

# LCQ19: Supporting the development of street performances

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Culture, Sports and Tourism, Mr Kevin Yeung, in the Legislative Council today (July 12):

Question:

Some street performers have recently relayed to me that although they had successfully applied for Playing Musical Instrument Permit in Public Street or Road (Permit), they were still dissuaded from performing as the Police received complaints made against them during their performances, and the Police subsequently even shortened the event durations permitted by their Permits, resulting in their performances to a certain extent being limited. On supporting the development of street performances, will the Government inform this Council:

- (1) of the respective numbers of applications for the Permits received and approved by the Police since January this year; whether the Police will review and streamline the procedure for applying for the Permits, so as to bring convenience to street performers; if so, of the details; if not, the reasons for that;
- (2) of the number of complaints involving street performances received by the Police in each of the past three years, the types of complaints involved, and the follow-up actions taken by the Police (including the numbers of summons issued or prosecutions instituted);
- (3) as there are views that although the Government and law enforcement departments have all along maintained a relatively open attitude to street performances, street performers currently may need to stop performing when there are complaints against them, whether the authorities will consider drawing up guidelines (including noise standards) for reference by street performers applying for the Permits and law enforcement officers, so that a balance can be struck in giving permission for street performances;
- (4) as it is learnt that the Government has been actively promoting the pop culture in recent years, such as incorporating the street performance element into different events, whether the authorities will carry out studies and promotion work on street performance activities, such as conducting studies and consultation on the licensing regime for street performances, and provide additional designated zones for street performances at appropriate locations (such as waterfront promenades), so as to promote street performances and street performance culture; and
- (5) as currently, schemes allowing street performances have been introduced for venues such as the West Kowloon Cultural District and the Central Market, and it is learnt that the performances concerned are well received in

general, of the measures put in place by the authorities to encourage more enterprises (such as the MTR Corporation Limited) and venue operators to launch street performance schemes, with a view to establishing street performance spaces at appropriate time and locations, thereby fostering the street performance culture?

Reply:

President,

The Government has been actively promoting the development of arts and culture, encouraging the public to participate in different forms of arts and cultural activities to realise their potential. Some artists showcase their talents through street performances. However, they have to take into consideration the impact on other citizens in terms of noise, environmental hygiene, street management, or public order etc when conducting their performances, and observe the laws. Relevant Government bureaux and departments will address such issues according to their respective authorities and the related legislation.

After consultation with the Development Bureau, Environment and Ecology Bureau, Home and Youth Affairs Bureau, Security Bureau and Transport and Logistics Bureau, the reply to the question raised by Hon Kenneth Leung is as follows:

(1) This year up to July 6, the Police has received 242 applications for the Playing Musical Instrument Permit in Public Street or Road and granted 137 Permits. A total of 91 applications were withdrawn by the applicants and the remaining 14 applications are still being processed.

Since June 2020, the Police has introduced "Licensing E-Service" and applicants can submit their applications and required documents online through the Police Public Page without going to the counters of the Police Licensing Office for submitting the applications, hence saving time for waiting. In addition, to further facilitate the application process, applicants can list their performances on different dates, times, and locations within the next three months on the same application form.

(2) As complaints related to street performances involve different natures of cases, they may be classified into "Noise Complaint", "Nuisance Complaint", "Obstruction", or even the unclassified "Miscellaneous Incident", and some reports may involve more than one classification, the Police therefore does not maintain statistics on the information of the complaints involving street performances as mentioned in the question.

(3) The Police considers (i) the nature, time and location of the activity; (ii) potential noise or other public nuisance problems arising from the occasion with respect to the circumstances, local environment and past records of the performers; and (iii) public safety and obstruction likely to be caused at the location or its immediate surroundings, when assessing an application. Where public interests are not compromised, the Police will grant permission to the application and impose appropriate conditions as

necessary.

Relevant Government bureaux and departments have all along been addressing complaints or concerns on noise, environmental hygiene, street management, or public order caused by street performances according to their respective authorities and the related legislation. In general, relevant enforcement departments shall handle the cases when any complaint on street performers or others is received, and take appropriate actions having regard to the specific circumstances of each case. Street performers have to observe the laws and must not pose any risk to public safety or cause nuisances or obstruction to the public.

At present, noise from performances, including that from playing musical instrument, using loud-speaker and megaphone, etc, in public place is subject to the control under Section 4 and Section 5 of the Noise Control Ordinance, (Cap. 400) (NCO). It is an offence if such noise is a source of annoyance to other person. Environmental Protection Department (EPD) has provided profession advice and recommendation to enforcement departments concerning the requirements of the relevant sections of the NCO. In order to facilitate effective management of such type of activities, EPD will continue to provide profession advice from noise control perspective to enforcement departments.

(4) and (5) As mentioned above, the public could apply for permits for playing musical instrument in public street or road under the existing mechanism. The Police has considered different factors when assessing an application. Where public interests are not compromised, the Police will grant permission the application and impose appropriate conditions as necessary.

The Leisure and Cultural Services Department (LCSD) runs the "Open Stage" scheme at the outdoor area of the Sha Tin Town Hall, where designated area and time slots are open for free to performers who passed the auditions to perform outdoors, in order to enrich arts in the community. LCSD will review the effectiveness of the "Open Stage" scheme from time to time and explore adding other suitable recreational and cultural venues for street performances.

The six new "Harbourfront Shared Spaces" (including the Belcher Bay Promenade in Kennedy Town, HarbourChill in Wan Chai, the Water Sports and Recreation Precinct in Wan Chai, the Revitalised Typhoon Shelter Precinct in Causeway Bay, the East Coast Park Precinct in Fortress Hill and Tsuen Wan Promenade) constructed by the Government adopt an open management model of public spaces with a "vision-driven" approach, under which visitors are free to unleash their creativity to enjoy the harbourfront sites harmoniously according to their preferences. Visitors can conduct street performances in the "Harbourfront Shared Spaces" without prior application as long as they comply with the laws.

In addition, the Street Performance Scheme of West Kowloon Cultural District (WKCD), which was temporarily suspended during the epidemic, has reopened for application since June this year. Selected performers may reserve to perform at designated performance areas in WKCD during designated

timeslots at weekends and public holidays. West Kowloon Cultural District Authority will review the implementation of the Scheme from time to time and continue to refine its arrangement.

The Urban Renewal Authority and its commissioned operator manage and operate the Central Market according to three key themes, namely "Approachable", "Energetic" and "Gregarious" with a view to providing to the public a vibrant and quality place that meets public aspirations for diversified uses. The street performance scheme launched in the Central Market can help boost the vibrancy and enhance interaction within the district. To maintain good order in the public open space and passageway in the Central Market, street performers should first apply for performance pass, and adhere to the relevant arrangement, rules and regulations for street performances.

As driven by the Energizing Kowloon East Initiative, the venues of "VESSEL 01, 02 and 03" under the Kwun Tong bypass are operated and managed by HKALPS (an NGO). The restaurant at the venue has started ad hoc invitation to street performances to perform in VESSEL 02 since October 2022. Since earlier this year, the street performance has been conducted every Thursday and Saturday to cultivate a street performance culture.

The MTR Corporation Limited has launched the "Living Art Stage" in the Central Subway of Hong Kong Station. Art performers and partnering groups offer a variety of performances for passengers every Friday evening. The events feature various themes, such as music busking, festive celebration, to promote diverse arts and culture.

The Government will continue to encourage its departments and different corporations to open up spaces available for street performances.