

《Supreme Court says opening up gated communities could be leg》

The Chinese Supreme People's Court has responded to a new urban planning guideline issued by the central government. The guideline says roads in new residential communities should be open to the public, rather than reserved for the private use of a community's residents. The Supreme Court stated the act could be legally challenged.

The guidelines suggest that when community gates are open, all roads and parking lots in the community should be available to the public. But China's Property Law says roads and plantings in gated communities belong to the residents. Experts say there need to be changes to the law if the new guidelines are to be implemented.

"You cannot just pull down the fences and say it's an open community. A lot of rules need to be set regarding what types of properties should be open. There is a legal problem in that these are commercial residential buildings and since I bought, I own the roads. How can this be resolved?" Professor Li Lingxue with Tongji University's Urban Planning said.

Li believes the guidelines are too vague to clarify what kinds of communities need to be open. In addition to the legal issues, there are safety concerns.

"I am worried about safety. This might be all right in downtown Shanghai, but the crime risk in suburban areas is high. I wouldn't be willing to live in an open community," A Shanghai resident said.

"I support the idea in terms of the land itself, because we have to utilize resources and share them. But there need to be improvements in the laws so that they will be acceptable to the public," A Shanghai resident said.

The aim of opening communities is to better utilize urban land and optimize the urban road network. Prof. Li says Chinese cities do suffer from a land shortage, especially in large urban areas.

"This is a big issue in China. We now suffer from a shortage of land. People are finding the land is not being used wisely, or efficiently. Open communities could also ease traffic problems," Professor Li said.

For now the State Council guidelines only offer suggestions. How the policy will be implemented still depends on local governments.