

ORIGINAL ARTICLE

Re-approaching the origins of waterfront
public space on Shanghai's historic Bund: Social
negotiation and urban construction, 1840s–1870sYingchun Li * and Xinyu Meng 

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Abstract

Shanghai's historic Bund is one of the earliest examples of urban public space developed for recreational purposes in modern China. Drawing on the *Riparian Rights, 1845–1930: General Collection* from the Shanghai Municipal Archives, alongside other unpublished sources, this study reveals that the Bund's promenade and lawns were not part of the original plan for the British settlement. Instead, these public features emerged in 1879, following three decades of protracted negotiation. This urban process involved four key stakeholders: The Bund lot holders, the Shanghai Municipal Council, the Shanghai Daotai, and the British consuls. While Bund lot holders repeatedly sought to privatize the waterfront, the other three parties collectively resisted, with the British consuls playing a decisive yet historically overlooked role. Theoretically, this study challenges dominant paradigms, such as the “impact and response” model and the “colonizer–colonized confrontation” framework, which often frame Western powers and indigenous populations in binary opposition. In contrast, it highlights the complexity of pluralistic negotiations within colonial urban contexts. Practically, the study emphasizes the value of such negotiation processes in shaping sustainable public spaces.

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1. Introduction

Spreading around 1 km from Suzhou Creek along the west bank of the Huangpu River to what is now East Yan'an road, Shanghai's historic Bund (hereafter “the Bund”) represents the earliest waterfront public space developed for recreational purposes in China—and one of the first in non-Western cities worldwide. Flanking the eastern boundary of Shanghai's British settlement established in the mid-19th century, the Bund not only featured a line of imposing colonial buildings similar to those in other British port cities, such as Bombay (now Mumbai), Singapore, Hong Kong, and Yokohama—but also a crescent-shaped Bund line with a spacious waterfront promenade and a landscaped strip of lawns and parks offering unobstructed views of the Huangpu River (Figure 1).

In modern China, the Bund stands as one of the most prominent public areas in a social sense. For Western residents, it served as the heart of communal life in Shanghai, accommodating important public events and festivals, such as the settlement's Silver Jubilee in 1893, Queen Victoria's Diamond Jubilee in 1897, and the celebrations of the Allied victory in the First World War in 1918. In contrast, for the Chinese population, the Bund represented more than just colonial architecture—it symbolized national weakness and subjugation. This sentiment was exemplified by the racially discriminatory regulations that restricted access to public parks and lawns, which were designed to resemble a tranquil English garden but deliberately excluded the majority of the Chinese community. The resulting social confrontation between the Western and Chinese communities directly contributed to the emergence and expansion of nationalist movements led by the Chinese reformist elite.

This article, however, explores a more fundamental question: How was this parcel of land designated as an open public space in the physical sense? A preliminary investigation of global waterfront histories reveals that, largely due to the rapid development of manufacturing and shipping industries in the late 19th century, most waterfront spaces in major port cities around the world were converted into “working waterfronts” dominated by factories, wharves, and warehouses that blocked the view of the river from the city (Figure 2) (Home, 1997; Kostof, 1992; Taylor, 2002). These utilitarian developments later became prime targets for regeneration and redevelopment in the second half of the 20th century (Camerin, 2019; Camerin & Álvarez Mora, 2019; Porfyriou & Sepe, 2017; Smith & Garcia Ferrari, 2012). By contrast, the Bund succeeded in keeping its openness to the river and preserving certain non-profit elements, such as the lawns and a wide pedestrian-only promenade.¹

As a visionary urban development project, the creation of the Bund's waterfront public space deserves continued scholarly attention. The socio-political mechanisms that shaped this outcome offer valuable insights into urban decision-making processes that can inform the sustainable future of human habitats.

¹ According to Kostof (1992), the emphasis on and deliberate shaping of urban waterfront interfaces was originally a cultural tradition in the Middle East, North Africa, and other Muslim regions. It was not until the 18th century that this approach gradually evolved into a broader urban design trend, spreading from the West to the rest of the world. According to Kostof, the modern concept of the “waterfront resort” originated in the 1790s during the King's Road construction in the English seaside resort town of Brighton. This project is characterized by a wide riverfront boulevard and grassy areas.



Figure 1. The historic Bund of Shanghai in 1913, functioning as a “recreational waterfront”
Source: Scan from a post-card.



Figure 2. The Bund at the mouth of today's Nanjing Road, dated ca. 1870–1878. A line of young trees had been planted along the embankment, but the promenade with lawns had not yet been constructed.
Source: Courtesy of Getty Research Institute, Los Angeles (2003.R.22).

2. Research problem and methods

The extensive body of literature devoted to the origin of the Bund has primarily adopted analytical frameworks rooted in Western centrism and the dualism of colonizer and colonized—perspective widely accepted in the study of non-Western urban histories. First, the Bund has conventionally been interpreted as a foremost embodiment of Western influence in Shanghai. Especially after the establishment of the Shanghai Municipal Council (SMC) in 1854, the planning, construction, and management of the Bund were made possible through the participation of professional Western engineers, the introduction of Western urban planning knowledge, and the establishment of a Western-style municipal management institution (Lee, 1999; Qian, 2005; Sun, 2009). Second, the “Sino-foreign confrontations” are considered to have contributed to

transforming the Bund into a public area. Two major causes of these confrontations were the demands by Chinese officials to preserve a “towing path” for huge grain junks and their strong resistance to commercial development of the waterfront land in the name of protecting China’s sovereignty (Qian, 2005; Zhang, 2008). Third, some historical documents highlight the opposition of influential Western figures in Shanghai, such as William Keswick (1834–1912), taipan of Jardine Matheson, and Edward Selby Little (1864–1939), a missionary and member of the SMC Executive Committee, to the privatization of the waterfront land. These individuals are said to have played an indisputable role in shaping the Bund as a public space (Zhang, 2008).

