westKowloon
西九文化區

West Kowloon Cultural District (Public Open Spaces)

Guidelines for Street Performance Scheme

1) Introduction

1.1) The West Kowloon Cultural District (the District) exists to promote appreciation of and participation in the arts. We strive to support the creation, composition, production, learning and practice of arts and culture.

1.2) Street performance (otherwise known as "busking") forms an important part of a city's cultural life and we positively encourage street entertainment that adds to the colour, creativity and life of the District. The sharing of public open space by street performers, businesses, residents and the public, the West Kowloon Cultural District Authority (the Authority) and other users requires co-operation and mutual respect, and these Guidelines aim to provide a framework to allow a rich and diverse variety of street performance within the District.

2) Definition of Terms

2.1) **"Street Performance"** refers to acts performed live by a person to provide public entertainment in a public place by playing a musical instrument, acting, reciting, singing, clowning, juggling, magic, ballooning, comedy acts, acrobatics, dancing, or other performance skills.

2.2) **"Voluntary Contribution / Donation"** refers to appreciation for a performance, whether in kind or in monetary terms, given by the public to the performer, on a voluntary basis.

2.3) **"Street Performer(s)"** or **"Performer(s)"** refers to performer(s) with Street Performance Permit issued by the Authority under the Street Performance Scheme.

2.4) **"Authorised Person"** refers to any officer, or employee of the Authority or other person authorized by the Authority or by law to enforce or otherwise perform functions relating to or with respect to these Guidelines or the West Kowloon Cultural District (Public Open Spaces) Bylaw (Cap.601A).

2.5) **"Dangerous Material"** refers to any substance whether solid, liquid or gas that poses a risk, hazard or a potential risk or hazard, to the safety or welfare of a member of the public or any person handling the substance (includes flammable substances, explosives, smoke, toxic substances or extremely hot or cold substances).

2.6) **"Dangerous Implement"** refers to any object that through use, design or construction poses a risk or hazard to the safety or welfare of a member of the public or person handling the object (includes knives, spears, swords, axes, chain saws, spikes and sharp implements).

3) Guidelines for Street Performers

Street performers should take note of the following guidelines:

3.1) Please apply for Street Performance Permits according to the details stated in Section 6 in the Guidelines.

3.2) Please do not obstruct emergency exits or shop entrances and to allow plenty of space for pedestrian passage. Be aware of the timing of the performance and the actual circumstances of the performance space. Performances may need to be ceased at any time if the actual circumstances are not suitable for performance.

3.3) It is often beneficial to brief nearby businesses, traders and other users of public open space about the performance. By letting them know about the performance in advance can help to make complaints less likely and foster the spirit of community that the District values.

3.4) If businesses have any questions or requests for any adjustments to performances, the Authority recommends street performers to invite businesses to contact them directly. This could establish a good, co-operative relationship as well as facilitate future communication between street performers and the people around you.

3.5) Always observe the actual circumstances of the street performance space. Consider the proximity of other users of public open space, and **minimise the negative impacts of the volume of performance or the crowd gathered.**

3.6) **All instruments, props, equipment or other items carried by the performer should be small and able to be removed within three minutes.**

3.7) Always pay attention to the volume of the performance and its impact upon other users of public open space. Be prepared to adjust the volume of the performance if requested. Please take regular breaks between performances as continuous sound, however pleasant, can be intrusive.

3.8) If amplification is necessary, **please use a small, battery powered, portable amplifier that can be reasonably removed within three minutes. The use of generators and large public address systems is not allowed.** Please be reminded that sound from amplifiers and louder instruments can be carried further and generate complaints.

3.9) If backing accompaniment is part of your performance, it should be secondary and unobtrusive. Please turn off the backing track when no performance is taking place.

3.10) Most complaints about street performances usually relate to noise nuisance, repetitive performances or obstruction. Street performers should always be aware of these types of issues to avoid complaints.

