other high-density Asian cities such as Shanghai (7.6 m² pp), Singapore (7.5 m² pp), Seoul (6.1 m² pp) and Tokyo (5.8 m² pp), Hong Kongers appear to be underserved (Lai,

2017, p. 29). Furthermore, in Hong Kong, open space is not evenly distributed. According to Cheung (2016) "People living in Kennedy Town, for example, only enjoyed 0.77 square metres of open space, which is smaller than half a coffin". This confirms Lia findings that in several areas such as Wan Chai, Kowloon City, Yuen Long, and Sai Kung, fall well below the minimum requirement (Lai, 2017, p. 25). To aggravate matters further, Lai demonstrates that there is a grey area in measuring open space, which outlines the spatial characteristics of 'extracted publicness'. In this view, the Hong Kong government includes private 'open space' (spaces owned by private entities that restrict use for non-residents) in its aggregate of minimum 2 m² standard (Lai, 2017, p. 14). Lai's study explicates: that there is "about four times as much private open space in large residential developments which is inaccessible to the public, but which is still counted towards the 2 m² standard" (Civic Exchange, 2018). Falling within the grey zone of public and private space is the 'privately owned public spaces' (POPS)(Xing, 2013) which "refers to venues that are open to the public but provided and managed by private interests" (Cheung, 2018). According to Kayden (2000, p. 45), the initial rationale for the use and development of privately owned public spaces is that they work best within intensely developed urban settings, where the need for openness and public space is at its greatest but where available land supply is at its lowest. Privately owned public spaces are thus seen as a mechanism to help mitigate the social impacts of such intense developments. We, however, remain sceptical of the use and implementation of privately owned public spaces across Hong Kong.

According to HKPSI (2018), which did an audit of privately owned public spaces, there are about 1300 POPS within Hong Kong. These types of open spaces have come under scrutiny in recent years as they are often poorly managed, can be difficult to access, requiring residents to climb stairs take back-alleys or use elevators to reach them (HKPSI, 2018). Additionally, many spaces have poor signage, have restricted access or are claimed to be private space, even though, by law, they are meant to be open and accessible to the public (Dovey, 2018; HKPSI, 2018; Park and Tam, 2015). This results in poor utilisation of these spaces (HKPSI, 2018), something that an already 'public space challenged' city's citizens cannot afford. An example of the abuse of POPS by private developers can be seen in Hong Kong's Times Square, a well-used space, which in 2008 began to prevent people sitting or lingering within the public space and more recently prevented buskers from performing within the space (HKPSI, 2018; Zhao, 2018). This ultimately resulted in public anger and protests about the right to public space in Hong Kong (Xing, 2013, p. 273). While the Hong Kong government has guidelines for the design and

management of POPS (Development Bureau, 2014), these guidelines are not legally binding and therefore developers are not required to follow them.

What was expected to become the new domains of social engagements, malls and themed interiors have become guarded spaces. Malls are spaces meant for capital production, consumption and excess, and not meant to facilitate leisure. This ties into the fact that exclusivity is one key emphasis within spaces, and that leisure and exclusivity are not equated with one another. As a result, the overemphasis of the neoliberal doctrine has fuelled the internalisation of public space, equating market values to all forms of cultural facilities or social platforms, leaving nothing but the street as a means of affordability. Where other cities continuously strive to implement Public Private Partnerships to facilitate social inclusions (cf. Krivý and Kaminer, 2013) as mechanisms for the civic, Hong Kong's dependency on POPS further confirms Chu's (2010) dismay with continued privatisation and its associations with cultural and social values.

Over Planned Yet Under Scripted Social-Spatial Linkages

How is this link between the social and the spatial made in the context of Hong Kong? The 'Special Administrative Region' title has irreversibly established dependency on the Chinese Mainland (financial systems, production services, consumption, consumerism, infrastructure, work and labour force) in order to sustain its future position in the global market (Zheng, 2010). As territory, its identity has always been binary. The city's spatial distinctiveness differentiates its territorial character through its geopolitical alignment – British derived and Chinese Aligned - as both 'part of' and 'separated from' British-Sino urbanisation processes (ibid). Lin (2011) elaborates on the interdependencies of Hong Kong-Chinese economic systems, as the Chinese economy thrives on a land-centred process of urbanisation, dependent on land acquisition, development, and the speculative nature of the property market, all for the pursuit of revenue.