However, these existing explanations fail to adequately account for the origin of the Bund in Shanghai. On the one hand, the “Western impact” paradigm cannot convincingly explain why the Bund was the only waterfront public space created in the Western colonial ports. On the other hand, the dualistic “Sino–foreign confrontation” paradigm cannot explain why only the British Bund in Shanghai evolved into a public space, while comparable confrontations in the adjacent French concession, American settlement, and Chinese Bund, and other treaty ports did not lead to similar urban developments.

This research gap in the literature forms the basis of the present study. Drawing on the “urban process” analytical framework proposed by Kostof (1991), this study examines this issue on two levels: (i) The physical process, which refers to the construction of open spaces and non-profit recreational facilities on the Bund, and (ii) the social process that underpinned this transformation—namely, the specific people, forces, and institutions involved and the nature of their interrelationships.

Primary sources for reconstructing the physical process include visual materials, including historical maps and photographs, as well as written records—most notably, the annual reports and meeting minutes of the SMC, which document various projects related to the Bund’s spatial transformation. The key material for understanding the social process is the *Riparian Rights, 1845–1930: General* (Kotenev, 1930), a compilation of documents pertaining to the land surrounding both banks of the navigable river channel within the International Settlement of Shanghai. Compared with other historical sources, the *Riparian Rights* collection draws extensively from the archives of various SMC departments, the SMC library, the minutes of the Court of Consuls, and personal correspondence and memoirs of the people involved. As such, this collection presents a more comprehensive account of the viewpoints and actions of the different stakeholders, allowing for

a clearer reconstruction of key historical moments that shaped the Bund during its urban transformation.

3. The physical process: A “recreational waterfront” emerged on the Bund, 1845–1879

A widely accepted opinion holds that the origins of public space on the Bund can be traced to a proposal for a waterfront thoroughfare first advocated by Chinese authorities. This proposal was officially laid out in the first version of the Land Regulations of Shanghai, released on November 29, 1845, under the name of Gong Mujiu (1788–1848), the Circuit Superintendent of Suzhou, Songjiang, and Taicang (*Su-Song-Tai Dao* [苏松太道], ranked 4A in the Qing dynasty [1644–1912] official hierarchy; hereafter “Shanghai Daotai”) (Leung, 1990). Article II of the regulation required foreign settlers to maintain and repair “a large road along the bank of the river, from the Yang-king-pang northward, which was a towing-path for the grain junks, and which subsequently could not be kept in repair from the sinking away of the bank.”² The same article specified that the road should be “two *zhang* (丈) five *chi* (尺) of the Canton Custom House measure” wide (around 30 ft or 9.144 m) and serve a dual purpose: “not only to prevent passengers from crowding and pressing one against each other, but likewise to serve as a preventive against the washing of the high tide upon the house.” (Land Regulations, 1845: Article II)

Thus, the initial function of the waterfront thoroughfare proposed by the Shanghai Daotai was solely utilitarian—focused on transportation rather than recreation. The idea to transform the Bund into a recreational public space did not arise until 1856, when the newly formed SMC proposed the construction of an 80-ft-wide public promenade in addition to the 30-ft trunk road outlined in the 1845 Shanghai Land Regulations (Hibbard, 2007, p. 37). In 1860, further proposals called for converting the Bund into a “proper promenade,” reserving an inner portion for vehicular traffic and turning the unsightly, muddy foreshore into a landscaped promenade with gardens (SMC, 1866, p. 12).

However, neither of these proposals was implemented at the time. By 1866, only a 60-ft-wide roadway had been constructed, accompanied by an assortment of young trees planted along the Bund (SMC, 1866, p. 12). Throughout the 1850s and 1860s, the Bund remained an unattractive transportation corridor, lined with wharves and young trees (Figure 2).

A major turning point came in 1879, when the SMC’s annual report recorded for the first written directive to

² “Shanghai Land Regulations.” (1845).

“have the whole foreshore filled in to the level of the old Bund and turfed over, which was accomplished at a cost of Tls. 5,000”³ (SMC, 1879, p. 68) (Figures 3 and 4). This marked the turning point of the Bund from a “working waterfront” into a “recreational waterfront” (Kostof, 1992), occurring three decades after the release of the 1845 land regulations.

Therefore, the idea of constructing the Bund as a recreational public space was neither conceived at the settlement’s founding nor implemented immediately after its proposal. Rather, its realization followed a lengthy social negotiation process that warrants further investigation.

4. The social process: Four-party negotiations over land use

Earlier studies have shown that the public promenade and lawns on the Bund were primarily constructed on land located between the high and low water marks of the Huangpu River (Qian, 2005; Zhang, 2008) (Figure 5)—a tidal river whose banks were periodically submerged and exposed by the tide.⁴ In legal discourse, this land was designated using specific terminology.