3.11) There shall be no charge for a performance conducted by the street performers. Street performers must not solicit payment from the public actively. **Street performers are allowed to solicit Voluntary Contributions through leaving open an instrument case or other receptacle.**

3.12) Many street performances have elements which incorporate an offer of a tangible item or experience as gratitude for donations from members of the public. If such offer of tangible item or experience is part of your performance, such offer should only occur as a complement to the street performer's performance and should not dominate the time a street performer occupies a site. These tangible items or experience (for example CDs) can only contain original creations by the performer.

3.13) The Authority can restrict use of the street performance areas during public holidays, special events, or other approved works or activities. **It is possible that restrictions on street performances may be imposed on occasions like New Year's Eve, Chinese New Year, HKSAR Establishment Day, National Day, Christmas Eve or other events.**

4) Guidelines for Businesses and Residents

Businesses and residents could take note of the following guidelines:

4.1) Establishing a positive relationship and maintaining effective communication between businesses and residents as well as street performers is beneficial for all parties involved.

4.2) If it is believed that a street performance is causing a disturbance, all parties involved should strengthen communication based on the principles of mutual understanding and respect to resolve the issue quickly, such as adjusting the volume. When necessary, street performers can be asked to refer to and follow these Guidelines.

5) Conditions and Regulations for Street Performers

5.1) All street performers within the District must obtain a valid Street Performance Permit. **Performers must display their permits in a prominent, highly visible position at all times during their acts.**

5.2) **A performer and the performer's equipment shall not block or obstruct the free and safe movement of pedestrians.** If a sufficient crowd gathers to obstruct passage through a public area, an Authorised Person may advise a portion of the crowd to vacate the area and clear the passage.

5.3) To ensure other public open space users can move freely and to prevent crowd crush, group acts are limited to a maximum of 8 people. The applicant for the Permit should be personally involved in the performance or, as a key member of the production team, and be responsible for all matters relating to the performance. The applicant has to be present during the performance. Each performer can only join one performing group of the same art form. Each member of the group must hold a valid Street Performance Permit.

5.4) Performers must be Hong Kong identity card holders aged 18 or above.

5.5) **Performers should look after their instruments, props and equipment at all times when these items are on a public right-of-way.**

5.6) **If amplification is necessary, performer may use a small, battery powered and portable amplifier. The volume of performance must be kept to a reasonable level, and shall meet the requirements stipulated by the Environmental Protection Department.**

5.7) **Performers shall observe and comply with all applicable Hong Kong laws, regulations, decree and orders in connection with their acts / performances. If in the opinion of the Authority the acts / performances are in contravention of any applicable law, the Authority shall be entitled to immediately take appropriate actions to suspend the acts / performances, demand immediate vacation from the street performance locations or forthwith suspend or cancel the Permits as the Authority deems fit.**

5.8) Performers are required to observe and comply with the National Anthem Ordinance (Instrument A405) should the performers involve the playing and singing of the national anthem. The standard score and the official recording of the national anthem can be found on the website of the Constitutional and Mainland Affairs Bureau:
https://www.cmab.gov.hk/en/issues/national_anthem.htm

5.9) In accordance with the National Flag & National Emblem Ordinance (Instrument A401) and the Regional Flag and Regional Emblem Ordinance (Instrument A602), the performers who would like to display and use the national and regional flags or emblems during their performance periods shall ensure that their designs are in compliance with the specifications set out in the respective Ordinances.

5.10) Performers shall ensure the observance of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region and the laws of the Region in relation to the safeguarding of national security, and shall not engage in any act or activity which are not in compliance with the said legislation.

6) Street Performance Permit

6.1) All street performers must obtain a valid Street Performance Permit. **All applicants must apply by email or by post and acknowledge and agree to comply with the conditions and regulations of these Guidelines. Failure to do so will result in a revocation of such Street Performance Permit.**

6.2) Applicants will be required to fill in a form provided by the Authority and submit information on the performance type, content and equipment or instruments used, and video for not more than 5 minutes to demonstrate the act / performance for assessment and the Authority may ask for further clarification or information. Applicants are required to attain certain artistic qualities and thus may need to attend and pass the audition before becoming qualified performers.