Planning wise, since its proclamation, Hong Kong has not prescribed to any socially aligned planning or spatial framework. The colonial outline plan, enforced between 1965 – 1974 (Hong Kong Planning Department, 2015, p. 1), was seen by many as a policy of 'indirect rule'. As a double-edged sword, indirect planning policies lacked in providing basic services to both locals and colonial expatriates equally. Through its policies, colonial rule emphasised economic development above policies that linked the social with that of the spatial as a means to benefit indigenous communities. Spatially the system initiated a total land monopoly. Commencing in 1841, all

land ownership was retained by the colonial office, monopolising both the use and users of land. With leasing periods ranging between 75 to 99 years, the Crown coffer generated substantial incomes through rental and rate taxations (Mar, 2002, p. 35). The monopolisation of spatial scarcity *de facto* mechanised socio-spatial control. High population rates, lack of housing for native dwellers, and over-crowded colonial centres were characteristic of avoiding social concerns, producing immediate alternatives in the form of architectural solutions often called “warehouses of the labouring class” (Home, 1997, p. 85), in the place of broader concepts that recognise social and spatial guidelines in planning.

Socially, indirect rule resulted in racial hegemony, with the division of urban settlements into either a Chinese or European quarter. Minimalist regulations and lack of space ensured the proximity of each social group to one another, often with intangible boundaries separating both. For Mar (2002), Hong Kong’s rapid successions of urbanisation forced a society into constant improvisation. A general lack of space and excessive economic pressure meant a continued process of social-spatial adaption, where piece-meal and ad-hoc conditions characterised the spatial incentives at all scales and spatial types, including what was viewed as public space (Tao and Wong, 2002).

Ng (1986, p. 23) holds to the point that Hong Kong’s planning systems remain, since their conception, inconsistent and fragmented. Presently, territorial planning is strategized over two tiers: (i) territorial and (ii) sub-regional scales (Hong Kong Yearbook, 2004). This, Ng (1986) argues, produced planning instruments within – and not against - ‘Capitalist mode of Production’. She continues, the dominant planning model remains ‘derivative rather than creative’ (ibid, p. 124) and is meant to maximise private growth and restrict co-operative involvement (ibid, p. 125). Whilst planning at the larger scale addresses the specific pressures of urban development, the omission of social models and their respective themes remain a clear oversight in how to strategize for the territory within governance levels themselves. The exclusion within planning to allow for scenarios to rationalise the social, in both spatial and economic valance, deliberately by-passes the importance of the social in both the higher and lower scales of planning. This is found in several levels.

First, the legacy of colonial planning, more specifically its inability to absorb spatial models as mechanisms to instil social progression, emphasises the disempowerment of the social in planning that has sprung from a colonial typology. Secondly, morphological expression, architectural typologies, social mobility, dwelling

standards (Chi-Man Hui, and Sze-Mun Ho) and spatial configurations purposefully 'lock-down' social groups, isolating individuals in their miniaturized and fragmented appearance. Within the official stance on 'Planning for a Liveable High-density City' (Hong Kong Planning Department, 2017), spatial allowances in this vision has earmarked provisions at the rate of 3.5 m² and 2.5m² per person, mostly concentrated in new town developments. Once again these remain statistical and not accurate indices that reflect the territories current realities. As shown by studies conducted by Civic Exchange (see Lai (2017) and Chow (2018)), the poor and elderly are proportionally more disenfranchised from access to public space when compared to households within government housing estates. The design of public spaces remains limited when compared to the person-to-open-space ratios that planning currently supports, as documented by Tang and Yiu (2010). Thirdly, the broad acceptance within planning guidelines that advocates 'compact city' models as a sustainable prototype for future development remains a moment of concern. The continued rhetoric that a compact city would reduce car emissions, improve work-life balance, protect natural resources and systematically promote other means of mobility that would increase public space remain vague (Burton, 2000, p. 19), especially in the context of Hong Kong Smart City planning and a deliberate disregard for public or open spaces (Hong Kong Smart City Blueprint, 2017). We therefore remain critical of what role public space has in hyper-dense cities, especially in relation to the continuation of planning and development instruments that persistently promote the privatisation of public space.

