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Public Policy Research Funding Scheme

Managing Vibrant Streets: Street Performance Policy in Hong Kong

動感街道管理：香港街頭表演政策

(Project No.: 2019.C5.004.19C)

Final Report

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Executive Summary (EN)

Abstract

Street performance has the potential to contribute to a city's liveability, sociability, culture and local economy by promoting spontaneous social encounters in public space. They can enhance a city's walkability by making streets more vibrant and convivial. "Placemaking" has already been adopted by the 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.

While with its "Walk-in-HK" initiative, the Hong Kong Government has pledged to place higher priority on facilitating walking and encouraging active mobility, so far, most walkability interventions have focused on physical infrastructure and street design. Public space management has received less emphasis and street performance has been an especially low policy priority. Hong Kong lacks a coherent street performance policy. Instead of seeking to strike a balance between promoting street performance and managing its negative externalities, Hong Kong's disjointed regulatory regime tolerates street performance but treats it mainly as a source of nuisance.

With the Transport Department's introduction of pedestrianized streets in the early 2000s, street performance became a major source of conflict between performers, residents, shop owners and pedestrians in places such as Mong Kok. The inadequacy of existing regulatory rules and practices in managing street performance activity resulted in the Yau Tsim Mong District Council voting for the closure of Mong Kok's pedestrian precinct in 2014. Street management has become an obstacle to the expansion and creation of pedestrian-friendly facilities in Hong Kong.

The objective of this research was to engage with multiple key stakeholders to obtain a clearer understanding of their priorities and concerns with regards to managing street performance to assess the acceptability and feasibility of different policy options in order to provide locally suitable policy recommendations.

This research took place in two phases. In the first phase, qualitative interviews were conducted with 29 key stakeholders including street performers, community groups, district councillors, representatives of the business sector including property, retail and hotels, and relevant government departments. A Conflict/Cooperation, Legitimacy, Interest and Power (CLIP) analysis was carried out to describe and categorize relationship dynamics to inform eventual policy recommendations. It was found that despite conflicts, certain stakeholder groups' interests were potentially in alignment. Many street performers were willing to accept greater regulation if it would legitimize their activities in certain locations, make encounters with law enforcement less arbitrary, and reduce conflicts with other stakeholders including other performers. Business sector representatives saw street performance as a potential benefit to business and tourism by attracting more visitors and enhancing urban liveability if the intensity and quality of street performance activities were adequately managed. However, none of the stakeholders individually possessed enough power, interest or legitimacy to be able to effect changes to policy in order to realize these benefits. This was variously due to the fractured nature of responsibility for street performance among various government departments, institutional constraints, neglect in favour of more important priorities, concerns about public perception, and lack of channels for participation. Among the stakeholders, street performers were found to be especially vulnerable or marginalized. Therefore, coherent leadership from the Government is needed in order to implement the necessary changes. There is also a need for deliberate and careful engagement with street performers as a group.

The first phase also carried out case studies of seven other densely populated or heavily touristed cities through document and literature research and interviews with overseas experts to draw lessons from successful and less successful examples. The cities included were New York City, London, Bath,

Prague, Taipei, Singapore, and Melbourne. Approaches to street performance management varied widely. Three main strategies were identified: licensing, activity zoning, and voluntary agreements in the form of management by non-profit street performers' organisations, or voluntary codes of conduct. Across all three models of street performance management, features of successful systems include extensive engagement with street performers and other stakeholders, rules accepted as reasonable by all major stakeholder groups, and consistent enforcement leading with education and mediation with punitive measures as a last resort.

With this in mind, the second research phase involved systematically testing a range of policy proposals with the stakeholders through a two-stage Delphi questionnaire. The Delphi Method is an iterative method of surveying a pool of participants in order to systematically identify areas of consensus and disagreement.

In the first round, stakeholders were presented with the three major regulatory strategies as well as six specific street performance rules and were asked about their views on the helpfulness, feasibility, and suitability for Hong Kong of each policy.

After analysing the level of consensus on each measure, in the second round a range of more detailed policy ideas were presented, offering different degrees of compromise between competing concerns. Stakeholders were asked to rate the acceptability of each option. It was found that stakeholders representing a range of interest groups were accepting of activity zoning, management of performance sites by non-profit arts organisations, and licensing in areas of high street performance activity. While stakeholders were sceptical of the effectiveness of codes of conduct on their own, they were willing to try implementing one as a supplementary educational measure. Stakeholders also reached a consensus on a range of specific policies and rules, notably a decibel limit, some restrictions on amplifiers in residential areas, distancing requirements for musical performers, more specific guidelines about street obstruction, and time limits for musical performers applied in limited contexts.

Summary of policy implications and recommendations

The research found that most stakeholders from different sectors and interest groups shared an interest in having Hong Kong adopt a more proactive system of street performance management. While there were a few areas of persistent disagreement, for example on regulating monetary donations to street performers and to a lesser extent, on requiring street performers to audition, stakeholders reached a strong consensus on a range of different policy proposals. This shows that there is opportunity for the Government to implement a number of solutions.

Taking into account Hong Kong's institutional context and local constraints, policy recommendations were divided into quick wins that would be relatively easy for the Government to implement, as well as longer-term, more comprehensive measures.

Quick wins

a) **Implement objective noise standards.**
A major area of consensus among stakeholders was the need to implement more objective standards for the noise control of street performers. Existing enforcement of the Noise Control Ordinance for noise from public places and domestic premises is based on subjective nuisance, which makes enforcement more difficult from the perspective of Police evidence gathering and prosecution, and more inconsistent and arbitrary from the perspective 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.

Additionally, stakeholders agreed on the importance of protecting residential areas from excessive noise, particularly after 9 p.m. A ban on the use of amplifiers within a certain radius of residential buildings after 9 p.m. would be broadly acceptable and reduce late night complaints. District Councils should be consulted on setting appropriate noise guidelines for local communities.

b) **Pilot 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, such as the bus station outside the Star Ferry Terminus in Tsim Sha Tsui. This could be done without new legislation by establishing the area as a Temporary Place of Public Entertainment using the existing licensing system. 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.

c) **Introduce a 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. Voluntary codes of conduct have been used, mainly in the United Kingdom (UK), as a tool for educating street performers and other stakeholders in street performance etiquette and to provide guidelines for conflict mediation. Cities which have implemented them successfully have been able to avoid more formal legislation with statutory penalties. Law enforcement officers may refer to the code of conduct as a guideline for the enforcement of existing laws.

d) **Introduce a more comprehensive street performance scheme 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, notably the Central Waterfront, Tuen Mun Park, and to a lesser extent, the Tsim Sha Tsui to Hung Hom waterfront. In 2020, the Pleasure Grounds Regulation (Cap 132BC) was amended in July 2020 to enable the LCSD to post any rules relating to musical activities at their discretion, however since this was implemented, the LCSD has focused on banning performers from receiving donations, rather facilitating street performance activities with active management. The LCSD has a major opportunity to implement a more comprehensive scheme modelled after the West Kowloon Cultural District Authority's (WKCDA) 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 WKCDA, 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

a) **Implement street performance activity zoning.**
In the medium term, it is recommended that the Government implement street performance zoning legally. To do so, the Government needs to pass a Street Performance Activity Bill enabling the Government to designate areas as street performance activity zones, within which certain regulations would be applicable. These rules would vary somewhat based on local circumstances but may include setting a distancing requirement to prevent multiple musical performers from gathering closely together, 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.

To obtain broader stakeholder acceptance, street performers should not be banned from performing outside of the designated zones. Rather, the zones should be used to regulate areas with a high concentration of street performance activity, but which cannot be managed by a non-profit organization and are not under the jurisdiction of the LCSD or WKCDA. For example, urban areas with high pedestrian footfall and heavy tourist activity such as Mong Kok and Causeway Bay could be regulated in this manner.

b) **Licensing.**
Licensing is a long-term recommendation due to the complexity of implementation. It 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 licensing requirement for street performers. It is recommended that there should be two tiers of license. The first would be a general-purpose license that does not require an audition, but applicants should have to undergo a safety, volume control, crowd management and equipment check. They should also be required to attend an educational briefing session on street performance rules and best practices. Meanwhile, selected highly desirable, high footfall, tourism-intensive areas should be designated as auditioned zones.

Rules and regulations for street performers would be part of their license conditions, and street performers would need to adhere to these conditions or risk having their licenses revoked. There may be different categories of license for performing and visual artists as their needs, modes of operation, and impact on their surroundings are different. To promote public confidence in the audition system, the judging panel should be made up of representatives of non-profit arts organizations and artists, including street performers.

c) **Administrative reorganisation and enforcement.**
Hong Kong's existing administrative structure is not conducive to the implementation of comprehensive street performance policies due to the fracturing of responsibility between many government departments, none of which consider street management a high priority. To remedy this, in the 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. In the long term, the Government may consider establishing a Department of Culture to bring together different areas of cultural policy and fill jurisdictional gaps.

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

If street performance zoning or licensing were implemented, the Government would need to provide support and coordination for enforcement. In the medium term, the Government should coordinate the Police and Food and Environmental Hygiene Department (FEHD) 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 (HAB) or redefining the role of the FEHD's hawker control teams in light of the continued decline of hawking in Hong Kong.

d) **Engagement**

International case studies showed that high quality stakeholder engagement was key to the success of street performance management schemes, no matter which management model they adopted. The Government therefore needs to engage with stakeholders both while formulating policy and after implementation so as to receive community feedback and make adjustments. While district councils can provide much valuable input in setting local standards and advising on street performance zones, the Government should not rely solely on their feedback as district councils tend to be heavily focused on resident complaints. Special effort must be made to engage with street performers themselves, as the most successful street performance management systems are those which have the buy-in of the majority of street performers.