Under Qing dynasty law (*Daqing Lvli* [大清律例]), the area was referred to as *chupu* (出浦), *putan* (浦滩), or *pu'an* (浦岸), literally meaning “running out or extending into the stream.” However, these terms lacked a precise legal definition regarding the boundary of such “extension.” Chinese law was explicit about maintaining strict “official control” over *chupu* land, especially in two key areas: (i) Preserving the free movement of vessels along major creeks and canals forming the empire’s commercial backbone; (ii) regulating the allocation of *chupu* land on both banks through a formal procedure known as *shengke* (升科). By contrast, under modern British legal doctrine, this area was defined as “foreshore,” referring to the tract of land extending beyond the high-water mark up to the low-water mark. According to British law, the foreshore typically fell under the “absolute control of the State” and was generally to be reserved for “public use.”⁵

³ “Tls.” stands for taels, a historical unit of Chinese silver currency and weight. It was a standard monetary unit used in 19th-century China.

⁴ At high tide, when the water level rises, the river widens, and the boundary between land and water at this time is considered the high-water mark. At low tide, when the water level drops, the river narrows, and the boundary at that time is considered the low-water mark.

⁵ W. H. Medhurst to Secretary, SMC, March 17, 1885. Secretary’s Office, SMC, quoted from “*Riparian rights, 1845-1930: General*” (pp. 31–33), *Shanghai Municipal Archives, U1-1-1250* (Kotenev, 1930).



Figure 3. View of the Bund near the public garden, dated ca. 1870–1900, during the lawn paving project

Source: Courtesy of Getty Research Institute, Los Angeles (2003.R.22).



Figure 4. The waterfront space on the Bund in the early 1880s, featuring the waterfront lawns along the river

Source: Courtesy of Professor Qian Zonghao from Tongji University.

Since land issues in the Shanghai British settlement did not fall under the scope of “extraterritoriality,” ownership of such foreshore land—as well as the laws it should be in compliance with—should, in theory, have been governed by two sets of local regulations. First were the Land Regulations, negotiated and ratified by both Chinese and British representatives, which served as the foundational legal framework for the Shanghai British settlement and should have stipulated whether such land fell within the settlement’s jurisdiction. Second were the land rent documents held by individual Bund lot holders, which should have explicitly defined the boundaries of private property rights. If the land in question lay outside the British settlement, Qing dynasty law would apply; if within, it would be subjected to the relevant provisions of the Land Regulations—provided, however, that the

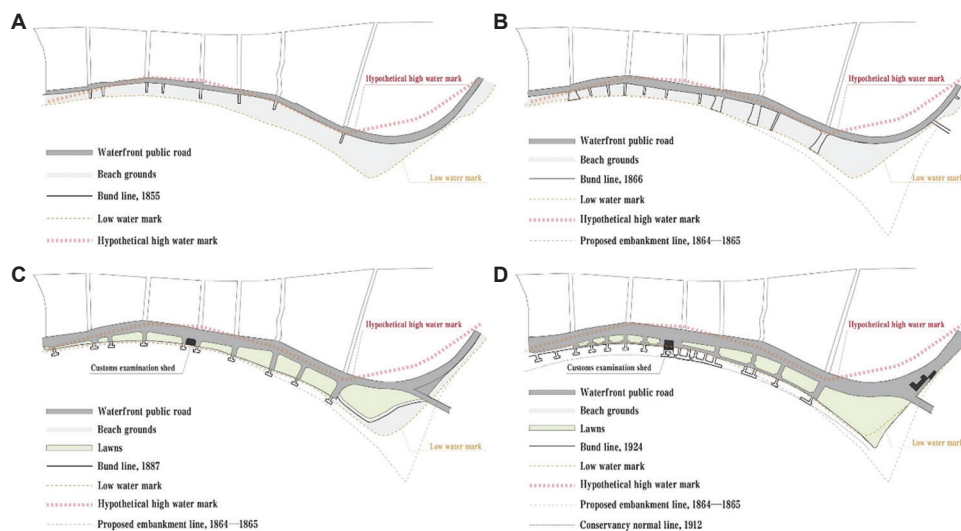


Figure 5. Transformation of the land between the high- and low-water marks (orange) into a public promenade (grey) and lawns (green), shown chronologically from (A) 1855, (B) 1866, (C) 1887, to (D) 1924
Source: Drawings by the authors.

distinction between public and private land was explicitly established.

In practice, however, ownership of the land between the high- and low-water marks of the Huangpu River was never clearly stated in any officially signed legal document.⁶ As a result, four different stakeholders laid claim to the rights over the Bund's waterfront space throughout its history.

4.1. Bund lot holders and the disputed river boundaries

4.1.1. River boundary of the British settlement

The river boundary of the British settlement was never explicitly defined in any subsequent versions of the Land Regulations.

⁶ The term “beach grounds” first appeared in Article V of “*The Land Regulations of 1854*,” which was originally written in English. No official Chinese version of this document has yet been found. The Chinese translation used in earlier studies was recorded during the late Qing Dynasty and appears in the “*Treaty and Charter of the Cases*” (B) (《约章成案汇览》乙编; *Yue Zhang Cheng An Hui Lan: Yi Bian*), available in the Shanghai Library Ancient Books Catalogue. In that version, the Land Regulations appear under the title “*Land Regulations and Bye-Laws for the Foreign Settlement of Shanghai*” (《上海英法美租界租地章程》; *Shanghai Ying Fa Mei Zu Lie Zu Di Zhang Cheng*), which was a simplified and unofficial translation of the original English document. Notably, in this version, the term “beach grounds” in Article V was mistranslated as *matou* (码头, meaning wharf), a significant error that has not been adequately addressed in previous studies.

In the 1845 version, released in the name of Gong Mujiu, only two out of the four boundaries of the British settlement were defined. The regulations stated that “the ground north of the Yang-king-pang, and south of Le-kea-Chang, should be rented to English merchants, for erecting their buildings and residing upon, etc.”⁷ Based on this wording, it appears that the Huangpu River was tacitly accepted as the “natural” eastern boundary of the British settlement.