Reactionary Consequences – Lateral-Privatisation

Until now the discussion here has centred on Hong Kong's lack of public space and its ploys of limiting social access. Yet, how and in what ways do inhabitants reclaim urban space? What concepts are mechanised by the public in their personal acts of reclaiming urban space as part of social inclusion within the civic? In this section we explore operative concepts as reactionary consequences. Not only will two specific instances be discussed to highlight the material manifestations, our aim here is to clarify what concepts help crystallise these 'reactionary' practices.

From our perspective, one possible way of framing the ways of re-engaging social inclusion within public space can be defined in what we term 'lateral-privatisation'. Different from the conventional concept of privatisation, as an irreversible process of disowning access to goods (Boycko et al., 1996; Kay and Thompson, 1986) for the

means of capital gains, lateral privatisation is born from the coupling of binary concepts of [i] privatisation – as ‘rights to’ and claim ‘over’ space for specific means - with [ii] working with states of impermanence, as an iterative process of claiming and reclaiming any accessible spaces for periods of time.

We inform this definition from a number of factors which crystallise lateral-privatisation’s definitions in its material emergence. Lateral-privatisation draws from the notions of ‘micro-states’, as a first concept. A key triangulation point is taken from the multi valance of public space and the outcomes of ‘guerrilla’ processes (Hou, 2010). Here, David Harvey summarises, in *Rebel Cities* (2012), key spatial characteristics cities face globally as counter moments to neoliberal development. Davis (Davis in Sorkin, 1992, p. 155) addresses the consequences of socio-spatial polarisation that impacts landscapes through spatial realities as territories have become fortified, fragmentary and gated, and accessible only to those in specific socioeconomic levels. Moreover, many variations of the public domain are being ‘militarized’ by way of access and control, whereas private property is used as an additional hegemonic instrument which, according to Balbo (1993), establishes a multiplicity of subdivided micro-states. Lateral-privatisation, in its fluid character, inserts itself in a variety of urban micro-states and supports Kohn’s (2004, p. 54) claim that, within these serialised environments, “public sidewalks and streets are practically the only remaining available sites for unscripted political activity”, forming its own inherent and temporary micro-entity. This ascribes to what Harvey argues for, building on Lefebvre’s notions on ‘right to the city’ (1974), the reconceptualization of social movements and their inherent right to the city, termed ‘urban activism’, claiming levels of autonomy to (re)shape, or in some instances radically steer urbanisation.

Secondly, lateral-privatisation draws on Sudarnam’s (2010) concept of ‘Pirate Modernity’ and Benjamin’s (2008) notion of Occupancy Urbanisms. Collectively, ‘Radical Cities’ (McGuirk, 2014), ‘Occupancy Urbanism’ (Benjamin, 2008), Hou’s (2010) ‘Insurgent Public Space’, or Sundaram’s ‘Pirate Modernity’ (2010), discuss the ways in which activists, pragmatists, and social idealists are performing bold social-spatial experiments harnessing spatial activism as a means to impact, and possibly redirect, smaller enclaves within territories. Specifically, ‘Occupancy urbanism’ is just one such a position, where the ‘urbanisation of the local’ becomes an incentive aimed at the territorialisation and politicisation of urban space, by means of a land tenured process to facilitate social progress and individual mobilisation. Leveraging gradations of micro resistance, ‘occupancy urbanism’ views the city as a product of contesting territories, in-scribed by complex and local histories embodying alternative

options. As such, they solidify complex alliances to reconstitute new economic incentives. Both occupiers and occupancy types highlight the irreversible shift away from organisations and institutions of power, and those who are local to the problem. Feeding into our understanding, we have witnessed how lateral-privatisation mechanises spatial iteration over space, daily, weekly, or for longer periods of time. Social clusters and processes of engagement (performances, physical activities, and the sharing of meals or playing cards) are defined and redefined in spaces as acts of encroachment, decentralising institutional processes. At larger scales, repetitive encroachment has the possibility to direct anti-political structures, for example rallies, demonstrating the effectiveness of impermanent and temporary movements, and how entities can counteract that which is fixed and permanent through their iterative claims over space.