Executive Summary (TC)

摘要

街頭表演這種即興自發表演的本質活化了公眾場所，也拓展了一個城市的文化，經濟和社會發展。街道除了步行功能，在營造一個更宜居，更舒適的都市空間也有更多的發揮作用。“香港 2030+”以「地方營造」作為其中一項建築環境發展策列也證實政府承認這是一個不可忽視的環節。

政府在推動「香港好。易行」這個新概念確實體現了行人優先友善環境，但傾向於於改進基建與行人道設計，較少關注如何妥善管理公眾場所，街頭表演管理更不受重視。這導致了街頭表演管理上的混亂。規管街頭文化法律模糊不清，政府在處理公眾場所爭奪問題上並非以平衡街頭表演者和區內其他使用者的權益為目標，反而把街頭表演視為滋擾。

運輸局在 2000 初開始劃分行人專用區以來，旺角街頭表演一直是表演者，居民，商業戶和行人的矛盾。在缺乏有效的街頭表演指引，旺角行人專用區最終在 2014 年被油旺尖區議會投票淘汰結束。現時的街道管理政策反而成為了發展和推廣行人專用區的絆腳石。

本次研究試圖通過質詢與街頭表演裡的社會持份者，了解他們對街頭表演的顧慮與需求，以及他們對不同的街頭表演管理政策方案的可行性與接受度，修訂一套完善和適合本土需求的政策與與推行架構。研究一共有兩個階段。我們在第一階段裡訪問了 29 組持份者，這包括街頭藝人，不同社會團體代表，區議員，商業代表和政府部門， 然後採取了 Conflict/Cooperation, Legitimacy, Interest and Power, CLIP analysis（衝突與合作，合法性，利益，權利上的分析）分類了他們之間的權益關係動態，為之後的議案作提供了基礎。我們發現有些看似對立的持份者其實也可以為了共同利益讓步。很多街頭藝人為了合法化街頭表演，願意接受更多的監管。監管代表一套更明確與完善的指引，可以減少模糊的執法與其他持份者的糾紛，更有效的保護街頭藝人。商戶認為妥善的街頭表演管理有助於推動旅遊行業，為他們帶來人流與生意，願意接受有限的噪音和適當程度的街頭表演。各個持份者其實有很多商討空間合作，可惜大家在缺乏足夠的推動力以及一個合法的管道束手無策。這原因大部分歸咎於政府各個部門在街頭表演管理上各自為政，監管街道表演的權利與職責所在模糊不清導致了各部門在這一方面的協調過程複雜，其他需要優先發展重點也讓街頭表演更不受重視。政府在處理這問題上除了沒有增加更多管道鼓勵各界的參與，也因為社會輿論壓力但心吃力不討好變得被動。我們也發現街頭藝人屬於最弱勢，最邊遠化的一方。要有效的處理街頭表演問題，政府在監管措施上需要果斷但靈活，對街頭藝人也要更細心與多加貫注。

第一階段通過文獻研究與綜述，以及訪問海外專家，綜合了七個人口高密度或旅遊熱門地點在街頭表演管理的個案研究，參考他們成功與失敗的因素。這些城市包括紐約市，倫敦，巴斯市，布拉格，台北，新加玻以及墨爾本。每一個城市在管理街頭表演大相径庭，但都有三個主要策列：（一）發牌與登記制度，（二）規劃表演地區，（三）自願措施讓非營利組織管理街頭藝人或自願守則作為自我管理。他們成功的例子都具備了以下因素：讓街頭藝人和其他持份者高度參與決策與管理，制訂下來的守則與政策受各方面廣泛接受，持續的監管與教育，把懲罰保留為最後調解籌碼而不是目的。

根據第一階段的思路與發現，我們使用德爾菲法（Delphi's method）這種結構化的決策支持技術與權益相關者測試了不同的策列提案。我們對持份者進行多輪意見咨詢，再系統性的進行匯總整理出他們意見相同與分歧的範圍。

第一輪的訪問裡我們讓持份者在幫助效果，可行性以及本土化這些考量對三種策列以及六種具體的街頭表演規則進行了咨詢。

根據第一輪的諮詢整理，我們準備了更具體的提案以及綜合了不同程度讓持份者可以妥協方案做第二輪咨詢可每個提案的可接受程度。不同的權益關係者都歡迎前面提出的（一）發牌與登記制度，（二）規劃表演地區，（三）自願措施讓非營利組織管理街頭藝人。他們對街頭藝人自律這個方案有所保留，但也願意接受這個作為輔助性質以及推廣教育形式出發。受訪者也在不同的政策與管制條例中達成了共識，尤其是噪音管理。其他管制也包括了限制擴音器在住宅區的使用，表演者之間應該有的距離標準，更明確的道路阻塞條例以及規化表演時間。。

實行政策可帶來的影響與建議概要

各界不同的權益相關者都希望香港在街頭表演管理上更積極。雖然他們在一些措施上繼續爭論不休，比如支配街頭藝人捐款方面，或不太關鍵性的篩選街頭藝人，他們還是在很多提案都達成了協議，由此可見，政府有很大的空間進行一系列的實施。根據香港現有的制度與本土風情，政府可以通過比較容易進行的速贏措施以及更周全的長遠措施完善管理街道表演。

速贏規劃

a) 噪音管制

各個持份者普遍認為最需要落實的是一個客觀實在的噪音規劃標準。現有運用於公眾與私人地方噪音管制執法按個別案列進行。滋擾程度按投訴者的感覺，沒有噪音指標讓警方在搜集或提供證據帶來困難，街頭藝人認為在噪音上的糾紛調解與執法不透明與反覆無常，難以捉摸。最方便卻也可以有明顯成效的解決方案就是在現修例做輕微修訂，增加街頭表演噪音標準，比如聲音不得比環境噪音超過 10 分貝。

另外持份者同意需要保護住用處所免於噪音影響，落實夜晚九點以後不得在一定民居住所範圍內使用擴音器，這項措施可以得到廣泛接受以及減少深夜裡的投訴。政府應徵求區議員在這一方面的意見為個別社區制訂適當的標準。

b) 先導非營利組織管理熱門街頭表演地區

政府應該創立一個與非營利藝術組織或街頭藝人協會合作的先導計畫共同管理與設計熱門街頭表演地區，譬如位於尖沙咀天星碼頭巴士站。通過規劃這裡為臨時公眾娛樂場所可以不需要修訂新的條例使用現有發牌制度。街頭藝人需要得到有關管理組織的允許與遵守他們訂下的時間與准則才能在該處表演。這項先導計畫證實成功之後可以推廣到其他熱門地點或以後的行人專用區。

c) 引入自願守則

這種自我規管方式並不適合單獨執行，沒有規定噪音標準下很難保證。這也不是政府可以自上而下的操作，需要與街頭藝人與其他持份者一起合作制訂一套規範來得到街頭藝人的贊同與肯定。自願守則主要在英國及其他地方已經推行了，這可以指導街頭藝人以及其他持份者在街頭表演應有的行為操守，在協調糾紛上也可以提供客觀標準。成功的推行這種街頭表演管理方式的城市也有效取代法律限制以及減少刑事檢控。執法人員也可以參考這套自願守則搭配現有法例進行監管。

d) 引入由康文署帶領，更全面的街頭表演策劃

大部分熱門的表演地點處於由康文署管理的公眾地點，其中最矚目的是中環海濱長廊與屯門公園，然後是比較冷門的尖沙咀至紅磡海濱走廊。自從 2020 年修訂的《遊樂場地規例》（第 132BC 章）賦予康文署權限可以自行制訂訂任何與音樂有關活動的規則。康文處並積極策劃街頭表演管理，只專注於取締街頭藝人收取金錢。康文署可借鑑西九文化區街頭表演計劃發展一套周全的街頭表演管理，其中應該涵蓋簡易的表演准證申請過程，這也需要通過試鏡篩選，規劃表演區，制訂表演者之間的距離與演出時間，還有噪音標準。這也代表康文署應該與西九文化區管理局需要有更緊密的合作關係以及足夠的資源推行與執行街頭表演管理。康文署在香港的街頭表演管理扮演者舉足輕重的角色，適當的開放海濱長廊以及其他公眾場所可以提供更多表演地方解決場地不夠問題，這更有效的通過分散表演減少他們在人口稠密的地方帶來的負面影響。遠離民居住所範圍的公園在方便的公共交通配套下也可以劃分為表演地區。

中期至長期規劃

a) 落實規劃街頭表演指定區

我們建議政府可以在中期發展裡落實合法的街頭表演指定區,這代表立法會需要通過街頭表演活動條例，以及特定條例以達成這目標。這包括表演者之間的距離標準，特定地點的演出類型與時間，噪音管制以及禁止街頭藝人阻礙繁忙地區，但是政府還是可以靈活運用不同社區的特色與需求進行表演區規劃。

規劃指定街頭表演地區不代表街頭藝人只能在這一些地方活動，這只是代表指定區可以更好的規管非營利組織無法管理又不屬於康文署或西九文化的地方，尤其是像旺角和銅鑼灣這種又是人流密集的地方也是熱門街頭表演地點。允許街頭表演繼續在非指定區進行可以吸引更多街頭藝人接受規管。=

b) 發牌與登記制度

發牌制度是一項複雜的策列，可以作為一個長期的目標規劃。首先新的法例條規需要被審視和通過，然後創立隸屬民政事務局新的部門，負責發牌與登記街頭藝人。我們建議發牌可以分為兩種級別。第一級屬於初級發牌，無須試鏡，申請者除了需要通過培訓安全，聲量和人群管理，以及器材裝備檢查也要通過課程學習街道表演規則和最佳世間減少對街道的弊處。有關部門可以通過試鏡篩選可以在高需求，高人流的旅遊熱門地點的街頭表演達到管制目標，這可以作為第二級進階發牌程序。負責試鏡篩選的評審團應該由不同非營利組織以及街頭藝人組成增加說服與公信力。

街頭藝人需要遵守街道表演守則與指引維持牌照，不然可能會被取消資格。街頭藝術其實也分門別類，表演和視覺效果藝術對場地需求與影響各有不同，發牌需要按類型有個別的指引與規法，我們也建議有不同的發牌種類照顧各種街頭藝人。

c) 重組管理部門與執法

目前政府各個部門在街頭表演管理上各自為政，監管街道表演的權利與職責所在模糊不清以及街道表演管理在各部門受到輕視的原因讓實施更宏觀街頭管理前景重重。政府需要在短期至中期規劃裡委任一個相等於體圖委員會的文化委員會提升升文化事務道一個政策局的高度，加快政策上的改進和推廣街頭文化的速度。長遠來說，政府可以落實設立文化局，整合文化裡各種不同的策列還有彌補司法上的不足。

政府也或許可以設立街頭活動辦公司，引入來自於城市設計，文化發展以及旅遊業的專家共同協助管理街頭活動。這是一個以地方營造（placemaking）為出發點的方式管理不屬於兜售類型的街頭活動。

中期發展裡提出的表演區規劃與發牌制度需要執法單位的協助與資源進行執行。政府可以設立一個由警察與食環署組成的聯合執法委員會，常駐與街頭表演區進行執法。創立一個隸屬民政事務局的專門的街頭表演執法單位可以提供更完善的街頭管理。小販與街頭擺攤正被淘汰，食環署的小販管理隊可以重整成為街頭活動執法單位。

d) 社會大眾參與

海外個案研究證實無論管理模式，高質素的社會大眾參與是成功的要素。這代表政府在策劃政策時需要咨詢大眾，在執行上也能通過社會的回授進行調整。區議員會在設定各區標準與規劃街頭表演區可以提供寶貴意見，政府也不能只依靠區議員單方面的咨詢，因為這些意見都偏向於來自居民的投訴。政府一定要提供管道讓街頭藝人也有發言與參與權。一個成功的街頭表演管理是建立自街頭藝人的廣泛支持。

Introduction

About the study

With placemaking being a part of the agenda for Hong Kong's development strategy under the 2030+ development plan, there have been more efforts to enhance the quality of public open spaces. Yet these efforts focus on physical improvements to the built environment. Little has been done to devise a holistic management strategy for entertainment and commercial activities in public spaces and streets.

As a follow up to Civic Exchange's previous overview study on Hong Kong's street management "Managing Vibrant Streets" published in 2018, this project focuses specifically on street performance management policy with the overall objective of producing policy recommendations as a way forward for creating a comprehensive street management strategy.

