

LCQ2: Street performances

Following is a question by the Hon Alan Leong Kah-kit and a reply by the Acting Secretary for Home Affairs, Ms Florence Hui, in the Legislative Council today (July 14):

Question:

It has been reported that at present, quite a number of people stage performances in the streets to entertain the public, and such performances have been well received. Yet in recent years, the authorities have invoked the Summary Offences Ordinance to prosecute these performers, giving rise to worries that the Government tries to limit their room to perform through law enforcement. In this connection, will the Government inform this Council:

(a) whether the authorities had, in the past three years, exercised discretion in enforcing the relevant legislation, and gave advice and guidance to street performers, and prosecuted them only when repeated advice was ineffective; if discretion had been exercised, of the details; if not, the reasons for that;

(b) given that members of the public have relayed that the majority of street performers stage performances in public space at present, and frontline law enforcement officers, who are often unable to distinguish their performances from begging activities, had decided to institute prosecutions merely based on subjective judgement, whether the authorities will review the existing legislation to define street performance activities clearly, so as to avoid street performers from being prosecuted for begging when they are providing entertainment to members of the public; if they will not, of the reasons for that; and

(c) given that under the "Open Stage" Pilot Scheme launched by the Leisure and Cultural Services Department from July to December this year, participating performers are not allowed to collect money rewards, yet many performers have indicated that the stipulation may impede the development of street art and culture, whether the authorities will review the stipulation so that performers have more room to promote street art and culture on a sustainable basis; if they will not, of the reasons for that?

Reply:

President,

It is our policy to bring the arts and culture to the public and encourage public participation in the process so that the arts can integrate with the community. Apart from organising various arts and cultural activities in the districts, without compromising public safety or causing any nuisance or inconvenience to the public, we welcome street arts performance to enrich the cultural life of the community and the arts scene in our city.

(a) Our law does not prohibit street performances. In general, the public (including street performers) must observe the laws of Hong Kong, including, among others, the prohibitions on nuisance, annoyance or obstruction in any public place to people and/or traffic; the prohibitions on noise nuisance; and the prohibitions on objectionable performances of an indecent, obscene, revolting or offensive nature. The 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 persons concerned, and may request the persons concerned to stop the performance or institute prosecution in accordance with the relevant Ordinance.

(b) Hong Kong is densely populated with limited land. Should street performances be held at crowded places, inconvenience or even nuisance may be caused to the pedestrians, nearby residents and shops. To accommodate performers and to minimise inconvenience to the public, we propose to designate specific zones in suitable locations as places to promote street arts performances.

(c) Having consulted the relevant committees of the District Councils concerned, the Home Affairs Bureau has launched the "Open Stage" Pilot Scheme this month 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 Scheme is implemented on a trial basis for six months and will be subject to review on its effectiveness before we map out the way forward.

The registration system under the Pilot 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 applicants have to go through an audition conducted by a panel comprising representatives from the venue operator, the cultural sector and the District Council concerned.

We have been liaising with the arts community and understand their concerns about collection of donations, which also carries the meaning of cultural consumption. Hence we are revising the details of the Pilot Scheme to allow performers to collect donations at the designated places.

We hope that the Pilot Scheme will provide more room for arts enthusiasts to showcase their creativity and performing talents, enhance public access to the arts and further enrich our city's cultural characteristics.

Ends/Wednesday, July 14, 2010

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