The 1854 Land Regulations, drafted under the leadership of the British consul in Shanghai, Rutherford Alcock (1809–1897), did not shed further light on the settlement's eastern boundary. In the same year, the then Daotai reached an oral agreement with the French Consul in Shanghai, recognizing the eastern boundary of the French concession as extending to the low-water mark of the Huangpu River. In 1863, the Acting Daotai, Huang Fang (unknown birth and death dates), signed a formal boundary agreement with United States Consul George Frederick Seward (1840–1910), which, for the 1st time, defined a waterfront boundary by designating the low-water mark as the eastern limit of American settlement.⁸ Nevertheless, the 1869 Land Regulations, which consolidated the British and American settlements, omitted any mention of the “low-water mark.” Finally, in the 1899 Land Regulations—the last revision—the river boundary of the International Settlement (i.e., an

⁷ Proclamation issued by Gong Mujiu, quoted from “*Land Regulations of 1845*.”

⁸ Agreement of June 25, 1863, quoted from “*Riparian Rights, 1845–1930: General*” (pp. 52–53). *Shanghai Municipal Archives, U1-1-1250* (Kotenev, 1930).

extension of the previous British–American settlements) was vaguely defined once again as “Huangpu River,” with no reference to either the high- and low-water lines.⁹

4.1.2. River boundaries of the Bund lots

The term “Bund lot holders” refers to the private landowners of plots situated along the Huangpu River. Officially acknowledged and sealed land rent documents from the period indicate that these individuals were predominantly influential British and American merchants actively engaged in global trade during the mid-19th century. They were among the earliest foreign settlers in Shanghai and were quick to acquire land along the waterfront.

As early as 1844—before the release of the first Land Regulations—four prominent Bund lot holders, namely, Jardine, Matheson & Co.; Blenkin, Rawson & Co.; Gibb, Livingston & Co.; and Holiday, Wise & Co., requested that their registered land ownership extend to the low-water mark of the Huangpu River.¹⁰

According to the recollection of Walter Henry Medhurst (1822–1885),¹¹ who served as interpreter for Captain George Balfour (1809–1894), the first British consul in Shanghai, this request triggered a “warm discussion” between Daotai Gong Mujiu, the Qing court’s local representative, and the British consul, concerning the future rights of the lessees. During this negotiation, Medhurst coined the term “beach grounds”—at Balfour’s request—as an English equivalent of *chupu*, a term commonly used by Chinese officials.

Medhurst noted that while Balfour made great efforts to reach a “distinct understanding” of the term *chupu*, he ultimately failed to establish any formal or precise definition. Instead, a verbal agreement was reached with the Daotai, who maintained that:

[T]heir [i.e., the four lots] river boundaries would reach low water mark; but as a towing path must in all times be kept open along the river bank for the use of huge grain junks, which in those days annually toiled past the Settlement, and turned up the Soochow Creek on their way to Peking, a road would have to be made and reserved in front of the several properties by the lessees for public use

and outside of which they could not possibly be allowed to place any structure whatsoever.¹²

However, the Daotai’s verbal consent that the Bund lot holders’ “river boundaries would reach low-water mark” was never formalized in any legal document. In the officially acknowledged and sealed land rent documents of the above-mentioned four lots, their water boundaries were ambiguously described in Chinese as Huangpu-*tan* (黄浦滩, literally “Huangpu beach”). This jurisdictional uncertainty persisted in the coming decades. A survey of the original 18 Bund lots leased between the 1840s and 1870s reveals that only the lot occupied by the Chinese Customs House—whose title deed was issued in November 1873—explicitly defined its river boundary as reaching the low-water mark.¹³ Two lots (Lots 14 and 50) indicated their river boundaries as extending to the “public road” (interpreted as the high-water mark), while the remaining 15 lots used vague descriptors, such as “the river,” “Huangpu,” or “Huangpu Beach.” These ambiguous references accounted for over 80% of all Bund lots (Figure 6) (Cai *et al.*, 2005).

Subsequent versions of the Land Regulations for the British settlement, as well as the individual land rent documents held by Bund lot holders, consistently failed to clarify the boundary of the Huangpu River. This ambiguity was not typical of legal practice in Britain or its other overseas colonies. Rather, it likely reflected a strategic compromise among the Bund lot holders, the Daotai, and successive British consuls. These “missed” river boundaries indicate that: (i) The Bund lot holders occupied a vital economic and political position in the early British settlement, making their demands for control over the beach grounds difficult to reject; (ii) local Chinese officials regarded the regulation of *chupu* land as a key political responsibility and were reluctant to cede control, especially given their perceived military inferiority; and (iii) compared with their French and American counterparts, British consuls adopted a more conciliatory stance, seeking to mediate between Bund lot holders and Qing officials. Nevertheless, from Medhurst’s perspective, “beach grounds” should have been equated with the “foreshore” as defined in British law.

4.2. Rise of the municipal authority

In 1863, the SMC was reorganized following the official consolidation of the British and American settlements,

⁹ “Land Regulations and Bye-Laws for the Foreign Settlement of Shanghai, North of the Yang-King-Pang,” (1869), Article I.

¹⁰ W. H. Medhurst to Secretary, SMC, March 17, 1885. Secretary’s Office, SMC. Quoted in “*Riparian rights, 1845–1930: General*” (pp. 31–33). *Shanghai Municipal Archives, U1-1-1250* (Kotenev, 1930).