Objectives of the study

The objective of this study is to assess the acceptability and feasibility of different policy options for street performance. In order to do this, it is necessary to map and analyse stakeholder opinions to understand their concerns and the power dynamics among them. This provides in-depth local context to define problems and identify constraints. This study also learns from overseas examples by examining international case studies in street performance management. Potential solutions gleaned from international examples and interviews with local stakeholders are then tested with stakeholders in order to evaluate their acceptability. The goal is to identify areas of compromise and policies that are locally feasible. The two key objectives of this study are summarised thusly:

1. To review international case studies on successful management of street performance in other major cities globally in order to develop options for Hong Kong.
2. To map out key stakeholder pain points and positions in order to assess their receptivity towards a menu of possible policy solutions and identify possible areas of consensus.

Report outline

This report consists of two main components which represent two self-contained phases of research. The first part *(Part I)* focuses on discussions about the *what* and *why* of street performance as a central matter of concern, while the second part *(Part II)* focuses on *how* to address the matter in terms of the most beneficial and acceptable policy options in the eyes of key stakeholders.

Part I

The first part of the report presents the results of stakeholder mapping and desktop research on international case studies and Hong Kong's institutional context. The aim of Phase 1 is to provide a foundational understanding of: 1) general perceptions and opinions of street performance in Hong Kong; 2) interests, priorities, and power dynamics among various stakeholder groups; 3) what has been done in terms of policy in other cities around the world, along with what has been done locally; and 4) what more can be done within the opportunity space afforded by Hong Kong's legal and administrative structures.

Section I-1 presents an overview of the significance of street performance in Hong Kong in terms of its cultural history and further implications for public spaces in the city. Given the potential benefits of street performance, the subject is reframed as a potential asset to urban placemaking strategies.

However, before the potential benefits are realised, main problems associated with street performance need to be addressed. In Section I-3, noise, obstruction, and poor taste/ quality in street performance were identified as three main sources of conflict between stakeholders, especially between street performers and other stakeholders. While issues of noise and obstruction are reasonably objective, issues of taste/ quality are harder to define and highly subjective. These issues require solutions that take into consideration stakeholders' definitions and the situational context.

Section I-4 focuses on the interests and concerns of stakeholders and analyses their power dynamics. A series of in-depth one-on-one semi-structured interviews were conducted with 29 individuals from 11 stakeholder groups, in order to gain insights into their perceptions of street performance and opinions about its problems. This stakeholder analysis examined four aspects of their power dynamics, collaboration, legitimacy, interests, and power ('CLIP analysis'). The respective position of each stakeholder groups in their views of street performance were analysed. Ultimately, the aim of the analysis was to find opportunities to enhance collaboration between stakeholders in dealing with street performance issues and to mitigate conflicts between them.

Section I-5 presents 7 international case studies on how street performance activities are managed in different social and institutional contexts. The broad range of policies used in these seven cities were categorized into three main management approaches for policy reference for Hong Kong's case: licensing, zoning, and voluntary agreements. Section I-6 provides further analysis of Hong Kong's legal and administrative context in order to place these policy references within local institutional constraints to assess opportunities for change under the existing institutional environment. This provides the foundations for understanding the fundamental problems associated with street performance and potential policy options for addressing them.

Part II

In Phase 2, a menu of policy options was created for stakeholders to review and express their opinions and preferences on through two rounds of Policy Delphi surveys. The Policy Delphi is a technique of iteratively surveying a group of stakeholders on a particular issue or question in order to identify areas of consensus and disagreement. It is described in detail in Section II-1.

Section II-2 introduces the menu of policy options presented to stakeholders. They consist of the three management strategies described in *Part I*: licensing, spatial zoning, and voluntary agreements, which are in turn used to organise more specific rules and guidelines aimed at addressing the main problems of street performance. This section presents a thorough explanation of the logic behind each policy option and how it is intended to address stakeholder concerns.

Section II-3 presents results from the first survey that aims at gauging stakeholders' preferences for different rules and strategies in terms of helpfulness, feasibility, and suitability for the Hong Kong context. The purpose was to explore areas of consensus and disagreement on different policy options, along with stakeholders' indication of the policy objectives to which they would aspire, and the level of priority in addressing different issues. While results showed no single measure or strategy gained absolute support from stakeholders, some were perceived more favourably than others.

In Section II-4, more detailed policy measures are presented in a second survey that aims to address stakeholders' concerns about policy options as expressed in the first round in order to establish a better understanding of possible areas of compromise. Results from the second survey found that respondents showed more willingness to accept some measures that did not gain strong support in

the first round provided that mitigating elements were included. Respondents thus showed a promising level of flexibility in their opinions of proposed rules and strategies.

Finally, with more established knowledge of desirable and not-so-desirable policy measures obtained from results of the second round, Section II-5 proposes a set of policy recommendations that would fit into the policy rationale favoured by the majority of stakeholders. Policy proposals are categorized into those with strong stakeholder support, which the Government should implement; those with qualified support, which may be implemented in certain situations and with mitigating measures; and those where stakeholders failed to come to any agreement, which should not be implemented. Taking into consideration the existing legal and administrative context and the urgency in conflict mitigation, recommendations are presented as either short term, or medium to long term solutions. Although there is no single solution package that would satisfy all members of the public and concerned stakeholders, the solutions present plausible and realistic ways in which improvements can be implemented.

Part I - International Case Studies & Stakeholder Mapping



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I - Acronyms and Abbreviations

CLIP	Conflict/Cooperation, Legitimacy, Influence and Power
CSR	Corporate Social Responsibility
CUHK	Chinese University of Hong Kong
DC	District Council
EPD	Environmental Protection Department
FEHD	Food and Environmental Hygiene Department
HAB	Home Affairs Bureau
HAD	Home Affairs Department
HKFYG	Hong Kong Federation of Youth Groups
HKOTC	Hong Kong Office of Tobacco Control
HKPF	Hong Kong Police Force
HYD	Highways Department
LCSD	Leisure and Cultural Services Department
MTRC	Mass Transit Railway Corporation
NGO	Non-Governmental Organisations
POPS	Privately Owned Public Space
PSPO	Public Space Protection Order
SPAs	Street Performer Associations
TD	Transport Department
TFL	Transport For London
TPPE	Temporary Places of Public Entertainment (License)
WKCD	West Kowloon Cultural District
WKCDA	West Kowloon Cultural District Authority

I-1. Introduction: How can Street Performance be an Asset to Cities?

I-1.1 Street performance and urban liveability

While urban placemaking has traditionally focused on physical design, public space management also matters. Effective public space management is defined as "the set of processes and practices that attempt to ensure that public space can fulfil all its legitimate roles, whilst managing the interactions between, and impacts of, those multiple functions in a way that is acceptable to its users".[1]

Informal activities like street performance can enhance a city's liveability, sociability, culture and local economy by introducing dynamism into urban environments temporarily transforming the way people interact with public spaces.[2] They can make spaces more convivial by "promoting spontaneous, democratic, intimate encounters".[3] However, if poorly managed, they can detract from public space's attractiveness, comfort, functionality and environmental quality, especially in a high-density environment like Hong Kong's.

Historically, street performance has often been treated as a nuisance,[4] including in Hong Kong where the Summary Offences Ordinance, dating from 1949, classifies unauthorised musical performances on streets as a public nuisance alongside public defecation, driving recklessly on footpaths, and keeping dangerous and annoying dogs.[5]

However, some city governments try to strike a balance between nuisance prevention and active promotion in order to capture the benefits of street performance.[6] This can be seen as a form of "affective engineering" to promote public spaces with a certain kind of "buzz",[7] but also to ensure that this "buzz" is compatible with consumerism and city marketing objectives.[8] While these policies have sometimes been criticised for excessively sanitising public space, particularly when management is contracted out to property developers and private management companies,[9] if well-balanced they can help ensure the usability of public spaces to the broadest range of stakeholders.

Placemaking is part of the Hong Kong Government's built environment objectives in the Development Bureau's "Hong Kong 2030+" territorial development strategy, which proposes to "reinvent public space (e.g. public parks and streets) in terms of functionality, quality, design, accessibility, provision and management", "enhance our unique city character" and "promote a sense of place".[10] In late 2017, the Transport Department (TD) also commenced a Consultancy Study on Enhancing Walkability in Hong Kong with four study themes, "make it connected", "make it safe", "make it enjoyable" and "make it smart" (Walk HK, 2018). Placemaking plays a role in improving walkability by enhancing the quality of pedestrian spaces.

However, Hong Kong lacks a holistic approach towards street performance and street management more generally, relying on a piecemeal approach based on various pieces of nuisance and public hygiene legislation.[11] Placemaking initiatives to date have focused on physical infrastructure such as traffic calming, urban greening, footbridges, elevators and rain shades. There is also a mismatch of scale between problem and action: street performance impacts specific localities at a neighbourhood or district scale, but changes in policy can only be made at the city-wide level. The Government has also cited Hong Kong's complex urban and institutional environment and lack of consensus on street performance policy as obstacles. As the then- Secretary for Home Affairs Mr. Lau Kong-wah said to the Legislative Council (LegCo) in 2018:

> *"Hong Kong is a small place with a high population, and is one of the most densely-populated cities in the world. There may be far fewer suitable locations for street performance as compared to other places. Even if a registration / licensing mechanism is introduced, the public may hold different views on designating performance space in densely populated areas or streets (such as pedestrian precincts). In fact, regulation of street performance involves a wide range of complicated issues relating to content of the performance, coverage, standard as well as its*

implementation. It involves territory-wide considerations as well as the actual situation in districts and legal considerations." – Lau Kong-wah, 7 November 2018.[12]

A background brief for the Legislative Council Panel on Home Affairs further stated several concerns over the creation of a scheme to require street performers to apply for licenses, including the "need to balance the demands of different users and the views of local residents", as well as the possibility that any such scheme might be "subject to challenge on grounds that it represented a violation of the right to freedom of expression guaranteed under the Basic Law".[13]

Street performance has not been a high enough priority for the Government to expend political capital on forging consensus, overcoming constraints, and developing more comprehensive solutions. As a result, significant levels of nuisance have been allowed to persist, resulting in the closure of or imposition of additional restrictions on public spaces, a nd undermined community support for pedestrian zones (see Section I-1.3).[14] This research project therefore attempts to address some of these obstacles by conducting a stakeholder mapping exercise in order to gain a more nuanced understanding of stakeholder viewpoints and to explore possible ways forward. Before delving into the objectives and methodology of the study, the section below will examine the background and context of street performance in Hong Kong.

I-1.2 Street performance as a form of popular entertainment: a cultural history

Street performance was part of Hong Kong's daily community and social life until the later part of the 20th century, including singing, Cantonese opera, martial arts, storytelling, and trained animal tricks.[15] A major site for street performance was *dai dat dei* (大笪地), literally "big piece of land", a night market with hawkers, *dai pai dongs*, fortune tellers and entertainers on the site of what is now Hollywood Road Park.[16]It moved to the Sheung Wan waterfront in the 1970s, where it remained until it was shut down for the Central-Wanchai Reclamation project in the early 1990s.[17] Other major sites of street entertainment included Temple Street night market and Pei Ho Street in Sham Shui Po.[18]

Street performance started to decline in the 1970s and 1980s with the spread of television, rapid urban redevelopment,[19] and a concerted effort by the Government to clear the streets of informal activities to better control public hygiene and free up space for vehicular traffic.[20] These efforts were seen as essential to the city's modernisation, but fundamentally altered the city's public life as shared entertainment in public spaces was displaced to private venues.