Thirdly, lateral-privatisation draws heavily on concepts of tactical urbanisms (Brenner, 2015) and it's means to reformulate 'co-produced' (Watson, 2014) agendas as forms of socioeconomic inclusions. In summary, tactical urbanism relies on urban experimentation within its design approach, seeking social justice through the appropriation, use, and reframing of urban space. Tactical strategies are not to be misread under a unified movement or technique. Instead, it is to be understood as a categorical order under which emergent, experimental, and *ad-hoc* projects could all find common ground. It remains a grassroots level mechanism, free from any particular form of ownership, which allows for organisational, ideological, and cultural flexibility where agents, professionals, governments, developers, and designers can collectively participate. This in itself is seen as one of its core strengths, due to a flexible form of process and mechanisation, meant to directly engage with political-economic conditions, institutional arrangements, legal codes and comprehensive – modernist derived – planning incentives. Although seen as a truism, its framework allows for acupunctural-scaled strategies to address local concerns within a diversity of timeframes. Tactical strategies might transcend geography to reflect social issues (Hou, 2010, p. 2), however, they are in most instances spatially bound to the landscape through the spaces of the dwelling, plot, streets, block, or park. It is a self-help, grassroots driven model, generated from an open source, directed by action led incentives and forms of appropriation. Appropriation that may be formal as well as informal in its construct, articulating a contemporary urban landscape rich and diverse with levels of 'co-presence', where formal and informal, amongst others, all find simultaneous ground (cf. Mehrotra in Hernández et al. 2010). Added to this, the spatial fluidity of tactical urbanisms creates space-time opportunities under a broader concept of what we define as 'spatial piracy'. This tactical condition refers to the unauthorised use of

space, identified by specific groups based on spatial potential that match their needs for short and instantaneous periods. Herein the key driver is not permanence but the impermanence and opportunity of space, for repetitive periods of occupation, releasing sections of the city back to its original function after a temporary shift in its functional characteristics.

Against the irreversible process of neoliberalism, lateral-privatisations fourth aspect is that of its impermanence. Here, lateral-privatisation is regarded as a temporary condition, operating under the non-fixed premise of spatial conditions. Its fifth aspect, therefore, draws on the limited provision of ground or 'solid surfaces' in its spatial anchoring. Lateral-privatisation is, in the context of a hyper-dense landscape, interior and exterior based, harnessing corridors, flyovers, bridges, and subterranean walkways that lead into and away from malls and complexes of mass transportation, in addition to claiming and use of streets and sidewalks. At the extreme, lateral-privatisation has the ability to disrupt neighbourhoods, close of pedestrian flows for periods of time, and in other situations, alter vehicular and traffic flow for cities. In its totality, the conversions of these 'micro-state complexes', represent new spatial typologies, in what can be viewed as 'accessible' space. In addition, lateral-privatisation effectively becomes a new urbanity, which moves between the shopping mall corridors, small sidewalks, stairwell landings, or residual spaces that link the building interior to the street and vice versa. Lateral-privatisation therefore ascribes equally to both 'visible exteriority' to an 'invisible 'interiority' as part and parcel of its spatial and private domains.

As evidence of lateral-privatisation, we explore two examples. The first of our examples attests to the radical side of lateral-privatisation through Hong Kong's 2014 Umbrella Movement. While the second example showcases the temporary, yet repetitive, weekly, strategies of lateral-privatisation by Hong Kong's foreign domestic workers. Our theoretical and empirical query, draws from several sources. First, we make use of existing literature, both academic and reported. Secondly, the lateral-privatisation argument is supported through empirical observations, informed by photographic evidence of a number of in-situ events, and translated into larger contextual mappings (for example the larger Occupy Central map). Third, face-to-face discussions with a range of participants provided further insights into tactical thinking and the ideas that drive lateral-privatisation's material possibilities.

Larger and Smaller Format of Lateral Privatisation – The Occupy Central with Love and Peace and Hong Kong’s Foreign Domestic Helpers.