¹¹ W. H. Medhurst to Secretary, SMC, March 17, 1885. Secretary’s Office, SMC. Quoted in “*Riparian rights, 1845–1930: General*” (pp. 31–33). *Shanghai Municipal Archives, U1-1-1250* (Kotenev, 1930).

¹² W. H. Medhurst to Secretary, SMC, March 17, 1885. Secretary’s Office, SMC. Quoted in “*Riparian rights, 1845–1930: General*” (pp. 31–33). *Shanghai Municipal Archives, U1-1-1250* (Kotenev, 1930).

¹³ “*Customs Examination Shed*.” (1932). *Shanghai Municipal Archives, U1-14-322*.

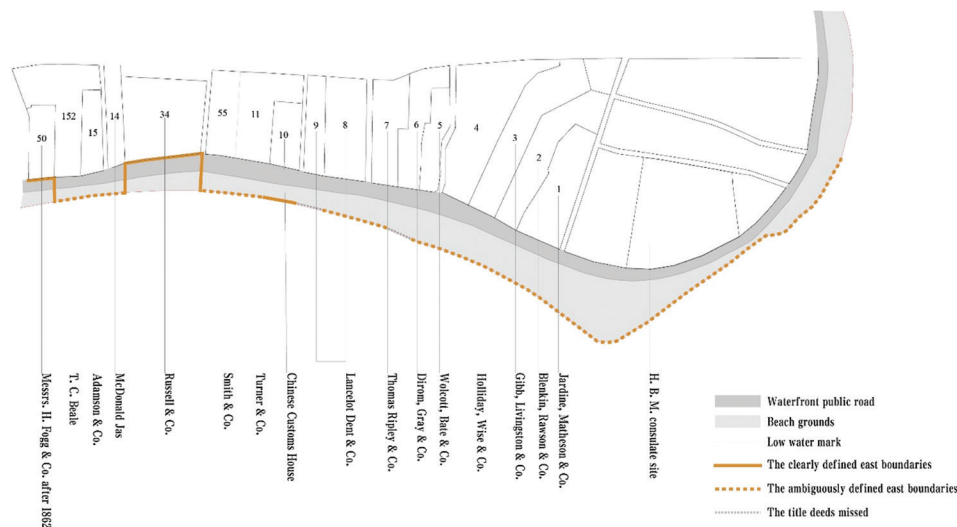


Figure 6. The Bund lots' river boundaries according to the title deeds
Source: Drawing by the authors.

and full-time civil engineers have been employed ever since. Concurrently, the global shipping industry was undergoing modernization, and land prices in Shanghai's foreign settlements surged as a result of the end of the Taiping Rebellion. The beach grounds along the Huangpu River, thus, became the subject of competition: Bund lot holders sought to develop the land for both industrial infrastructure and real estate, while SMC engineers advocated reserving it for public use. This conflict reached its peak in 1865 when both parties proposed competing "New Bund Plan" for the future development of the beach grounds.

Between 1864 and 1865, John Clark (1831–1868), the first full-time municipal surveyor and engineer, submitted a New Bund Scheme to the SMC (Figure 7). In the scheme, a new embankment with a crescent-shaped curvature would be created along the Huangpu River, extending from the Yangjingbang and Suzhou Creek. The new bund line would follow the low-water mark south of Jiujiang road, while to the north, it would extend beyond the low-water mark, forming an L-shaped mouth at the junction of the Huangpu River and Suzhou Creek, replacing the previously proposed C-shape line. The scheme also included a wide thoroughfare named "Yangtsze Road or East Bund," and a "proposed recreational ground" at the mouth of the Suzhou Creek. However, the plan did not specify how the land between the thoroughfare and the new bund line would be used.

In 1865, H. Fogg & Co., the lot holder of Bund Lot 50, submitted an alternative "New Bund Plan" to the

SMC.¹⁴ Fogg proposed to fund and manage the whole project, which included constructing Clark's 100-ft-wide promenade, new quayage and wharfage for steamboats, and a public landing place. As compensation, the company demanded exclusive rights to the excess beach grounds in front of the promenade and requested that similar rights be extended to all other Bund lot holders, allowing them to incorporate the excess land into their premises.¹⁵

Although Fogg was not a prominent merchant, his plan received enthusiastic support from a number of influential Bund lot holders. SMC was not entirely opposed to the proposal, particularly considering the fact that the Bund lot holders were willing to finance and manage the promenade originally proposed by Clark. During the Special Meeting of the Land Renters held at the British consulate on March 12, 1866, several Bund lot holders proposed amending the

¹⁴ This company, which originally engaged in the opium trade and rented land along the Huangpu river in 1847, had its eastern boundary defined as extending to "Huangpu Beach" in the original deed. Following an additional lease of adjoining land in 1858, the boundary was revised to reach the "public road." On March 5, 1862, the company was taken over by an American sailor, H. Fogg, who renamed it to Messrs. H. Fogg & Co. and shifted its focus to ships' gauges, sails and cables, timber, foodstuffs, and groceries (Qian, 2005, p. 41). Fogg reportedly refused to recognize the 1858 revised river boundary and demanded a re-examination of the boundary and area described in the original title deed. The land dispute persisted into the late 19th century (Cai, 2005, pp. 96–101).

¹⁵ Letter from the H. Fogg & Co. to the Municipal Council, dated December 15, 1865. Quoted from *Municipal Report*, 1866.