Street performance re-emerged on a significant scale when TD's pedestrianisation programme was implemented in early 2000,[21] which closed off selected urban streets to traffic on a part- time or full-time basis. While the programme was intended to ease congested pavements and improve pedestrian safety, it unintentionally provided opportunities for a plethora of recreational, social, and commercial activities to flourish.[22] Street performers began to appear in busy commercial spots like Causeway Bay, outside Lan Kwai Fong (in Central), and in the Sai Yeung Choi Street South pedestrian zone in Mong Kok, where their numbers gradually expanded. While the precise number is unknown, a street performer census conducted by the Chinese University of Hong Kong (CUHK) in 2015 estimated that there were around 300 active performers.[23] The overwhelming majority (90 per cent) were musicians or singers, 7 per cent performed dance, 2 per cent acrobatics, and 1 per cent theatre.[24] 95 per cent of the performers were classified as local residents,[25] but foreign performers such as Mr. Wally, a Japanese musician, can be regularly seen in Hong Kong. The re-emergence of street performance is indicates that it continues to meet some social needs into the 21st century. While there may be nostalgia value for older performers and audiences, the CUHK census found that over 60 per cent of its respondents were below the age of 25.[26]

However, the pedestrianisation programme led to the emergence of unanticipated, and therefore inadequately managed street management conflicts.

I-1.3 Street performance as a street and public space management issue

I-1.3.1 Failure of the Sai Yeung Choi Street pedestrianisation scheme

The case of the Sai Yeung Choi Street South pedestrian zone in Mong Kok illustrates institutional paralysis in public space management caused by complicated jurisdictional and legal gaps in responsibility. The zone was implemented in 2000,[27] initially operating Mondays to Saturdays between 4 p.m. and midnight, and Sundays and public holidays between noon to midnight. Its stated objective was to "help enhance road safety and improve the pedestrian environment as well"[28] by improving air and noise pollution, walkability and local economies in central urban locations.

Over the years, the street became increasingly saturated with street performers as well as a wide variety of other activities including commercial promoters, telecoms sales booths, hawkers, polaroid photographers, pull-up banners and other standing advertisements, political campaigners and protesters. The space fulfilled a complex and chaotic array of purposes, many of which conflicted with the needs of nearby residents and shopkeepers. By 2013, the Yau Tsim Mong District Council (DC) was receiving over 1,000 complaints a year. Then-DC member Mr. Chow Chun-fai argued that the original purpose of the pedestrianisation scheme had been derailed by lack of management.[29,30]

As Sai Yeung Choi Street was legally a road, no government department possessed the authority to manage street performance activities except through the enforcement of the Noise Control Ordinance and related nuisance legislation. These efforts were of limited effectiveness. Chow therefore lobbied to "shorten the weekly opening days of the Mong Kok Pedestrian Precinct as soon as possible…in order to allay public resentment"[31], with further demand to implement "reasonable planning and management of street performance activities and the demarcation of areas dedicated for street performances." This decision to reduce the operating hours to weekends was implemented in 2014.[32]

The number of complaints saw an initial drop to less than 700 in 2014, but rose again to 1,232 by 2016,[33] as reduction in operating hours led to higher intensity use on weekends (this averages out to 23 complaints per weekend). The proliferation of illegal busking/karaoke pitch, rental services and commercialised street singing groups, suspected to be influenced by organised crime, added to the apparent chaos and poor image of the precinct.[34]

Yau Tsim Mong DC members, who lacked the authority to enact any new street management measures themselves, continued to demand that the Government either impose a licensing scheme, [35] or abolish the pedestrianisation scheme altogether. [36] Eventually, on 4 August 2018, Sai Yeung Choi Street South pedestrian precinct was officially abolished. This resulted in a "notable decrease" in complaints in Mong Kok.[37] According to the Police, in the first half of 2019, the whole of Mong Kok received an average of 21 complaints a week,[38] but spread out through the week instead of concentrated on weekends. However, the street performers relocated elsewhere.

I-1.3.2 Social backlash against street performance

When the pedestrian precinct was first closed, the performers initially relocated to Tsim Sha Tsui, where they provoked brief but intense conflicts with residents, public space users, and existing street performers. While complaints in Mong Kok had focused primarily on noise and nuisance, in Tsim Sha Tsui the performers also became a lightning rod for broader socio-political conflicts, [39] culminating in public protests in August 2018.[40] These clashes once again pushed most of the performers to relocate to the Central waterfront. In the first half of 2019, Yau Tsim (a Police administrative unit encompassing Yau Ma Tei and Tsim Sha Tsui) received 3-4 complaints a week, while Central received about 12 per week.[41]

The public backlash focused heavily on a stigmatised subset of street performers referred to as *dai ma*（大媽）loosely defined as middle-aged women singing and dancing to karaoke backing tracks, appealing primarily to older male audiences. Increasing numbers of *dai ma* groups established themselves in Mong

Kok during the last few years of the pedestrian precinct's operation, pushing out other, mostly younger, performers. Many viewed them as unwelcome additions to Hong Kong's cultural landscape due to their perceived lack of artistic sophistication and the suggestive nature of some of their performances. Antisocial performance behaviours were also attributed to them, including blasting speakers at high volume to drown out rival performers, pitch hogging (*ba dei poon* 霸地盤) by placing equipment or sending proxies to claim spaces or "pitches" many hours in advance,[42] soliciting money (*lai see* 利是) from audiences, and refusing to participate in pre-existing pitch sharing arrangements among established performers on the Tsim Sha Tsui waterfront. However, antipathy towards *dai ma* was in part rooted in prejudices against Mainland Chinese immigrants and resentment towards the growing influence of the Mainland's culture in Hong Kong.[43]

The *dai ma* label in itself is vague and problematic as it can be stretched to cover any female performer of whom the speaker disapproves on grounds of conduct and appearance. For example, two female karaoke singers interviewed insisted that they were not *dai ma*s because they were locals, not from the Mainland, and because they were there to sing, not just to make tips from old men.[44] However, one recounted having been shouted at by anti-*dai ma* protesters in the past.[45] The conflation of antisocial behaviour with *dai ma* groups is also problematic because the gendered term automatically excludes male performers, regardless of their conduct.

I-1.3.3 Further consequences for public spaces

Tuen Mun Park had become another area of conflict over *dai ma* group performances. As part of a trial programme launched in 2006, two self- entertainment zones in Tuen Mun Park were set up for Cantonese opera performance groups, in addition to the park amphitheatre and a selection of other venues across the district.[46] By 2014, complaints about *dai ma* performers were being raised in the Tuen Mun DC,[47] centring around excessive noise, failure to respect park rules, and the solicitation of monetary contributions.[48] In July 2019, anti-*dai ma* "Reclaim Tuen Mun Park"（光復屯門公園）protests broke out, leading to the abolition of the self-entertainment zones.[49] In May 2020, the Government proposed to amend the Pleasure Grounds Regulation which governs parks managed by the Leisure and Cultural Services Department (LCSD) in order impose heavier penalties, enhance enforcement flexibility, and implement more active management of performance in public parks. The fact that parks already fell under an existing piece of legislation made legislative amendment more feasible from the government's point of view. Fines for violating the Pleasure Grounds Amendment would be increased, non-park users would be accepted as witnesses in order to make it easier to prosecute violators, and performers would be banned from accepting any donations in LCSD-managed parks.[50] Additionally, the LCSD would be empowered to post signage stating house rules for performers.[51] The Government proposed that the LCSD would make reference to Environmental Protection Department (EPD) decibel level guidelines when approving events, equip park staff with decibel meters, and consult with DCs on locally acceptable noise standards.[52] While more active management is needed, the increased restrictions may once again prompt performers to relocate (see Section I-6 for discussion).

At the time of writing, many of the former Mong Kok and Tuen Mun Park performers have relocated to the Central waterfront during evenings and weekends, mainly near Piers 7 and 8. Unlike public parks, the waterfront is made up of a patchwork of land managed by the LCSD and the TD/Highways Department (HYD), and the Home Affairs Department (HAD), which makes unified management more difficult. This development has produced some concern among local stakeholders such as residents and DC members, who have expressed fears about this area becoming "another Mong Kok". This resulted in reduced DC support for the TD's recently proposed walkability pilot project to implement part-time pedestrianisation schemes in the cultural precinct around Hollywood Road, Lyndhurst Terrace and SoHo (all near Central),[53] as well as scepticism of a proposal to partially pedestrianise Des Voeux Road Central put forward by a coalition of non-profits and urban planners.

Meanwhile, in Causeway Bay, the owner of the Times Square mall took legal action to exclude street performers from its privately managed ground-floor piazza which is reserved for pedestrian circulation and passive recreation under the building's Deed of Dedication. When some Mong Kok performers relocated there, the developer sought legal injunctions against long- time performer Jay Lee (who had been tolerated previously), winning a permanent ban in March 2020 after Lee was forced to drop his defence due to lack of resources.[54] The High Court ruled that street performance violated the mall's Deed of Dedication.[55] Lee fears a further narrowing of spaces for performers, worrying that other developers will take the case as a precedent to exclude performers from other privately managed public spaces, and that negative public perceptions of street performers will be reinforced by their legal defeat.

I-1.3.4 Disjointed government initiatives

Hong Kong lacks a comprehensive street performance policy, leaving it to be governed by a number of general-purpose ordinances against noise and obstruction. The Government has taken a hands-off approach of tolerating street performance rather than incorporating it into an overall cultural or placemaking policy.

There are three government-run street performance permit schemes in operation, but they are limited in scope and effectiveness. The first is a one-off, discretionary permit from the Hong Kong Police Force (HKPF) to play musical instruments on the street under the Summary Offences Ordinance.[56] An online application form was created in response to a 2015 High Court ruling, which criticised the lack of a clear application process.[57] However, the same ruling also made the provision unenforceable, stating that under the Basic Law, Hong Kongers have a right to engage in artistic and cultural activities in public spaces.[58] The legal ramifications are further discussed in Section I-6.

