

LCQ2: Street performances

Following is a question by the Hon Ip Kwok-him and a reply by the Acting Secretary for Home Affairs, Ms Florence Hui, in the Legislative Council today (June 24):

Question:

Under the Summary Offences Ordinance, it is an offence for any person who plays game in any public place, so as to obstruct the same or create a noisy assembly therein. Quite a number of members of the public have relayed to me that the Ordinance has hampered the staging of many distinctive street performances. In this connection, will the Government inform this Council:

(a) of the specific reasons for which the authorities had disallowed the staging of street performances in the past three years; and

(b) whether it will reconsider co-operating with the District Councils and entrusting the latter with the responsibility to co-ordinate the implementation of a pilot scheme on designated zones for street performances, whereby locations in suitable areas across the territory are assigned for staging street performances; if it will, of the details?

Reply:

President,

The objective of our cultural policy is to create an environment which is conducive to the freedom of artistic expression and creation, and the wider participation in creative cultural activities or performances. On this premise and without any compromise to public safety or causing any nuisance or obstruction to the public, we welcome street performances to further enrich the city's characteristics. We also appreciate the aspirations of the community in this regard.

(a) Our law does not specifically prohibit street performances nor does it provide a definition on "street performers" or "street performances". In general, street performers, like the public at large, must observe the laws of Hong Kong, including, among others, prohibitions on nuisance, annoyance or obstruction in any public place to people and/or traffic; prohibitions on noise nuisance; and prohibitions on

objectionable performances of an indecent, obscene, revolting or offensive nature. Relevant legal provisions are set out principally in the Summary Offences Ordinance (Cap 228), the Noise Control Ordinance (Cap 400) and the Control of Obscene and Indecent Articles Ordinance (Cap 390), etc. Should any street performance breach any statutory provisions, having regard to the specific circumstances of each case, the Police may give advice or verbal warning to the person concerned, and request the person concerned to stop the performance or institute prosecution action in accordance with the relevant Ordinance.

The Police do not have statistics on the specific statutory provisions involved in respect of street performances breaching the law over the past three years.

(b) Outdoor performances allow arts enthusiasts to display their artistry and talents, enhance public access to the arts and enrich the cultural life of the community. We welcome and support such performances. Hence, the Administration and arts groups organise cultural activities at outdoor venues from time to time. For example, the Leisure and Cultural Services Department held the "Dance Day" in Tsuen Wan in February this year to showcase various forms and styles of dance at the plaza and foyer of the Tsuen Wan Town Hall, the footbridge outside the Town Hall and other venues. During the second Huqin Festival of Hong Kong in July, the Hong Kong Chinese Orchestra, together with the students of the Hong Kong Academy for Performing Arts and huqin players from overseas will jointly perform in an evening concert at the Piazza of the Hong Kong Cultural Centre. Besides, the Home Affairs Department, in collaboration with the District Councils and the community arts groups, will organise the "Community Arts Festivals" in the 18 districts from September to December this year, during which outdoor street performances will be held.

For a more vibrant arts and cultural scene in the community, we will continue to explore and enhance collaboration with the District Councils, planning to designate suitable locations as specific zones to promote street performances on a pilot basis by the end of this year.

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