Land Regulations to pave the way for Fogg's plan.¹⁶ The influential American merchant Horatio Nelson Twombly (1831–1896)¹⁷ proposed modifying Article V of the Land Regulations, which stipulated that all beach grounds should be “surrendered to public use,” to instead read “appropriated to public use.” This phrasing had already been adopted in the French concession, allowing the Bund lot holders there to build wharves on their foreshores. In the American settlement in Hongkou, beach grounds were also privately owned. Twombly warned that the SMC's refusal to privatize beach grounds could result in economic decline on the British side:

[T]he result would eventually be that the great proportion of goods would be landed or stored on the French and American Settlements, and the Municipal Councils on those sides would then, and with much fairness, demand a large share, probably two-thirds, of the Town Dues. The whole Settlement would share in the advantage, for of course, if a considerably sum were derived from Town Dues, taxation of property in the back streets would become lighter, while on the English side nothing of the kind would take place.¹⁸

¹⁶ “Extract from Minutes of a Special Meeting of Land Renters held at the British Consulate on Monday, March 12, 1866.” Shanghai Municipal Archives, U1-14-322.

¹⁷ See <https://www.findagrave.com/memorial/139162347/horatio-nelson-twombly>

¹⁸ “Extract from Minutes of a Special Meeting of Land Renters held at the British Consulate on Monday, March 12, 1866.” Shanghai Municipal Archives, U1-14-322.



Figure 7. Plan of the British settlement at Shanghai, published 1867 (partial), showing “Yangtze Road or east Bund,” the “proposed recreational ground” (later the public park), and the “line of proposed Wong Poo embankment 1864 & 1865”

Source: Map by Dennys (1867).

Had the project been realized, the Bund would have come to resemble those of other port cities, such as Hong Kong, Tianjin, and Yokohama, where it would be reduced to a barren trunk road flanked by privately owned warehouses and wharves lining the riverbanks. Nevertheless, Fogg's plan was ultimately suspended in the 1866 Special Meeting.

4.3. The Daotai certificate

On the Chinese side, the Daotai's subsequent stance appeared to embody a somewhat perplexing dichotomy. On the one hand, the Daotai adamantly maintained that *chupu* land constituted China's “official land,” over which the Chinese emperor held absolute sovereignty. On the other hand, the Daotai were occasionally recorded as having entered into verbal agreements with Westerners, thereby agreeing to their requests for access to the beach grounds.

The officially sealed “Daotai Certificates” were the most prevalent manifestation of this ambiguous attitude. For instance, following the opening of the public garden (Figure 8) on the beach grounds at the northern end of the Bund on June 19, 1868, Daotai Ying Baoshi (1821–1890) issued a Daotai Certificate regarding the land tenure of the garden. He acknowledged that although the land was managed by the SMC, it still belonged to the Chinese authority. As such, a title deed should be issued, and an appropriate quota of land taxation should be paid. However, the Chinese official preferred that the land be considered a “free gift” to the foreign community, provided the following conditions were met: (i) The land in question was to be elevated solely as a



Figure 8. Street plan of the English, French, and American settlements, 1870, showing the newly opened “public garden” at the junction of the Huangpu River and Suzhou Creek

Source: Map by the North China Herald and North China Daily News Offices, Shanghai (1870).

place of recreation, with only a pavilion permitted for construction. No buildings could be erected for profit; (ii) no foreign merchant was allowed to rent or sublet the land, nor construct buildings upon it for commercial gain; (iii) upon infringement of any of these conditions, the land would be confiscated, the certificate canceled, and other legal steps taken as necessary (SMC, 1870, pp. 59–60).

Although written in a strict tone, the Daotai Certificate can be interpreted as a pragmatic gesture by local Chinese officials, intended to navigate the political pressures exerted by both the Chinese central government and Western powers. However, it provoked strong protests from Bund lot holders. Edward R. Cunningham (1823–1889), then Chairman of the SMC and a Bund lot holder who founded the Shanghai Steamship Company, acted “on behalf of the renters general” to submit a letter to the British consul protesting the “principle of spoliation” advanced by the Daotai. In his letter, Cunningham emphasized the potential danger of accepting the public park land as a “conditional gift” from Chinese authorities. He argued that if the Chinese retained the power to confiscate the beach grounds upon any infringement of conditions, an unscrupulous official could exploit this authority, such as putting the land “to auction, sold, and a line of Chinese hong’s or shops be established between the Bund and the river” resulting in the entire waterfront being “lost to the original [foreign] owners and to the Public” (SMC, 1870, p. 60). Cunningham concluded that the only way to prevent the loss of the beach grounds and to avoid a direct political confrontation between the British government and Chinese authorities was to affirm the Bund lot holders’ private rights to extend their river frontage to the low-water mark.

4.4. British consuls’ opinions

As evidenced above, by the late 1860s, the Bund lot holders’ demands for the privatization of the beach grounds along the Huangpu River had grown increasingly urgent, intensifying their conflict with the Chinese authorities. Their proposals to privatize the waterfront were raised repeatedly and often dominated debates at the Land Renters’ Meetings and within the Municipal Council, yet they ultimately failed to be implemented. A crucial, though often overlooked, factor in this outcome was the stance of the British consul.