The permit system is therefore a pro-forma process. Applications for each performance must be submitted 14 working days in advance, and there is no right of appeal if rejected. There are no explicit guidelines or criteria for performance locations, times, noise levels, safety, preventing obstruction, etc. although license conditions may be imposed on a discretionary basis. As the process is inconvenient and the law is unenforceable, street performers have no incentive to apply – just 48 applications were filed in 2014, 60 in 2015, and 64 in 2016, all of which were approved.[59]

The other two extant permit schemes were an attempt to provide authorised venues for street performers in government-managed public spaces. In July 2010, the Home Affairs Bureau (HAB) launched the "Open Stage" scheme, offering three performance venues located at Sha Tin Town Hall, Kwai Tsing Theatre, and the Hong Kong Cultural Centre in Tsim Sha Tsui.[60] Performers had to audition in order to qualify.[61] However, due to low participation, by January 2012 Sha Tin Town Hall was the only venue still available.[62] Performers criticised the venues on offer for having low pedestrian flow. Additionally, while performers were allowed to accept donations as long as they did not actively solicit them, they were prohibited from displaying merchandise for sale or distributing fliers.[63, 64] In the five-year period between 2013 and 2017, only a total of 62 applications were received, of which 32 were approved, and 27 actually registered to perform.[65]

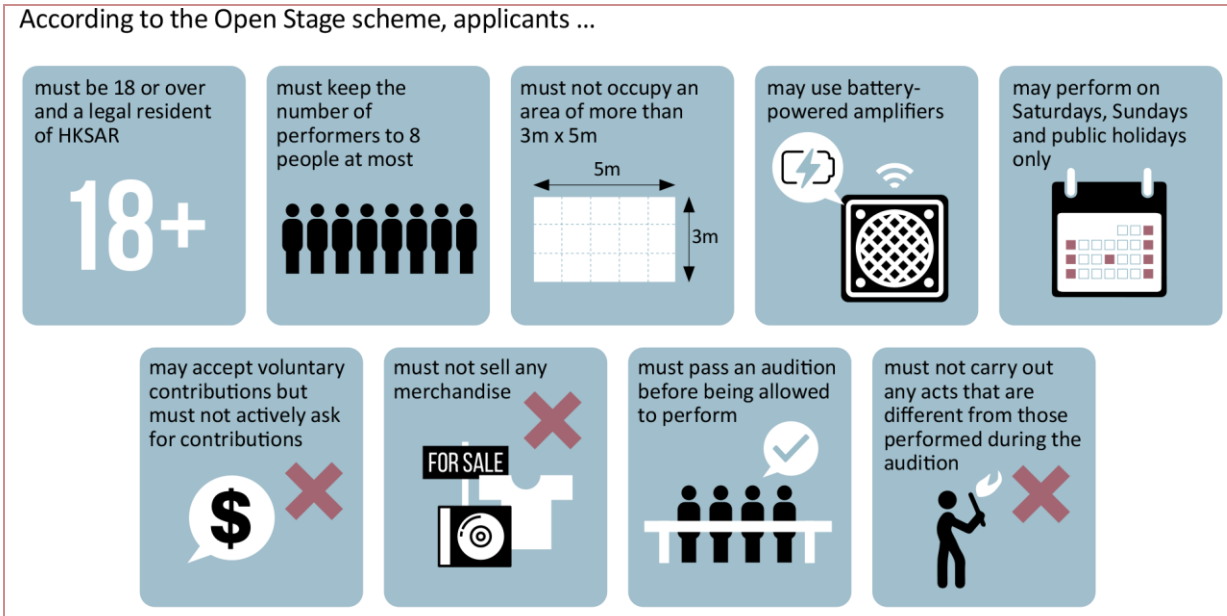


Figure I-1 - Open Stage scheme requirements

However, while the Open Stage Scheme was discontinued at the Hong Kong Cultural Centre, the site's management continues to allow street performers to use parts of the waterfront promenade on an ad-hoc basis under its own house rules. In order to balance the interests of public space users, outdoor venue hirers, and street performers, the LCSD requires performances to stay within 10 dBA of background noise levels, making reference to the EPD's guidelines for performance venues.[66] Their security guards are equipped with decibel meters[67] and, according to an LCSD representative, have formed a positive rapport with the performers there.[68] However, as performers are banned from accepting donations (see Section I-3.4 for further discussion of donations), most opt to use the unregulated space outside the Star Ferry terminal instead.

In July 2015, the West Kowloon Cultural District (WKCD) launched its own Street Performance Scheme (WKCD Scheme hereafter) in order to "promote appreciation of and participation in the arts"[69] and "encourage street performers to make use of the public space and liven up the park"[70]. Applicants were required to audition for a one- year permit that authorised them to perform at one of eight available pitches in the park. License conditions allow performers to perform between 10 a.m. and 10 p.m. and stay at the same pitch for up to two hours within a six-hour period. They are required to display their permits while performing, keep their volume to 85 dBA within two metres, and avoid obstructing public spaces. Performance groups must contain ten people or fewer. Small battery-powered amplifiers, but not generator- powered sound systems, are permitted.[71]

However, the WKCD Scheme is not popular among street performers as the location suffers from a lack of footfall.[72] Some of the performers interviewed for this project also complained that it was too inaccessible by public transport, saying that it was too inconvenient to carry their equipment from the Kowloon MTR station.[73]

In sum, street performance is legal, but not actively managed. As a result, the overall image of street performance has been tarnished by the unfavourable behaviour of some performers, leading to a backlash that has curtailed access to or imposed increasing restrictions on public spaces. Government-initiated busking schemes to date have not managed to meaningfully address the situation, as they are too limited in scope and unattractive to performers. Although there have been discussions[74] about the need to offer

more suitable performance venues for street performers, there needs to be cross- bureau action to address the problem, provide joined-up thinking, and establish clear lines of accountability.

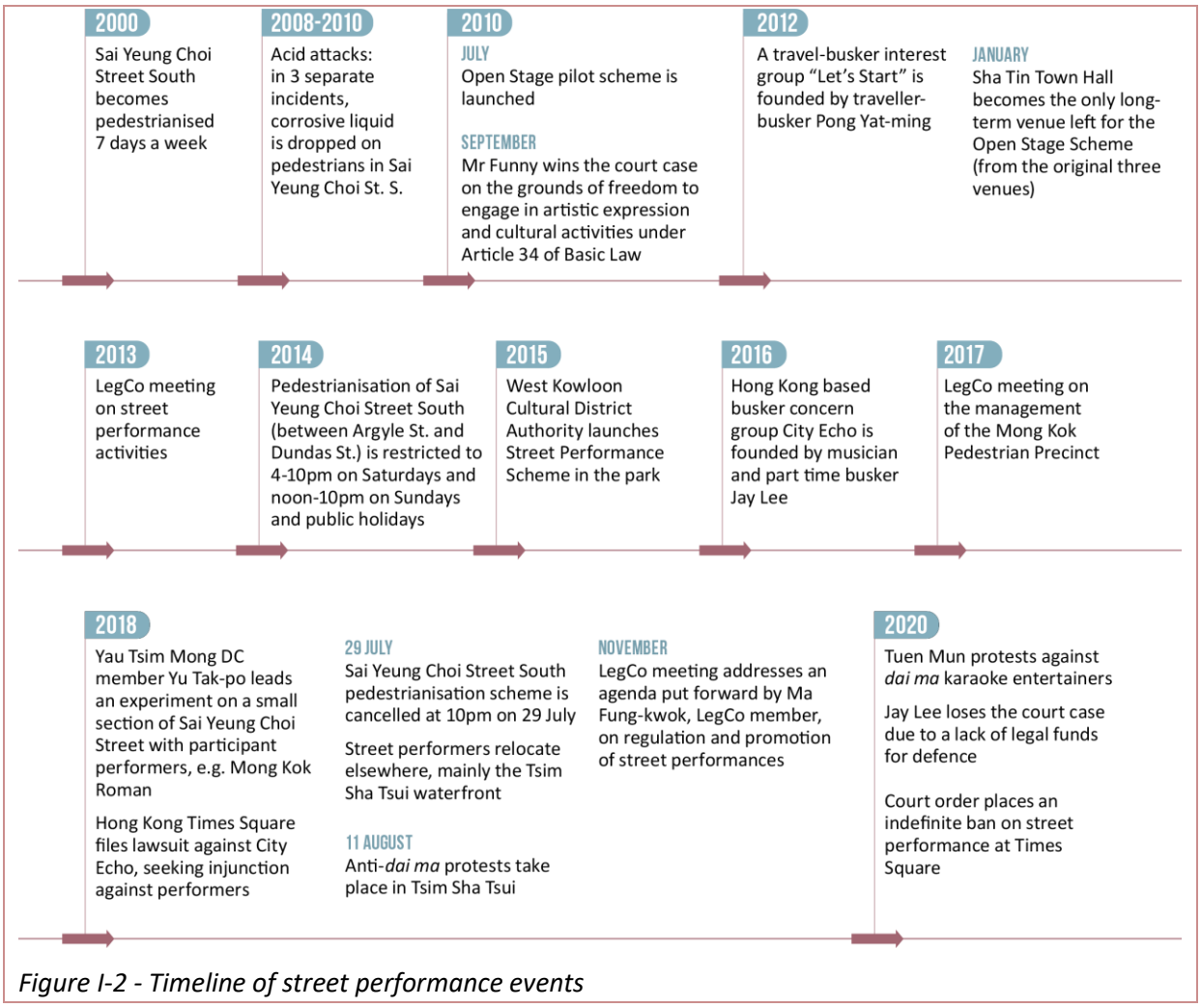


Figure I-2 - Timeline of street performance events

I-2. Phase 1 Objectives and Methodology

I-2.1 Phase 1 objectives

The study consists of two phases. *Part I*, which comprises the first phase, focuses on the initial part of stakeholder mapping and the international case studies. *Part I* identifies the key players, maps out their concerns, and analyse their relationships and power dynamics, including the ways in which they interact with regulations and officialdom. This enables a clearer and more nuanced understanding of how different stakeholders perceive and define the problem, in order to identify the issues that must be addressed in order to alleviate their concerns, or change their minds. Additionally, a fuller understanding of the relationships and power dynamics between different stakeholders can be used to inform policy proposals, including any measures needed to address these dynamics to make the policies more effective. The second objective of the first phase is to examine and compare selected overseas case studies in street performance management. While public discussion in the Hong Kong media has focused on the possibility of introducing a licensing system, cities worldwide have implemented a wide range of approaches. The comparative analysis aims to identify features of successful street performance management policies and common mistakes to avoid. In order to adapt these policy ideas into a locally suitable menu of policy options, an in-depth analysis of Hong Kong's institutional constraints and opportunities is also carried out. The policy menu is then presented to stakeholders in Phase 2 of the project (see *Part II*).

The second phase (*Part 2)* focuses on the latter half of the stakeholder mapping exercise, which is to assess the receptivity of stakeholders towards various policy options. This is done through a Delphi survey questionnaire conducted with the same group of stakeholders interviewed in phase 1. The survey asks stakeholders to assess their acceptability and feasibility of a range of policy options. Stakeholders' underlying assumptions and their attitudes towards differing opinions are probed in order to identify areas of possible consensus, or conversely, irreconcilable difference. This second-stage analysis informs our final policy recommendations and conclusion, presented in *Part II*.

