

### West Kowloon Cultural District (Public Open Space)

#### Guidelines for Street Performance Scheme

##### Introduction

The West Kowloon Cultural 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.

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 and life of the District. The sharing of public space by street performers, the public 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. They are intended for use by street performers, businesses, residents, the police and the Authority.

##### Definition of Terms

**"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 involved in art display e.g., live portraiture, handicrafts, or other performance skills.

**"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. Performers receive their payment in the form of voluntary contributions, usually monetary donations from the crowds they entertain.

**"Handicrafts"** refers to objects made either by hand or with the help of devices used to shape or produce the objects.

**"Authorised Person"** refers to any officer, or employee of the Authority or other person authorised by the Authority or by law to enforce or otherwise perform functions relating to or with respect to these guidelines or the district bylaws.

**"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).

**"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).

## Guidelines for Street Performers

Please choose your location with consideration for others. Take care not to obstruct emergency exit or shop entrances and to allow plenty of space for people to walk past you. Be aware of the time of day and nature of the space you intend to perform in and be prepared to change location if your act is unsuitable for that space on a given day.

It is often beneficial to introduce yourself to nearby businesses, traders and other users of shared public space near to where you intend to perform. By letting them know about your performance in advance you can help make complaints less likely.

Ask businesses to speak to you directly in the event that they have a problem, or need to ask you to make any adjustments to your act. This should establish a good, co-operative relationship between you and the people around you. It also makes it more likely that any future communications will be good natured.

Always choose your location with consideration for other street performers. **Don't set up so close to them that your volume or gathered crowd negatively affects their act.** It is always helpful to be willing to share and swap your location with other street performers where appropriate. Co-operation is encouraged and is a great way of building community on the streets.

**You should not perform with more instruments, props, equipment, merchandise or other items than the performer can reasonably transport and remove all at once within three minutes.** Take regular breaks between performances. Continuous noise, however, pleasant, can be as intrusive.

Always show consideration for the sound level of your performance and its impact upon other users of shared space. Be prepared to adjust your volume if asked. Be aware of the time of day and location and be willing to move location if the space is not suitable on a given day.

If amplification is necessary, **a performer may use a small, battery powered, portable amplifier.** **The use of generators and large public address systems is not allowed.** Performers are reminded that sound from amplifiers and louder instruments can carry further and generate complaints. This can be avoided by performers moving between locations and deal respectfully with requests to adjust performances.

If backing accompaniment is part of your act it should be secondary and unobtrusive. If you are not actually performing, please do not leave a backing track running.

If you have a limited repertoire of material, be prepared to move locations instead of repeating your performance in the same place. Remember that the streets and nearby buildings are often homes and working environments for others who might not be able to move around in the same way that a street performer can.

Most complaints about street performers usually relate to noise nuisance, repetitive performances or obstruction. Most issues can be resolved amicably without the need for a formal complaint.

There shall be no charge for a performance conducted by the street performers. You are allowed to seek voluntary contributions through passing around a hat, leaving open an instrument case or other receptacle, or soliciting donations after a performance; but should not accost or otherwise interfere in any way with pedestrians.

Many busking acts have elements which incorporate a tangible item or experience in exchange for donations from members of the public. If the provision of goods or a service is part of your busking act, the provision of goods or service 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 goods or services (for example CDs, portraits or caricatures, handicrafts etc.) can only contain original creations by the performer.

The Authority can prohibit use of the street performance areas while a special event, or other approved works or activities are in progress. 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.

### **Guidelines for Businesses and Residents**

If a street performer follows this guidance it is unlikely that they will be in breach of any local legislation. It is in everybody's best interest to have a positive relationship with the other users of shared public space.

If there is a street performer in the vicinity of your place of work or residence and they are causing you a disturbance, you are advised to make yourself known to them and calmly and politely explain the issue. In the majority of cases they may not be aware that they have caused you an issue and will want to resolve it quickly and amicably. This could include adjusting the volume or relocating to another location if necessary.

When approaching a street performer to discuss any issues, it is important to wait for a suitable interval in the performance before introducing yourself to them. Interrupting a performance is unlikely to lead to a productive dialogue. A willingness to compromise and to engage in constructive dialogue will go a long way to resolving any issues.

Street performers may often be able to adjust their performance following a polite request. Feel free to draw the street performers' attention to these guidelines if necessary. Formal complaints should only be made as a last resort and only if attempts at communication have been unsuccessful.

## Conditions and Regulations for Street Performers

All street performers within the West Kowloon Cultural District must obtain a valid street performance permit. Performers must display their permit in a prominent, highly visible position at all times during their acts.

A performer and the performer's equipment may 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.

To ensure other public space users can move freely and to prevent crowd crush, group acts are limited to a maximum of 10 people. Each member of the group must hold a current street performance permit.

Performers should stay with their instruments, props and equipment at all times when these items are on a public right-of-way.

Hours of performance are 10am to 10pm every day, unless otherwise specified. The maximum performance time in the same location is 2 hours in any 6-hour period. Performance time is divided into 6 sessions: 10am-12noon, 12noon-2pm, 2pm-4pm, 4pm-6pm, 6pm-8pm and 8pm-10pm. A performer or a group act must vacate from their location by the end of each session.

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

If amplification is necessary, a performer may use a small, battery powered, portable amplifier. The volume of your performance must be kept to a reasonable level, not above 85dB within 2 meters and intended for an audience within 10 meters.

Performers intending to use dangerous materials and implements in their performance are required to be members of the West Kowloon Street Performer Programme.

Performers that intend to involve animal acts in their performance are required to be members of the West Kowloon Street Performer Programme.

## Street Performance Permit

All street performers within the West Kowloon Cultural District must obtain a valid street performance permit. All applicants must apply in person and acknowledge and agree to comply with the conditions and regulations of these Guidelines.

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 the Authority may ask for further clarification or information.

Applicants will also be required to demonstrate their act / performance for not less than five minutes to determine that the proposed act is as previously defined.

The performance permit is valid for a one-year period. A permit fee applies for all types of performance permits.

The performance permit includes a photograph of the performer and is not assignable or transferable, and contains the permit number of the applicant and the date when the permit expires. Each performer in a group must hold a separate individual permit.

A 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 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 performance permit of any performer is suspended, no new permit will be issued.

### **Young Performers (to be launched at a later stage)**

Young performers under the age of eighteen have to go through an audition to be held regularly by the Authority. Proof of parental consent is required for applicants under the age of eighteen.

Young performers under the age of eighteen with a valid permit must be accompanied by an adult at all times during performances.

### **West Kowloon Street Performer Programme (to be launched at a later stage)**

The West Kowloon Street Performer Programme is for quality street performance by Hong Kong residents only. To become a member, you have to audition and be accepted. Auditions are held regularly and once accepted as a member, a ten-year membership will be granted. The programme will schedule performances in priority areas within the District.

The program is seeking accomplished performers who can demonstrate the professionalism and skills necessary to present a polished performance and the highly developed repertoire required to entertain and engage the public.

Advantages may include scheduled time in priority areas, promotional support and referrals for corporations.

### **Street Performance Areas**

These guidelines cover areas under the jurisdiction of the West Kowloon Cultural District only. Please refer to "The Street Performance Scheme Locations" for details.

## West Kowloon Cultural District (Public Open Space) Bylaw and Street Performance Scheme Related Content

Street performers should note the following notices to ensure performance smoothly perform.

- ❖ The Authority may give written permission, and an authorized 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 authorized 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 authorized 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.