6.3) Applications will be assessed by the Street Performance Review Panel consisting of the Authority's representatives. Applicants not notified within eight weeks from the application deadline may assume that their applications are unsuccessful. The decision of the Review Panel shall be final and not subject to appeal. The application period and other details will be updated on the West Kowloon Cultural District website.

6.4) **Each successful application will be required to pay a permit fee.**

6.5) **Each application shall be for one individual performer or a performance group of not more than 8 performers. The applicant shall be such individual performer or a key member of the performance group (either a performer or a key member of the production team). Each performer / member of a performance group of the successful application will be issued a Street Performance Permit.**

6.6) **The Street Performance Permit is valid for a six-month period.**

6.7) The Permit includes the performer's name and photo, permit number, and valid period. The Permit is not assignable or transferable.

6.8) **Each performer shall clearly display the Permit while performing, and shall allow inspection of the Permit by Authorised Person on request.** The Authority may revoke or refuse a Street Performance Permit upon the commission of the violation of these Guidelines, or a false, misleading or fraudulent statement of fact in the performer's permit application. If the Street Performance Permit of any performer is suspended, no new permit will be issued.

6.9) **Performers with valid Street Performance Permit need to pre-book for performance sessions of 2 hours each from 10 am to 10 pm on Saturdays, Sundays and public holidays (except on dates and times reserved for special activities), which will be processed on a first-come, first-served basis. Details of the booking will be provided to the performers.**

6.10) Performance time is divided into 6 sessions: 10 am–12 nn, 12 nn–2 pm, 2 pm–4 pm, 4 pm–6 pm, 6 pm–8 pm, 8 pm–10 pm. A performer or a group act must vacate from their location by the end of each session.

6.11) The time required to set up and to remove any instruments, props, equipment, or other items shall be considered part of the performance time.

7) Street Performance Areas

These Guidelines cover areas under the jurisdiction of the Authority only.

7.1) **Please refer to "Street Performance Scheme Locations" for details. The Authority reserves the right to amend / update "Street Performance Scheme Locations" from time to time.**

8) West Kowloon Cultural District (Public Open Spaces) Bylaw and Street Performance Scheme Related Content

8.1) Street performers should take note of the following notices:

- The Authority may give written permission, and an authorised person may give written or oral permission, to a person to do, carry out, conduct or perform an act or activity within a public open space which is otherwise prohibited or restricted under this Bylaw. [Part 2 Section 4]
- No structure, stand, booth, platform or exhibit should be erected without written permission of the Authority. [Part 2 Section 10.(3)(a)]
- A person in a public open space must comply with the written notice of the Authority issued and any direction given or request made by an authorised person, for the purposes of ensuring public safety or order. [Part 3 Section 12.(2)]
- A person must not dispose of any litter. [Part 3 Section 13.(1)(b)]
- A person must not beg or solicit alms. [Part 3 Section 13.(1)(e)]
- A person must not cause a nuisance or annoyance to any other person after being requested to desist from such conduct by an authorised person. [Part 3 Section 13.(1)(g)]
- A person must not, without permission, offer for sale or sell any article or service. [Part 3 Section 13.(1)(i)]
- A person must not, without permission, dump, abandon or leave behind any vehicle, equipment, construction debris, waste, matter, rubbish, refuse or unwanted articles of any kind. [Part 3 Section 13.(1)(j)]
- A person must not, without permission, distribute any bill, placard or notice, or affix any bill, placard or notice to or on any tree or plant in a public open space, or to any part of any building, railing, bench, seat, gate, wall or other structure, erection or ornament in a public open space or enclosing a public open space. [Part 4 Section 14.(1)(e)]

This set of Guidelines has been translated into Chinese. In the event of any inconsistency between the English version and the Chinese version, the English version shall prevail.