



MANAGING VIBRANT STREETS 2

Street Performance Policy in Hong Kong

(Phase 2) Final Report

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Executive Summary

Bringing life back to Hong Kong's streets

Up until the 1970s, street performers were integral to Hong Kong's community and social life. A resurgence in the early 2000s was short-lived. Conflicts among performers, residents and shop owners eventually led to the 2018 closure of the Mong Kok pedestrian precinct and a busking ban at Times Square in 2020.

With *'Managing Vibrant Streets 2'*, Civic Exchange embarked on a two-phase in-depth study to explore how buskers could be successfully re-integrated into Hong Kong's streets and how a modern street performance management system could be devised.

Street performance can contribute to a city's liveability, sociability, culture, and local economy by promoting spontaneous social encounters in public space and by making streets more vibrant and convivial.

"Placemaking" has been adopted by the Hong Kong Government as one of the built environment objectives in its "Hong Kong 2030+" development strategy, lending recognition to the fact that streets are more than just a means of transport, but that they play a much wider role in creating attractive, liveable, social places.

However, most walkability interventions have focused on physical infrastructure and street design with little emphasis on encouraging vibrancy and diversity, and so far, Hong Kong still lacks a coherent street performance policy.

In Civic Exchange's Phase I study report (*'Managing Vibrant Streets 2: Street Performance Policy in Hong Kong – Interim Report'*) published in September 2020, relationship dynamics between key stakeholders including street performers, community groups, district councillors, business representatives of the property, retail and hotel sectors, and relevant government departments were analysed. Street management approaches in seven other cities were examined, covering three main strategies (licensing, activity zoning, and voluntary agreements) which were contrasted against Hong Kong's regulatory context.

Building directly on Phase I, this report presents the results of our Phase II research, which comprised a series of iterative surveys among the key stakeholders on various policy proposals to identify major areas of consensus and disagreement, concluding with final policy recommendations.

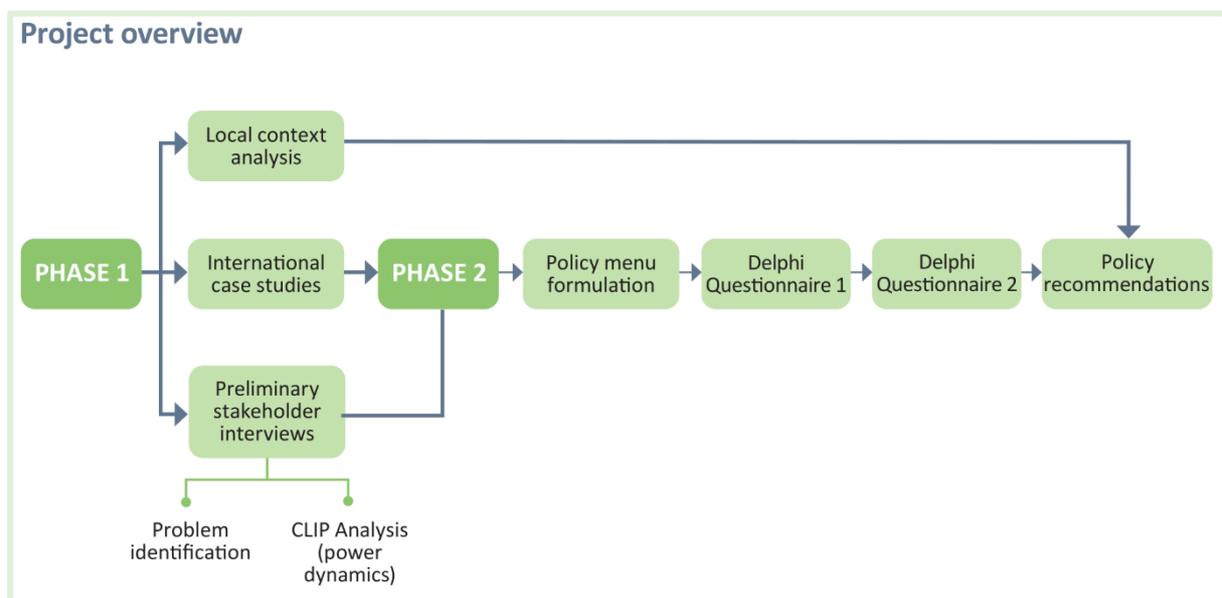
Objectives

The **overarching aim** of this study is to craft policy recommendations that would: (i) address the needs and concerns of major stakeholders taking part in or being affected by street performance activities; (ii) provide direction for building the community support needed to overcome institutional and political constraints; and (iii) gain broad acceptance and would thus be feasible to implement in Hong Kong.

In Phase II, Civic Exchange specifically focused on:

- Creating a menu of potential policy options for Hong Kong.
- Assessing stakeholders' views on the desirability and feasibility of these policy options.
- Consolidating final policy recommendations by identifying which policies are widely agreed upon, which policies may be realizable by compromise through further engagement, and which areas of disagreement would be difficult to resolve.

Based on this analysis, we have devised recommendations on feasible short- and long-term policy options that would create an effective street performance management system.



Recommendations & policy implications

Considering Hong Kong's institutional context and local constraints, we have divided our policy recommendations into quick wins, which the Hong Kong Government could implement swiftly and easily, as well as longer-term comprehensive measures.

Quick wins

Objective noise standards

A major area of consensus among stakeholders was the need to implement more objective standards for noise control of street performers. A minor amendment to the Noise Control Ordinance to enable the setting of decibel guidelines for street performers, based on surrounding ambient noise levels (e.g. 10 dB above background levels), would be a major improvement, and district councils should be consulted on setting appropriate noise guidelines for local communities.