Hong Kong’s 2014 spite of civil unrest represented a collective effort drawn from a political issue and spatialised for a total of 81 days. Predominantly arranged by students, the ‘Occupy Movement’ attested to one form of blatant and visible ‘Guerrilla urbanism’ or ‘spatial piracy’ of open space. Harnessing on average 50,000 protesters (100,000 at its peak), the spaces of protest were reminiscent of scenes taken from ‘Les Misérables’ as crowds gathered in Central Hong Kong (as well as certain streets in Mong Kok, Kowloon) voicing dismay against the lack of universal suffrage. With social and printed media filled with images, the world witnessed the utilisation of spatial piracy through well-crafted and carefully placed steel barricades bound by plastic zip ties.. More importantly, given the lack of open space within the city, the protesters identified the only archetypal urban spaces left to them, that of the street, as space of primal resistance and as its protest mechanism. For the entire period, politics became a spatial issue forcibly shutting-down Hong Kong’s overdeveloped infrastructure and its associated, and somewhat underdeveloped, forms of public space. In this spatial construct, the movement deliberately took control of the cities available open space by literally arranging sit-ins, erecting make-shift camps and barricading sidewalks, intentionally disrupting the general public’s movement within the city, from vehicular flow and most commuter services. Here, the city’s spatial setting was both visible and unseen, exposing latent possibilities for contestation and subversion in fluid formats.

Shown in Figures 1- 10 is a one week visual documentation and mapping of the sites of protest focussed around Central (Ko, 2014; Authors, 2014). Here, through the reclamation of the city’s flyovers, bridges, pedestrian ways and streets barricades, these spaces irreversibly became, in some way or another, part and parcel to both a larger and encompassing site of resistance as well as collective historical fragment typifying – mostly - peaceful protest. Other strategies employed by the protesters included piracy of walls for artistic expression, posters and statements of intent, used as crowd management resource.

>>> Insert Figures 1 – 10 <<<

The areas of the protest were further brought into spatial reality by using students involved with spatial practices, such as architecture, urban planning and interior design: to help identify locations, plan and build facilities such as make shift study centres and temporary camping sites (shown in figures 5 and 9). While the

streets where the site of protest, the nature of the street transformed from protest space, to open user space to lunch space and to discussion space in micro-forums (see figure 8). Throughout the temporary public space there was no sense of aggression or violence. The collection of makeshift dwellings, study centres, places of discussion and artistic expression ruptured the approach and impact of tactical thinking within resistance movements in both Hong Kong (as seen in the more recent 2019/20 protests in Hong Kong).

Over and above the reclaiming of the aforementioned city pockets, the protesters used equally effective forms of protest through social media. Here it was shown how street barricades, urban infrastructure, pedestrian flyovers and large wall surfaces were used to voice opinion, harnessing lateral privatisation to express intention and show solidarity. In its totality and with the scale at which the Occupy Movement was deployed, and with the later suppression and forced removal of the protests, removing all trace of the protests, the spatial 'reminders' of the defiant urban movement remains the street, the urban expressway, that was once empty, temporarily privatised for the sake of voicing opinion.

While the Occupy Movement can be considered a large and radical example of lateral-privatisation, other smaller yet significant acts of lateral privatisation can be seen in what has now become a weekly phenomenon within Hong Kong. Here we refer to the well documented weekly 'takeover' of open space by the foreign domestic helpers (FDW) (Ladegaard, 2016). Hong Kong currently has just under 370,000 foreign domestic helpers (HKCSD, 2017b) which are legally entitled to have every Sunday and public holiday off (Constable, 2007). As these workers, who are mostly Filipino women, cannot afford use of commercial recreation facilities, such as restaurants, movies, shopping, they are forced to find alternative spaces to spend their one day off (Driedger, 2010). During their time off, the FDW take over most of the publicly accessible open spaces within the city centre. These spaces include public parks, open spaces under and between buildings, sidewalks, as well as raised walkways. In an article for the Guardian, Moss (2017) neatly describes the situation by saying;

"On Sunday mornings, as people teem through Central's Escher-landscape of connected buildings and pedestrian skywalks, the [foreign domestic] helpers pitch camp below. Space is claimed using anything from a circle of bags to a tent, and public ground is transformed into temporary venues for every possible social interaction. Workers picnic, cut hair, hold protests, or even take part in coordinated dance routines. A group of women might host a roadside bridal shower, passing around a pristine white

wedding dress as cars fly past. A pop fanclub might meet under brightly coloured banners, proclaiming their appreciation for the affiliated act with screams and laughter.”

Although temporary in nature, there is a sense of permanence as many of the FDW return to the same place every week by claiming their space ahead of time (either on Saturday night or early on Sunday morning). In essence, this then creates a sense of temporary ownership and familiarity (Tillu, 2011).