I-2.2 Phase 1 methodology – Stakeholder mapping and international case studies

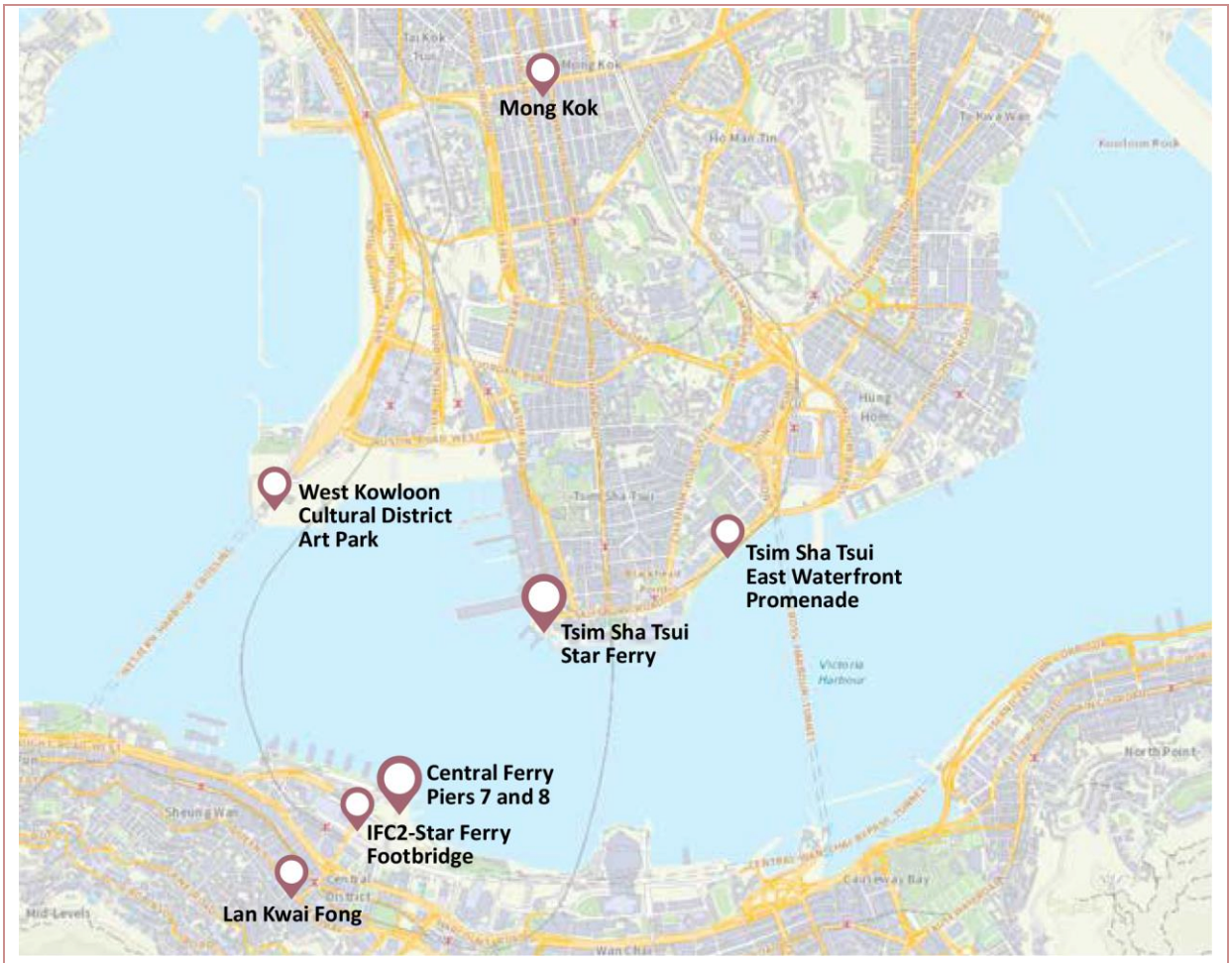
I-2.2.1 Area of study

This research is focused in two Hong Kong districts – Yau Tsim Mong (on the Kowloon peninsula) and Central & Western (on Hong Kong Island). They were chosen because they are busy urban areas that attract significant numbers of street performers. As noted above, both districts were affected by the cancellation of the Mong Kok pedestrian zone in mid-2018. Performers displaced from Mong Kok initially gathered on the Tsim Sha Tsui waterfront, concentrated mainly around the Star Ferry pier and bus terminus, with a few using the promenade outside the Hong Kong Cultural Centre and some on the opposite end of the Avenue of Stars towards Tsim Sha Tsui East. As these pitches were quickly oversaturated resulting in conflicts, most moved on to the Central waterfront promenade near the Star Ferry Pier and the Observation Wheel shortly afterwards. Central's waterfront also received an influx of performers after the closure of Tuen Mun Park's self-entertainment area in mid-2019.

Aside from these two hot spots, Mong Kok and Yau Ma Tei retain a number of smaller pitches, mainly outside Langham Place, Mong Kok East MTR station's bus terminus, and Temple Street. Central sees a number of performers on the footbridge network, particularly on the stretch linking the International Finance Centre 2 with the Star Ferry pier, and outside Lan Kwai Fong. s the waterfront promenade on both sides of Victoria Harbour becomes further developed in the future, it may draw increasing numbers of street performers. It is worthwhile to explore whether waterfront spaces can satisfy the demand for street performance while keeping nuisance away from residents of highly built-up urban areas. Owners of major waterfront properties may also have an interest in the regulation of street performance activities near

their buildings.

Additionally, the TD has recently proposed to implement small-scale, part-time pedestrianisation schemes in the cultural precinct around Hollywood Road, Lyndhurst Terrace and Soho (all near Central) in the future, which raises worries among stakeholders such as DC members and local residents about creating "another Mong Kok". Central therefore serves as a useful test case to explore what types of policies might be sufficient to alleviate concerns or shift thinking about pedestrianisation schemes.



Map I-1 – Main area of study

I-2.2.2 Stakeholder mapping

In the first phase of the project, key stakeholders were identified and engaged in a preliminary round of semi-structured interviews in order to gain a better understanding of how they perceive and define the street performance issue, their interests, relationships with other stakeholders, ability to influence the situation, and any personal experiences they have had with the issue. Key stakeholders are those who are engaged in, have possible influence over, or are affected by street performance.

Civil society and private sector stakeholders were identified based on background research on concerned and interested parties. Street performers, residents, businesses as well as neighbourhood concern groups and DCs have openly expressed their concerns about street performance in the media and other channels. Public sector stakeholders were identified based on government departments' areas of responsibility over street performers in policy, regulatory or venue management terms. Most of the interviewees were recruited by email, except street performers who were approached in Central and Tsim Sha Tsui where they performed. Interviewees were also asked to recommend other potential interviewees in a process of snowballing. Interviewees either consented to being quoted by name, or had their identities obscured by request. report. 28 individuals were interviewed in person or by telephone between January and April of 2020. A list of these individuals and organisations can be found in Appendix I-1. They include:

- 11 street performers ranging from their 20s to their 60s (including 2 founders of artistic concern groups)
- 1 business chamber representing retail, food and beverage outlets
- 2 neighbourhood concern groups
- 3 DC members and 1 Legislative Councillor's aide
- 2 representatives of a property developer
- 3 representatives of Food and Environmental Hygiene Department (FEHD) (Yau Tsim & Mong Kok)
- 1 representative of the Cultural Services Branch of the LCSD
- 1 representative of the Walkability Task Force of the Transport Department (TD)
- 2 representatives of the Mass Transit Railway Corporation (MTRC)
- 1 representative of the Hong Kong Federation of Youth Groups (HKFYG)

Additionally, the HKPF and another developer agreed to participate in the study by providing written answers to questions in lieu of a live interview.

External circumstances required some changes in methodology. While the original intention was to conduct the preliminary interviews face-to-face, due to the global COVID-19 outbreak which began to impact Hong Kong in late January, most of the interviews were conducted through conference calls. Some potential stakeholders who were approached declined participation in the study or did not respond to enquiries, including some private developers, DC members, and some relevant government bodies including the HAD and West Kowloon Cultural District Authority (WKCDA). Study participants were given the option to participate in the study using their real names or anonymously. Some participants opted to be identified by their given names or surnames only. Those participating anonymously are referred to under pseudonyms or as unnamed spokespersons of their organisations. In some cases, details of their location and employment will be obscured in the report to preserve privacy. Permission was obtained to record the interviews for research purposes, and the recordings will be deleted within six months after the end of the project.

These initial interviews are used to complete a Conflict/Cooperation, Legitimacy, Influence & Power (CLIP) stakeholder map.[75] A CLIP analysis systematically describes and categorise the relationships between different stakeholders surrounding a problem in order to gain insights into the dynamics and power relationships that may influence the outcome of a project or policy. Stakeholders are assessed in terms of their cooperation or conflict with each other, the degree to which others recognise their *legitimacy*, how their interests are currently affected and what they may stand to gain or lose through policy interventions, and their level of power or authority in the situation.

This stakeholder analysis provides a deeper understanding of their level of involvement, investment or influence in the situation, and identifies areas of communication, cooperation and conflict (or lack thereof). This is used to inform the range of policy options to be carried into the next stage of the study by helping to adapt them to the local social and institutional context. For example, it might be found through this process that street performers do not all share the same priorities and interests, and therefore should be characterised as two or more different groups. The analysis also helps to identify areas of common interest and areas of conflict. It may suggest the need for remedial measures to address the concerns of a particularly influential stakeholder that may act as a sticking point, identify opportunities or obstacles to collaboration, or identify a need to engage more deeply with stakeholders that are heavily affected but which have little formal influence.

I-2.2.3 Desktop research: International case studies and local institutional context

Through desktop research, street performance management policies from selected international examples are examined. Where possible, the desktop research is supplemented by interviews with experts in the selected cities in order to provide more in-depth on-the-ground understanding. These experts include:

- Ho Cheng-I, Director of Taiwan Street Arts and Culture Development Association
- Nick Broad and Liliana Maz, co-founders of The Busking Project, an international non-profit organisation that promotes busking through advocacy, technology and research and opportunities
- David Gray, a street performer involved in the street performance advocacy organisation "Keep Streets Live" in the UK
- Jonathan Robinson, a former programme director of MusicTank, a music industry think tank in the UK

The objective of *Part I* is to gather a variety of examples in order to gain a broader understanding of different approaches. In Hong Kong, public discussion of street performance management focuses mostly on the idea of implementing a licensing system similar to that in Taiwan.[76] Cities worldwide have implemented a range of different policies. The selected case studies include cities with:

- a licensing approach (Taipei, Singapore, Melbourne)
- zoning-based approaches (New York City, Prague)
- voluntary approaches (Coventry, Bath)
- mixed approaches (London)

These approaches will be described and compared in order to identify successful elements and less successful elements.

The case studies examine and analyse regulations, mechanisms of implementation, the relationship between enforcement agencies and street performers, and the institutional and social contexts in which they are situated. Governments do not operate in isolation but are situated within societies, and the implementation of policies depends not only on formal directives carried out by government employees, but on relationships with non-state actors like corporations, civil society groups and individuals, and the ways in which these parties understand the problems and justify government actions to each other and to themselves.[77] Social norms, attitudes towards street performance, views of the government and its enforcement agents, and framings of the purpose of street performance policy will affect how policies work in real life. It is necessary to understand the broader context in order to assess how well overseas policies might translate to a Hong Kong context.

The international case studies are supplemented by an analysis of Hong Kong's institutional constraints and opportunities built upon Civic Exchange's preceding study on general street management issues, "Managing Vibrant Streets". An overview of existing laws and regulations, Hong Kong's administrative and political structure as they pertain to street performance will be provided in order to assess how the existing institutional context may constrain or offer channels to carry out different hypothetical policy approaches.

Findings from the stakeholder analysis, international case studies, and local institutional analysis are synthesised to inform a menu of broad policy approaches which could plausibly be implemented in Hong Kong. These ideas are presented to stakeholders in Phase 2 of the study *(see Part II)* in order to assess their importance, helpfulness and feasibility.

I-3. Phase 1 Research Findings: Benefits, Problems and Opportunities of Street Performance

In order to test the feasibility and acceptability of different policy solutions, it is first necessary to find out how the problems are understood by different stakeholders and to map out the relationships between them. This report uses a CLIP analysis to map out stakeholder power relationships based on four factors: ongoing relations of Collaboration/ Conflict, Legitimacy, Interests and Power[78]. The analysis is based on initial-round stakeholder interviews supplemented by document research including government records and news media reports.