- ⊖ **Non-profit partnership management of street performance hotspots**

The Government should launch a pilot scheme to collaborate with a non-profit arts organisation or street performers' association to take over the management and programming of street performers in defined street performance hotspots. Street performers who wish to play in this area would need to obtain the approval of the managing organization and adhere to their schedule and guidelines. If successful, this model may be extended to other hotspots or to future pedestrianized streets.
- ⊖ **Voluntary code of conduct**

This should not be implemented by itself, but at minimum in conjunction with the noise standards described above. It should not be imposed from above, but developed through a process of stakeholder engagement, including street performers, in order to obtain the buy-in of the majority of performers. Law enforcement officers may refer to the code of conduct as a guideline for a more appropriate enforcement of existing laws.
- ⊖ **More comprehensive street performance schemes in public spaces managed by the Leisure and Cultural Services Department (LCSD)**

Most of the remaining existing street performance hotspots are currently within LCSD-managed public spaces. The LCSD has a major opportunity to implement a more comprehensive scheme modelled after the West Kowloon Cultural District Authority's (WKCD) street performance scheme, with a relatively straightforward application process, which may involve an audition, designated pitches or distancing guidelines, managed pitch swapping, and decibel limits. This would require closer collaboration between the Cultural and Leisure Branches of the LCSD and the WKCD, as well as adequate resources for implementation and enforcement.

The LCSD could potentially play a major role in Hong Kong's street performance policy by accommodating the demand for street performance on the waterfront and in other major regional open spaces, thereby helping to spread performers out and reduce their impact on densely built-up areas. Certain parks which are far from residential areas but still close to public transport access may be designated for the use of street performers.

Medium to long term measures

- ⊖ **Street performance activity zoning**

In the medium term, the Government could implement street performance zoning legally by passing a Street Performance Activity Bill. Regulation should take into account local circumstances and could include rules on distancing requirements to sufficiently space out performers, designating specific pitches, setting a time limit on the duration of performances, and preventing street performers from setting up in critical locations such as near busy pedestrian crossings, in addition to decibel guidelines.

Street performers should not be banned outside of the designated zones, but zoning should be used to regulate those areas with a high concentration of street performance activity, which may not be effectively managed by a non-profit organization and which are not under the jurisdiction of the LCSD or WKCD. Urban areas with high pedestrian footfall and heavy tourist activity such as Mong Kok and Causeway Bay could be regulated in this manner.
- ⊖ **Licensing**

Licensing is more complex to implement and would require new legislation and the establishment of a licensing body under the Home Affairs Bureau to administer the programme. In the long term, the Government should consider introducing a two-tier licensing requirement for street performers: (i) a general-purpose license without requiring auditions but with checks on safety, volume control, crowd management and equipment, and educational briefings on street

performance rules and best practices; and (ii) a designated auditioned zone license for highly desirable, high footfall, tourism-intensive areas where specific rules and regulations for street performers would be part of the license conditions and where penalties for non-adherence could result in revoking of the license.

Different license categories should be considered to take into account different needs and modes of operations for performing and visual artists. To promote public confidence in the audition system, the judging panel should comprise of representatives of non-profit arts organizations and artists, including street performers.

⊖ **Administrative reorganisation and enforcement**

Hong Kong's existing administrative structure with fragmented responsibilities across Government bureaus and departments is not conducive to the implementation of comprehensive street performance policies. Short to medium term, the Government should appoint a Commissioner for Culture (equivalent to the existing Commissioner for Sport) to bring a higher profile to cultural policy at the bureau level, while the establishment of a Department of Culture to consolidate different areas of cultural policy and to fill jurisdictional gaps should be considered on the long run.

Alternatively, a Street Activity Office with expertise from urban design, cultural development, and tourism sectors to coordinate and manage various street activities from a placemaking perspective that do not fall under the definition of hawking, including street performance, could be set up.

Zoning and licensing would require the Government to provide better support and coordination for enforcement. In the medium term, the Government should coordinate the Police Force and Food and Environmental Hygiene Department to form standing joint enforcement teams to provide a full-time presence in highly utilized street performance zones. A more comprehensive solution would involve either establishing a dedicated enforcement team for street performance regulations under the Home Affairs Bureau or redefining the role of the FEHD's hawker control teams in light of the continued decline of hawking in Hong Kong.

⊖ **Engagement**

International case studies showed that high quality stakeholder engagement was key to the success of street performance management schemes, regardless of the specific management model they adopted. The Government therefore needs to engage with stakeholders both during the policy formulation process, as well as after implementation to receive community feedback and to make adjustments. District councils can provide valuable input in setting local standards and in advising on street performance zones. However, as they tend to focus more heavily on resident complaints, the Government must make equal efforts in engaging with street performers themselves, as the success of effective street performance management systems heavily depends on the buy-in of the majority of street performers.

Practicable and broadly accepted policies are within reach.

Uncertainty over the extent of public consensus has been cited as a major obstacle to achieving progress on improving street management in Hong Kong. Our engagement-oriented study demonstrates that not only are there points of mutual and compatible interest among different stakeholder groups, but that they were also able to reach agreement on practical and beneficial policy measures through systematic deliberation and consideration.

While some disagreement persisted, a strong consensus could be reached on a number of different policy proposals. Thus, practicable, broadly accepted compromises which are realistic and feasible in Hong Kong's urban and institutional context are within reach.

This shows that there is ample opportunity for the Government to implement solutions that would yield tangible improvements in street performance conditions, thereby opening up further political space to expand pedestrianized streets and engage in more ambitious pedestrian-friendly urban design throughout Hong Kong.

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Full Report and Press Materials available at



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