

## LCQ6: Street performance

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Following is a question by the Hon Mrs Selina Chow and a reply by the Secretary for Home Affairs, Dr Patrick Ho, in the Legislative Council today (November 8):

### Question:

It is learnt that a street performer often played fire tricks in the Mongkok Pedestrian Zone, and whenever he performed, some policemen would come and jot down information about him or dissuade him from performing. The performer was even served a summons by the Police for having caused nuisance in public places earlier but the charge was subsequently dropped by the Department of Justice. In this connection, will the Government inform this Council:

- (a) whether street performance or entertainment activities are in breach of the laws of Hong Kong;
- (b) of the number of complaints received by the Police about street performance, the general approach adopted by the Police in handling such complaints, and the number of street performers prosecuted over the past three years; and
- (c) whether it will consider coordinating its enforcement efforts to allow street performers to perform on the streets as long as they do not cause obstruction, so as to enhance the city characteristics of Hong Kong?

### Reply:

Madam President,

At present, street performance per se is not subject to specific government regulation. For the case cited, the subject person was charged under section 4(23) of the Summary Offences Ordinance (Cap. 228) which deals with obstruction on the street. Under the section, anyone who 'plays at any game or pastime to the annoyance of the inhabitants or passers-by; or plays at any game or loiters in any public place, so as to obstruct the same or create a noisy assembly therein' commits an offence.

Whether there would be prosecution would depend on the specific circumstances of the case.

The answers to the three parts of the question are as follows:

(a) There is no specific prohibition on street performance per se nor is there any definition of 'street performers' or 'street performances' in the Hong Kong statutes. However, street performers, like the public at large, are subject to the laws of Hong Kong, including, inter alia, prohibitions on nuisance, annoyance or obstruction in any public place to people and/or traffic; noise nuisance; and objectionable performances of an indecent, obscene, revolting or offensive nature.

(b) The Police have not kept records on the number of prosecutions against street performers for breaching offences under our criminal code or the number of complaints lodged against street performers for such breach.

Upon the receipt of any complaint against street performer or other persons, a police officer on patrol will normally be sent to the scene to investigate. He will first identify the complainant and other witness(es) to better understand the complaint. The police officer will record information of the person under complaint, the complainant and the witness(es).

In case breach of the law is established, the Police will follow up with appropriate action, such as verbal warning to the person, or to take prosecution action under the relevant law.

(c) It is our cultural policy objective to create an environment which is conducive to the freedom of artistic expression and creation, and the wider participation in cultural activities, including street performers. The basic principle is that public safety must not be compromised and that there will be no nuisance or obstruction caused to the public.

The law enforcement agencies will only take enforcement action if the activity in question is in breach of the law.

Ends/Wednesday, November 8, 2006

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