This section deals with the "Interest" portion of CLIP by examining the substance of stakeholder interests. It defines the actual and potential benefits and problems of street performance experienced by different stakeholders by examining their viewpoints, identifying their concerns, and analysing their beliefs about street performance. In doing so, opportunities for reducing conflict and increasing mutual benefits can be identified.

Section I-4 will deal with the bulk of the CLIP analysis by examining collaboration/conflict relationships and the distribution and degree of power, interest and legitimacy among stakeholders.

I-3.1 Street performance and its spillover effects

Street performance in the broadest sense is defined as act of carrying out live entertainment in a public place. The activity requires at least one performer and one or more audience members.

It takes place in public spaces where performers can be seen and heard in passing, enabling chance encounters between performers and potential audience members.

Surrounding the primary interaction between street performer and audience member (in which the audience member is entertained and the performer receives appreciation or money), street performance can generate spillover effects i.e. benefits and problems for third parties. Figure I-3 below outlines the mechanics of street performance, showing the elements that enable street performance to take place and the spillover effects it creates.

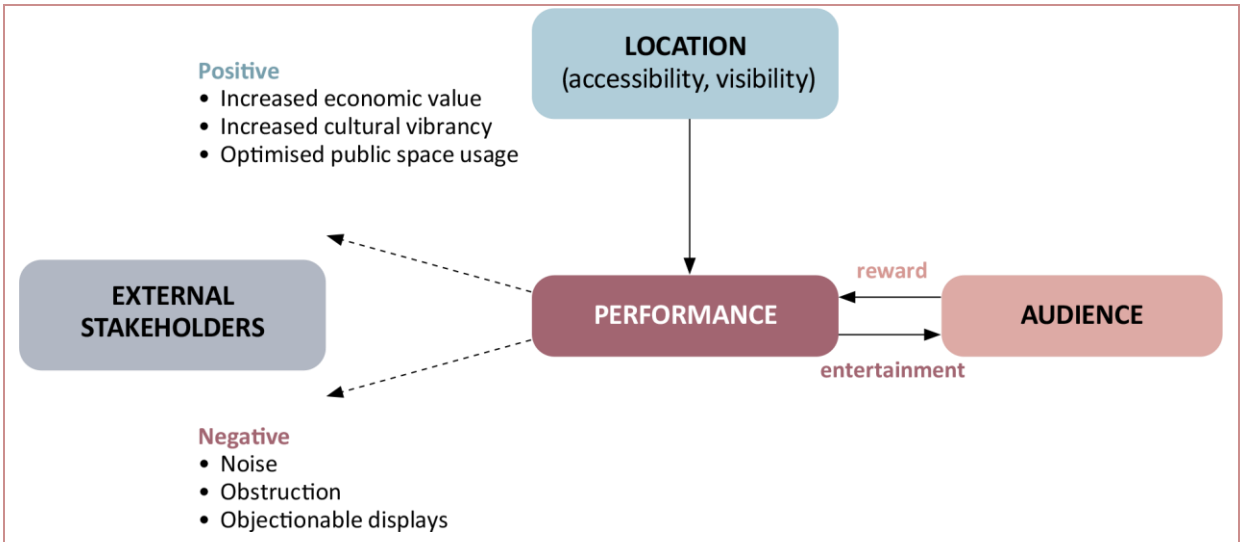


Figure I-3 - The mechanics of street performance

I-3.2 Benefits of street performance

As noted in Section I-1, street performance has the potential to benefit urban quality of life by enlivening public space, temporarily creating new interactions between people and space, and generating opportunities for convivial social interaction. Beyond these general benefits, different stakeholders can derive specific benefits from street performance. Table I-1 below summarises the potential benefits, as perceived by stakeholders. However, the realisation of these benefits depends on whether street performance is being managed in a way that meets these stakeholders' expectations. At present, most of the benefits are not being realised.

At present, the group deriving the most benefit from street performance are the street performers themselves. The benefits include artistic expression, self-actualisation, publicity, enjoyment, social activity and earning money. For some such as Ah Sun, the primary benefit is affordable entertainment, as buying a karaoke machine on Taobao together with his retired friends proved more affordable than singing in community hall recitals, where organisers typically charge participants several hundred dollars per song. However, even performers are unable to maximise their benefits as they are constrained by the shrinking space available for street performance, conflicts with other stakeholders, competition for space with other performers, and unpredictable encounters with law enforcement officers.

Audiences derive enjoyment from their interactions with street performers, but many may not perceive themselves as stakeholders because the benefits they enjoy are diffuse and fleeting. As one performer, Arrvin, put it, street performance has little impact on most people's lives, and even those who enjoy it see themselves as fans of specific performers and not of street performance in general.[79] However, there is a subset of mostly older fans for whom street performance appears to make up a significant part of their leisure and social activity. K.K., Yan-yan, and Mong Kok Roman who sing classic Cantonese and Mandarin pop songs say that their audiences consist mostly of retirees who are willing to travel to Central or Tsim Sha Tsui from the New Territories.

Other major stakeholder groups, namely residents' groups, retailers and developers thought that street performance could potentially bring placemaking benefits but did not currently see them being realised (see Section I-3.2). Mr. C, a representative of a private developer, said that if street performance were managed in a "more orderly and constructive manner", it could contribute to the character of Hong Kong and become a tourist attraction as in London or New York City.[80] Ms. A, representing a non-profit business chamber, saw unauthorised, informal street performances as a nuisance if it took place outside of shops and restaurants, but thought that organised events such as busking festivals and street fairs could bring more business to the neighbourhood, especially on slow business days.[81] It was important to her to have control over what sort of street performers were allowed to perform in the area. She thought that if the Government curated street performers, they could serve to enhance the marketability of different neighbourhoods. For example, classical musicians should be assigned pitches in upmarket neighbourhoods, whereas Cantonese opera or old style Cantopop singers should be assigned to grassroots areas like Yau Ma Tei.[82] Ms. L, a neighbourhood concern group representative, had enjoyed watching good quality street performances while on holiday and supported "nice and well-managed street performance", but felt the current situation generated too much nuisance.[83]

With regards to the Government, the potential benefits of city marketing and cultural promotion are currently only being realised at a very modest scale through the various small-scale street performance schemes run by LCSD and WKCDA described in Section I-1. Mr. S, an assistant for Ma Fung-kwok, the LegCo representative for the Sports, Performing Arts, Culture and Publication Functional Constituency, argued that street performance could play a larger role in branding Hong Kong as a cultured city as well as a global financial centre.[84] As will be explained in detail in Section I-6, Hong Kong does not have a department or bureau of culture, so there is no specific government body that is well positioned to fully capture or take credit for these benefits even if they should be realised. Instead, the current administrative structure mainly interacts with street performance as a noise nuisance (through HKPF), a street

obstruction (through FEHD and HKPF), and as a disruption to public recreational spaces (through LCSD). Government bodies involved in city marketing or advising cultural policy, such as the Hong Kong Tourism Board and the Hong Kong Arts Development Council, do not currently perceive street performance as part of their purview.

Table I-1 - Potential benefits of street performance

Stakeholder group	Potential benefits from street performance
Street performers	Opportunity for creative expression
	Opportunity to develop skills
	Seeking public appreciation and recognition
	Enjoyment, friendship, self-entertainment
	Earning money
Retailers	Increase in customer footfall
	Destination marketing, tourism promotion
Developers	Reputational and marketing benefits through high quality placemaking
	Meeting corporate social responsibility goals through support for local community building
	Increase in customer footfall for commercial properties
Neighbourhood concern groups	Enjoying a more vibrant urban environment
	Enhancement of neighbourhood image
	Affordable and accessible culture and entertainment
	Opportunities for social interaction
Government (LCSD, WKCDA)	Promotion of local arts and culture
	Increasing public exposure to culture
	Promotion of tourism
	City marketing, international reputation
DCs	Potential public support

Table I-2 - Problems due to street performance

Stakeholder group	Potential problems from street performance
Street performers	Noise disruption from nearby performers (sometimes deliberate)
	Competition for performance space in popular street performance locations
	Negative public perception due to poor quality performances
	Unpredictable enforcement from Police and FEHD for noise and obstruction
Retailers	Noise disturbance to employees and customers
	Obstruction of shop entrances by performers or their audiences
	Deterrence of customers in cases of severe nuisance (e.g. former Mong Kok pedestrian zone)
Developers	Noise disruption to tenants and customers
	Obstruction of pedestrians on nearby pavements and footbridges
	Negative impact on neighbourhood image caused by nuisance and poor quality performances
Neighbourhood concern groups	Noise nuisance if performers locate near residential buildings
	Obstruction of neighbourhood pavements, footpaths, jogging trails
	Disruption of quiet enjoyment of public recreational spaces
	Negative impact on neighbourhood image caused by poor quality performances
	Offence to sensibilities caused by socially inappropriate performances
Government	Receipt of complaints
	Manpower and resources spent handling complaints
	Distraction from core responsibilities of Government departments (food and public hygiene for FEHD, crime and public safety for HKPF)
DCs	Complaints from constituents

I-3.3 Street performance problems

Problems with street performance identified by stakeholder interviewees tended to fall into three categories: noise, obstruction of public spaces, and issues of quality and taste. These problems affect different stakeholders in slightly different ways, summarised in Table I-2 above.

I-3.3.1 Noise

Noise is a major source of conflict between street performers and other stakeholders such as residents and business owners. Street performance adds to the considerable noise pollution that urban residents already endure, according to Mary Melville, spokesperson for the Tsim Sha Tsui Residents' Concern Group, who commented that her neighbourhood is "bombarded with noise 24 hours a day".[85] As social norms and individual sensitivities influence what people consider acceptable noise, people may be bothered by the quality of the noise as well as its volume. Melville found the tinny quality of amplifiers irritating, arguing that talented performers should not need them and that they should be banned.

The developers and retail association representatives interviewed for this project did not report being disturbed by noise, as performers did not usually set up too close to their properties or businesses,[86] but when the Mong Kok pedestrian zone was in operation, shopkeepers complained of being unable to hear their own customers, and of the noise causing psychological distress in their employees.[87]

Residents may complain about noise even when it does not occur close to residential buildings. Melville felt that loud performers disrupted residents' ability to quietly enjoy the waterfront, while DC member Cheng Lai-king reported receiving complaints from joggers on the Central waterfront at night. She argued that the DC had worked so hard over so many years to get the waterfront promenade built that residents'

enjoyment should not be spoiled by performers.[88] As public open space is at a premium in densely built-up Hong Kong, diverting loud performances away from built-up area towards open areas would not necessarily satisfy residents, who are competing recreational users.

Developers and businesses do not want to be disturbed by noise, but can also be generators of noise when conducting events that may include performances or large crowds gathering. Hence, they may not be in favour of extremely strict noise controls. Developer B noted that when they held outdoor performance events, despite making much effort to liaise with DCs and government departments in advance, they invariably received a few noise complaints.[89]

While it might be assumed that street performers would oppose noise controls, in fact noise causes distress among them as well. Multiple performers trying to occupy a relatively small area often results in escalating volume levels as they try to be heard over one another. This behaviour is sometimes deliberate and hostile, and results in performers calling the Police on each other. Musician Jay Lee recalled incidences when other bands set up right next to his and tried to drown him out on purpose. If attempts to negotiate were not successful, he would reluctantly call the Police and hope that the responding officer's personal assessment would resolve the situation in his favour.