>>> Insert Figures 11 - 14 <<<<

The acts of lateral-privatisation performed by the FDW (see figures 11 – 14 for graphic illustrations), apart from the poor working conditions that the FDW are often subjected to (Constable, 2007), can be regarded as a symptomatic reaction to the lack of public space which is open and accessible to anyone and does not require the spending of money to use the space (Xing, 2013). In this instance, every available space is claimed through two spatial mechanisms or what Tillu (2011) calls spatial typologies. The first of these, shown in Figure 14, is ‘flat clustering’ (Ibid, p. 47), which entails placing carpets, boxes, towels, etc., on the ground to create a flat surface to sit on. The second typology is dubbed ‘cubic clustering’ (ibid) and describes how the FDW use cardboard boxes to carve out a cube or enclosed ‘private’ area for themselves. With the barricading off of space the FDW effectively create an enclave for themselves while at the same time displacing all other users from the space. In this context, the privatisation of space for a specific period of time is essential to both extracting the space from the public sphere, and in order for it to become more inclusive. Thereafter, the spaces are relinquished back to the city once the various instances of social groups have run their course. As conformed by Ladegaard’s (2011, 2016) work on Hong Kong’s foreign domestic helpers, the weekly gatherings perform an important function for the domestic workers as it enables them to meet and connect with each other as well as providing vital support for workers who are far from home. These Sunday gatherings provide further social amenities as they often become a lifeline for workers who have abusive employers (Constable, 2007; Ladegaard, 2011, 2016), as it enables them to discuss their problems, find solace, and where possible get help from non-profit organisations which seek to aid the workers (Parry, 2017).

Conclusion

Ultimately, the question of ‘rights to the city?’, remain a key conclusion to the spatial provision that cities afford. Herein the implications remain three-fold; public space designated ‘for whom’, ‘by whom’ and ‘where’.

First, the Dutch language uses the word '*gemeente*' to legally define the authority of all municipalities. Although commonly interpreted in the English language as municipality, its meaning remains far reaching. *Gemeente* emphasises the social collective of the city that contribute to urban governance. As a collective, it mechanises a continuous negotiation process seeking consensus to shapes all decisions. Social justice, therefore, originates at the level of 'by whom', allowing a variety of voices to co-influence the rights of the civic to space, or in other terms, to help shape the design and concepts of urban space. Hong Kong lacks this social and spatial justice due subservient prioritisation of public space in relation to developmental models of profit. If monetary gains of space rank superior to the development of freely accessible civic formats, the outcomes remain tautological. The dissociation of the social from any civic amenities, limits the voices of many to the limited few who can effectively exert influence on developmental models and future practices of design.

Second, this raises the concern of 'for whom'. The tendency of people to congregate in large numbers (given the limited public space) on roads, which themselves are type of space which claim a majority of the open and freely accessible landscape, seems to point towards a realisation that our understanding of what we see as the 'forum', needs to change to a forum, wherein the 'for whom and by whom' fully merge. The disembodiment of a dominant spatial type allows for the perpetuation of a fluid mix of both spatial flexibility as well as temporary ownership of all spaces and available locales. This, one might argue, is one of the key reasons for the Occupy Movement's lateral privatisations of accessible city spaces or how foreign domestic workers congregate weekly. It also accounts for the makeshift interventions of design students during the 2014 and 2019 protests, albeit for limited time. In this, the importance of the street reverts back to an archetypical component that mediates social inclusion. Displacing the role of the closed-off forum, the urban square, and the central mall as 'purveyors' of the social, underlines a spatial type that remain open, flexible and inclusive of gender, social rank or financial status.

Finally, as Mitchell (2003, p. 4) points out, "the right to speak has often been undermined by spatial restrictions on *where* one can speak" (emphasis in original). With the continued emphasis of the 'privatisation' logics that promotes, rather than counteracts, social inclusions, the lack of clearly definable spatial forums will maintain pressure on a society to remain spatially speculative. Initially set against the act of privatisation, lateral-privatisation, viewed as a tactical design initiative, mechanises the very operative logics that excludes groups from a space, to ensure social inclusion within larger settings. The mechanisation of how spaces are claimed,

released and re-claimed by a specific group for a specific means takes the logic to its rightful conclusion whereby interiority and the establishment of additional thresholds secures inclusivity. We see this as a key conclusion, in how excluded groups establish new entities by using the very mechanisms that ensure their exclusions from space. The realisation is startling, confirming an irreversible trajectory, where no viable solution is provided, only brief instances of spatial respite.

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