The British consul served during this period was Charles Alexander Winchester (born year unknown–1883), who

held the position from March 1865 to January 1871.¹⁹ In the aforementioned Special Meeting of the Land Renters held at the British consulate on March 12, 1866, Winchester, having recently taken office, expressed clear disagreement with the Bund lot holders’ proposal to privatize the beach grounds:

As the Bund had been constructed by the Municipal Council with the public funds, I saw no reason why private individuals should claim a right to erect wharves at its edge ... It might or might not be advantageous to erect a line of wharves from the English Consulate to Messrs. Fogg and Co.’s, but this work or any part of it should be done by the whole community and not

¹⁹ Charles Alexander Winchester was born in Aberdeen, Scotland, the son of a notary public who held several civic positions, including Clerk to the Commutation Road Trustee of the Town of Aberdeen District, member of the University of Aberdeen’s General Council, member of the Society of Advocates in Aberdeen, and a prominent member of the Aberdeen Lodge of Freemasons. Winchester studied at the University of Aberdeen (1836–1839), with additional medical training at the University of St. Andrews (1836–1837), and earned his M.D. from Aberdeen in 1841 with a dissertation on dysentery. Appointed assistant surgeon on HMS Cornwallis (November 1841), he arrived in China during the First Opium War and witnessed the signing of the Treaty of Nanjing aboard the Cornwallis (August 29, 1842). He subsequently served as the first assistant surgeon in British-occupied Hong Kong and was appointed to Hong Kong’s Committee of Public Health and Cleanliness (August 1843).

Winchester later became surgeon to the British legation in Amoy (Xiamen; October 1843) and was appointed British consul there (early 1850s). From that point, he abandoned his medical career and became a full-time diplomat. He was later posted as consul in Nagasaki (1862) and Yokohama (1863), and served as British Consul General in Shanghai (March 1865–January 1871). He retired to London, where he died in 1883. His wife, Jane Black, died in Shanghai (October 11, 1867) and was buried at Shantung Road Cemetery. While Winchester’s legacy is modest compared to contemporaries such as George Balfour or Rutherford Alcock, his tenure coincided with pivotal debates over the Bund’s development. His mediation between British merchants, Chinese authorities, and public interests proved consequential. A former Winchester road (文极司脱路 [Wenjisiuo Lu], now Wen’an Road [文安路 {Wenan Lu}]) near Suzhou Creek briefly commemorated his name. For further details, see <https://hongkongsfirst.blogspot.com/2013/01/dr-charles-alexander-winchester.html>

by individuals. This flowed immediately from the principle that no one has any right to pursue a low-water mark.²⁰

Winchester also disagreed with Twombly's proposal to amend the Land Regulations. He was of the opinion that such "surrender" was both necessary and justified, considering that "the Bund was made and added to by the public, aided by the Daotai, who presented Tls. 20,000 for the purpose as a gift to the Community. Private rights were therefore altogether merged in the claims of the public."²¹ Largely due to Winchester's intervention, the proposal was not adopted.

In response to Cunningham's letter regarding the land tenure of the public park, Winchester reiterated his opposition to substantiating the Bund lot holders' private rights to extend their frontages to the low-water mark, consistent with his position at the 1866 Special Meeting of the Land Renters. He argued that "the right of water frontage transferred into a title to the occupancy of the extent of the ground that was greater than the dimensions specified in the corresponding leases." He emphasized that if the confiscation mentioned in the Daotai Certificate were to occur, the corresponding Consulate Courts must settle this issue. In his letter, Winchester reaffirmed that "according to British law, the foreshore should be exclusively reserved for public use" (SMC, 1870, p. 60).

Winchester's position made clear that, in line with British law, the beach grounds should remain exclusively reserved for public use, even though such land had never been explicitly included within the boundaries of the British settlement. His assertion not only opposed the Chinese Daotai's claim to sovereign ownership, but also contradicted the demands of the foreign Bund lot holders. This perspective challenges the conventional view that British consuls always acted as a "protective umbrella" for British subjects in colonial cities.

The British consul exercised his authority through the Consulate Court, which served as the "Supreme Court" for litigation involving the SMC and foreign subjects in Shanghai. One relevant case, *H. Fogg & Company, 1871*, was brought before the British Consulate Court²² when the SMC proposed to widen the Bund road in front of Messrs.

H. Fogg & Company's lot. However, Fogg objected to the scheme "unless the Council is prepared to admit the full rights of the owners to the newly made ground."

Ultimately, the SMC accepted the conditions set forth by Messrs. H. Fogg & Company as the most favorable available:

- (i) That the owners should lend the land requested by the Council to the public, with the understanding that this concession would in no way interfere with their ownership rights.
- (ii) That ownership of the land would remain unchanged.
- (iii) That the land lent could be reclaimed by the owner at will.

Moreover, the SMC ceded a portion of land along the Bund, which had previously been surrendered for public use, to Messrs. Fogg & Company as compensation. However, following a decision by the Consular Body, this concession was annulled.

5. Surrendering the beach grounds for public use

The *H. Fogg & Company, 1871 case* marks a turning point in the transformation of the Bund. Following the Consular Court's decision, the SMC adopted a markedly firmer stance, initiating more determined efforts to acquire municipal control of the beach grounds for public use. Just 1 year following the case, in 1872, a resolution was proposed, seconded, and passed at a General Annual Meeting of ratepayers, with the following provisions (SMC, 1872, p. 9):

That the Council be authorized and is hereby directed to enter into negotiations with the Bund Lot Holders for the surrender of the Foreshore and Beach grounds for the purpose of their conversion at the Municipal cost into a public garden. Such surrender on the Foreshore is to be made with reservation of and without pre-judice to all existing rights to the frontage and is subject to an engagement on the part of the Council to maintain a solid stone bunding and a public road outside the proposed garden along the River Bank.

