

LCQ18: Street arts performance

Following is a question by the Ir Dr Hon Raymond Ho Chung-tai and a written reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (May 5):

Question:

It has been reported that recently, some street arts performers, when staging performances in the pedestrian zone in Causeway Bay, were being repeatedly complained against by members of the public for obstructing the pedestrians, and were driven away and charged by the police. Moreover, many business promotional articles such as easy-mount frames, etc. are set up in such pedestrian zone, obstructing the use of public space by members of the public. In this connection, will the Government inform this Council:

(a) given that at present the obstruction problem arising from articles such as easy-mount frames, etc. placed in the aforesaid pedestrian zone is still serious, whether the authorities had conducted regular inspections last year, so as to ensure that members of the public can make good use of public space; if so, of the details; and

(b) given that the cultural and creative industry is one of the six industries promoted by the Government as areas where Hong Kong enjoys clear advantages, whether the authorities have planned to further promote the distinctive street arts performance culture and safeguard the right of such performers to stage performances in public spaces under lawful situations; if so, of the details of such plans?

Reply:

President,

(a) In 2008, the Food and Environmental Hygiene Department (FEHD) reviewed its enforcement and prosecution approach in order to enhance regulation on unauthorised display of bills and posters in public places, in particular against commercial entities using easy-mount frames or placards to display bills and posters, without permission, for on-street promotion of their products and services. According to the revised enforcement procedures, FEHD will, under the relevant provisions of the Public

Health and Municipal Services Ordinance (Cap.132), seize the bills and posters illegally displayed on the streets, as well as the related display apparatus (e.g. easy-mount frames and placards), as evidence for taking out prosecutions against the persons displaying the publicity materials and the beneficiary of the same. Unclaimed display apparatus will be confiscated by making an application to the court. In addition, FEHD will also take out prosecutions against persons causing obstruction by setting up promotional stands on the streets under Section 4A of the Summary Offences Ordinance (Cap. 228).

The enhanced enforcement arrangements have been introduced in Wan Chai District (including the pedestrian precinct in Causeway Bay) since October 2008. Prior to implementation of the new arrangements, FEHD consulted the Wan Chai District Council and secured its support. Before prosecutions were duly instituted, FEHD also carried out a series of publicity and educational activities. Letters were issued to companies found to have used easy-mount frames and similar paraphernalia for on-street promotion to warn them of the possible consequences of displaying bills and posters in public places without permission. Publicity materials were also distributed to on-street promoters to warn them that displaying bills and posters without permission during promotional activities on the street may render them liable to prosecution. Currently, the staff of FEHD carry out regular inspections of the blackspots in Wan Chai District, including the pedestrian precinct in Causeway Bay. Appropriate enforcement actions will be taken out if breaches are found.

After taking the aforementioned actions, the situation in the pedestrian precinct in Causeway Bay has improved noticeably. In 2009, a total of 462 bills, posters and related display apparatus were seized by FEHD in the pedestrian precinct in Causeway Bay, and nine prosecutions were taken against persons causing obstruction by setting up promotional stands on the streets.

FEHD will keep in view the situation of the pedestrian precinct and take actions as appropriate.

(b) The Home Affairs Bureau aims to bring the arts to the public and encourage public participation in cultural activities. Having consulted the relevant committees of the District Councils concerned, we will launch a six-month trial scheme in July 2010 under which specific zones in three locations (namely the Hong Kong Cultural Centre piazza, the Sha Tin Town Hall plaza and the Kwai Tsing Theatre plaza) with a

relatively high pedestrian flow and an enabling setting will be designated as places for public performances by individuals or organisations.

The registration system under the trial scheme will operate on a first-come-first-served basis. No hire charges will be payable. To ensure a certain level of artistic standards, the proposed performances have to go through an audition conducted by a panel comprising representatives from the venue operator, the cultural sector and the relevant committee of the District Council concerned. Performers are not allowed to seek or collect donations at the designated places, but may display their own original arts products (e.g. albums) for sale.

We hope that the trial scheme will provide more room for arts enthusiasts to showcase their creativity and performing talents, enhancing public access to the arts and further enriching our city characteristics.

Ends/Wednesday, May 5, 2010

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