The SMC then entered into negotiations with the Bund lot holders in accordance with this resolution, leading to the establishment of a memorandum of agreement. Clause VI of the memorandum stipulated a prohibition against any future encroachment on the "beach ground," stating that:

[T]he said parties that neither the said Council and their successors nor the said Bund lot holders their executors, administrators and assigns shall

20 Extract from *Minutes of a Special Meeting of Land Renters held at the British Consulate on Monday, March 12, 1866* (p. 4). Shanghai Municipal Archives, U1-14-322.

21 Extract from *Minutes of a Special Meeting of Land Renters held at the British Consulate on Monday, March 12, 1866* (p. 7). Shanghai Municipal Archives, U1-14-322.

22 Cases: Adamson, Bell & Co., *H. Fogg & Company, 1871*, quoted from *"Riparian Rights, 1845-1930: General"* (pp. 64-66). Shanghai Municipal Archives, U1-1-1250 (Kotenev, 1930).

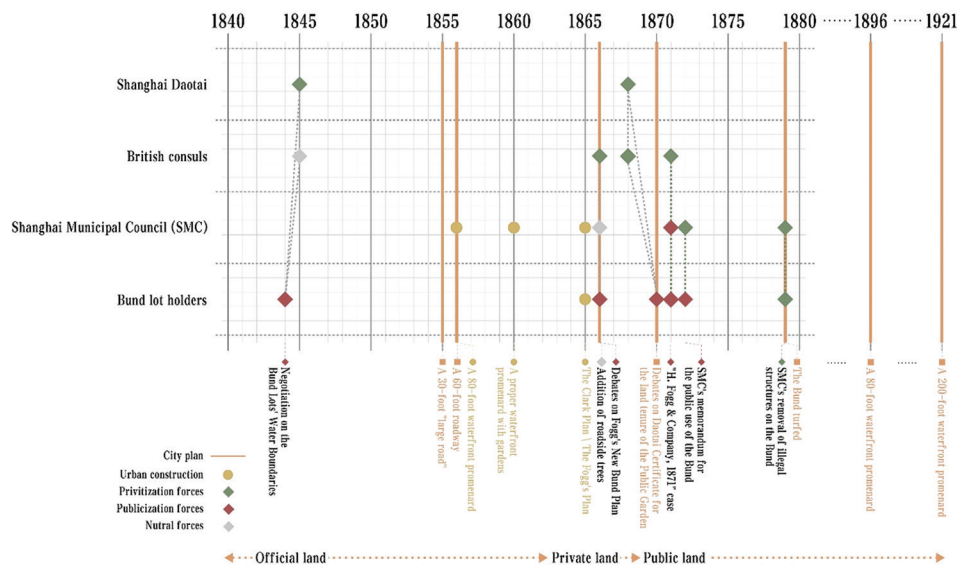


Figure 9. The four-party social negotiation and urban construction process on the historic Bund of Shanghai

Source: Diagram by the authors.

Abbreviation: SMC: Shanghai Municipal Council.

at any time or times hereafter, respectively, during the continuance of this agreement erect and set up upon any portion of the Foreshore and Beach grounds so surrendered by them as aforesaid or upon any of the land hereafter reclaimed adjoining the said Foreshore and Beach grounds, any kind of message, buildings, walls, or erection whatsoever” (SMC, 1872, pp. 9–11).

Thereafter, the SMC adopted a more aggressive approach to managing the foreshore. In 1879, a new resolution was passed that stipulated:

[A]fter [next] May 31, no permission shall be given by the Council to any person or persons to erect sheds or store building or other materials upon the foreshore of the Bund, and all unexpired permits shall then be withdrawn or cancelled, and all sheds and materials shall be removed from the said foreshore, provided that nothing in this resolution shall be construed to pre-judge the existing rights, if any, of Bund lot owners” (SMC, 1879, p. 68).

By May 1, 1879, all the old building sheds that had long marred the appearance of the Bund were removed. Instructions were issued to fill in the entire foreshore to match the level of the original Bund and to turf it over—an effort completed at a cost of Tls. 5,000.

The laying of lawns marked the official transformation of the Bund from a competed property among various parties into a public space with recreational functions.

Since then, although proposals have periodically arisen to alter the function of the Bund, no economic or political force has succeeded in undermining its identity as a public space.

6. Conclusion: Social negotiations and their legacy

By examining *Riparian Rights, 1845–1930: General* alongside other sources, this article reconstructs the urban process through which Shanghai’s historic Bund was designated as a public space for recreation. Physically, the findings reveal that the Bund was not originally designed for recreational use within the British settlement. The construction of the waterfront promenade and lawns did not materialize until 1879, following nearly three decades of confrontation and negotiation. Socially, this process involved four key stakeholders: The Bund lot holders, who were among the most influential merchants in the foreign settlements; the SMC, representing the “public interests” of the Western community; the Shanghai Daotai, the local representative of the Chinese central government; and the British consuls, who represented British imperial interests on the ground. The combined efforts of the latter three groups ultimately prevented the Bund lot holders from privatizing the waterfront, with the British consuls playing a decisive yet historically overlooked role (Figure 9).

This four-party negotiation challenges the prevailing paradigms of “impact and response” and “colonizer–colonized confrontation,” both of which tend to reduce the dynamics of

colonial urbanism to a simplistic binary of Western powers versus indigenous populations. Instead, the Bund case illustrates the complexity of multi-stakeholder negotiations in shaping urban space. More broadly, it underscores the importance of inclusive and pluralistic participation in urban decision-making. This historical episode offers critical insights into today's increasingly centralized planning processes, reminding us that sustainable and equitable urban environments are best achieved through open, multi-voiced negotiation rather than unilateral control.

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Conflict of interest

The authors declare they have no competing interests.

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