At present, the Noise Control Ordinance classifies street performance as noise from domestic premises and public places under Sections 4 and 5 of that Ordinance.[90] The EPD is not authorised by the Ordinance to issue technical guidelines for this type of noise, and states that its nature is such that it is not possible to do so.[91] Hence there are no decibel limits for street performers. Enforcement is therefore carried out by the Police on a "subjective nuisance basis" in which officers respond to complaints and make discretionary judgments based on observation, witness statements and circumstantial evidence.[92] As a result, street performers often experience enforcement as arbitrary, as they are never sure when they are staying within the law or if they will draw complaints.

From the law enforcement side, the Police also cite the fact that there is "no specific threshold of noise level for prosecution" as one of their challenges in bringing prosecutions, as this means that they must present witnesses in court, and they sometimes have difficulties in "locating the informants for further enquiry or securing their agreement to be prosecution witnesses".[93] The lack of clear rules may also encourage more disputes and complicate their enforcement efforts on the ground, as they also mention performers' "ignorance of the offences they may commit" among their difficulties.[94] Therefore, several performers suggested implementing an objective decibel standard to reduce disputes, both with law enforcement and with each other.[95] Yau Tsim Mong DC member, Yu Tak-po, also thought that an objective rule would ease the stigmatisation of the *dai ma*, as all performers would be treated equally.[96]

Some performers described mostly cordial interactions with the Police. Those playing on the Central waterfront said that they were not made to leave and usually only asked to turn their volume down or show their ID cards. Others saw themselves as the targets of unpredictable enforcement. Arrvin recounts one incident in which the Police instructed him leave, even though he had just started playing and another band nearby was the likely cause of the complaint.[97] Mong Kok Roman, who used to perform in the Mong Kok Pedestrian Zone, was charged with noise violations 14 times after the Police began to crack down harder in 2017, and blames the nearby *dai ma* for being argumentative and provoking the Police into fining every performer on the street. He says that the size of his stall made it impossible for him to escape notice, claiming that he can no longer set up in Mong Kok without being immediately moved on.[98]

Just before the closure of the Mong Kok pedestrian zone in 2018, Yu Tak-po led a noise control experiment with a few volunteer street performers on one block of Sai Yeung Choi Street South to try to build a case that regulation was possible. Yu set a limit of 80 dBA and asked participant performers to take turns at pitches located 25 metres distant from each other. This produced positive feedback from nearby residents and businesses. However, these measures were not taken up by the Government as doing so would likely have required the drafting of new legislation to assign a government department to implement them.

I-3.3.2 Obstruction

In comparison to noise and performance quality, obstruction was less frequently mentioned as an issue. One developer expressed some concern that street performers on footbridges might obstruct pedestrians, and that if any performers appeared on footbridges that they were responsible for managing, their security staff would move them onto government land. Central & Western DC member Cheng Lai-king also mentioned that she had received complaints from joggers about street *dai ma* groups and their audiences obstructing the Central waterfront promenade.[99] On shopping streets like the former Mong Kok pedestrian precinct, obstructions had a negative impact on businesses by blocking shop entrances, instead of a positive one by drawing more footfall.

Laws against obstructing public spaces include Section 4A of the Summary Offences Ordinance which makes it an offence, "without lawful authority or excuse", to set out anything in a public place which "obstructs, inconveniences or endangers" any person or vehicle,[100] and Section 22 of the Municipal Services Ordinance, which prohibits placing any objects in the street that obstruct "any scavenging or conservancy or any street sweeper acting in the performance of his duty".[101] The former is enforced jointly by the Police and the Food and Environmental Hygiene Department (FEHD), but the responsibility falls mainly on FEHD as the Police generally only become involved if there is a safety issue (e.g. pedestrian-vehicle conflict, crowd control). The FEHD may also seek assistance from the Police in case of confrontations with members of the public. The latter is enforced exclusively by FEHD.

Crowd gathering around performers can take up much more space than the performers themselves, but performers are not legally responsible for obstructions caused by their audiences, and the FEHD is not authorized to take enforcement action against crowds for obstruction as matters of crowd control or public order fall outside their purview. Few musical performers reported being approached by the FEHD on grounds of street obstruction since, unless they have a large group or a lot of equipment, they themselves do not take up much space.

Visual artists and handicraft sellers are more likely to have encounters with FEHD as their activities more closely resemble hawking and they take up pavement space to display their artwork. Gustavo and Anna, two foreign stencil artists, said that over their three month stay in Hong Kong, they were approached several times by FEHD enforcement officers on the Tsim Sha Tsui waterfront and told that they were taking up too much space on the pavement.[102] They found this experience somewhat confusing because there were no clear instructions on how much space they were allowed to take up, or where they were allowed to be, and had to learn by trial and error how not to get in trouble. They contrasted this with Melbourne, which has guidelines on how many square metres of space pavement artists are allowed to occupy (see Section I-5 for details).

However, FEHD representatives did not think that the existing rules had any significant grey areas, and said that their officers were trained to exercise discretion, taking into account multiple factors including the state of foot traffic, spatial design of the location in question, area of affected space, traffic direction and flow, etc.[103] Since no set of guidelines can take every set of circumstances into account, enforcement agencies may prefer broadly defined rules that give more room for professional judgment to be exercised. However, these discretionary assessments remain opaque to performers.

I-3.3.3 Taste

Taste, which is usually framed by stakeholders as "quality", is the most difficult element to define as it is subjective and dependent on social context. As discussed in Section I-1, many interviewees' concerns about taste were directed at *dai ma* groups, whose performances were perceived as culturally undesirable, crude and inappropriate. A few of the more professionalised and artistically- minded performers also expressed concerns about unserious casual performers. For example, performer Jay Lee argued that performers should make a conscious effort to interact with the public, and not just use public space as a

practice room or karaoke lounge.[104]

Residents' groups, retailers and developers, as well as DC members were concerned about the impact of what they perceived as poor-quality street performances on their districts' and Hong Kong's image. Central DC member, Cheng Lai-king, considered *dai ma* incompatible with the city's image, and unsuitable to be seen by any passing children.[105] DC member, Cherry Wong, stated that her priorities were to prevent excessive noise and obstruction, and that while street performance might make an area more vibrant, she did not want it to attract undesirable crowds.[106] Community group representative Ms. L said that she supported street performances that were "good-quality, decent, and reflect the culture of the city", but was concerned about the negative impact of "vulgar", borderline "pornographic" performances on the image and appearance of Hong Kong.[107] She had received some complaints about *dai ma* from neighbourhood residents.[108]

Mr. C, a developer's representative, said that street performances should have "sensible rules" and be "in line with the expectation of the community", in that there should not be any "outrageous" displays.[109] The retail chamber representative stated, "we really don't like it, if we have *dai ma* singing, no one likes it", and that they only wanted to see "very high-quality" street performers near their members' high-end shops and restaurants.[110]

Tsim Sha Tsui residents' advocate Melville, however, had a more tolerant attitude towards the *dai ma*, saying "these elderly men have to have some sort of joy in their life…They don't have very much going for them. So give them something."[111] Instead, she saw bad performance as more of an issue of certain commercially-motivated groups dominating public space in an antisocial manner.

Performers were more divided on the issue of quality. Some felt that poor-quality performers gave the rest of them a bad name and favoured some sort of auditioning system in order to weed out the worst ones.[112] Others opposed exclusionary policies on principle. Arrvin was sceptical of auditioning as he did not want to see street performance become a "small circle pursuit".[113] Mr. Kong, an older performer who had auditioned for a WKCDA license, thought that auditions are inherently unfair because quality is subjective.[114] He opposed the discriminatory singling out of *dai ma* groups, and argued that everyone should simply be required follow the same objective rules of conduct. Ah Sun, a retired karaoke singer, similarly opposed any screening that might exclude casual performers like himself.[115]

There is very little in Hong Kong's existing policies or regulations that addresses the issue of taste. The most relevant piece of legislation is the *S*ummary Offences Ordinance's prohibition on "tak[ing] part in, provid[ing] or manag[ing] any public live performance of an indecent, obscene, revolting or offensive nature,"[116] although prosecutions under this provision are rare and reserved for extreme cases.[117] Existing street performance schemes run by LCSD and WKCDA require auditions, but have so far skirted controversy over freedom of expression because they apply only to specific venues. Applying a screening process to the whole of Hong Kong would require grappling with these questions.

Pong Yat-ming, who runs a non-profit called Let's Start aimed at exposing young Hong Kongers to busking best practices from abroad, argued for a gentler "sunshine" approach aimed at encouraging rather than mandating quality through education, incentives, and programming.[118] He suggested hosting competitions or open mic events with invited professional musicians interspersed throughout the programme to set a positive example and foster a healthier sense of competition. This would enable the Government to steer the narrative in a more constructive direction.

Melville similarly argued that the Government should proactively programme public spaces to provide the community with more free entertainment. Underutilised public spaces could be adapted into performance venues and the LCSD could organise programmes such as talent shows to give people the opportunity to perform. "We have to have create more entertainment. And then you have, like, one week where you want the best guitarist in Hong Kong, and then the next week you want the best clarinet player, and the next time the best K-pop band, you know, whatever the Hong Kong equivalent of it is. Do you know what I mean? Have a contest."[119]

I-3.4 Perceptions of street performer legitimacy in public space usage

As discussed in Section I-5, cities with proactive approaches to promoting street performance often do so through policies which define and describe legitimate street performance activity. Licensing systems, zoning of performance spaces, or official definitions of accepted forms of street performance, while restrictive, also provide recognition and endorsement of street performance activities that fall within certain parameters.

Hong Kong's passive approach neither explicitly endorses nor bans street performance. Street performers' rights and responsibilities are therefore not clearly recognised by the public, leading to confusion and disagreement over what constitutes legitimate use of public space. One interviewee was under the impression that all unauthorised street performance was illegal,[120] and another thought that accepting any donations constituted illegal begging.[121] Others differed on whether street performance needed to have some minimum level of artistic merit, or whether it was acceptable to use public space purely for the sake of self-entertainment. Often, stakeholder views of performers' legitimacy were shaped by their interpretations of the underlying causes of negative spillover effects, in which antisocial behaviours are framed as abuses of public space.[122] One of the most common framings was to blame antisocial performer conduct on the over-commercialisation of public space, resting on the assumption that people should not be using public space to make money. These views are at strong variance with the policy approach in Taipei, where street performance is actively promoted as a saleable cultural product, and the law explicitly defines street performance as performing in public spaces for money (see Section I-5).[123]

DC member Cheng Lai-king discussed *dai ma* on the Central Waterfront in the same vein as illegal hawkers,[124] while characterising them as deceiving old men out of their money.[125] Many stakeholders blamed the deterioration of the Mong Kok pedestrian precinct on excessive commercialisation by karaoke booth holders resulting in aggressive, inconsiderate behaviour and rent-seeking with the suspected involvement of organised crime.[126] Melville viewed commercial performers as gang- like bullies who monopolised public spaces at the expense of other, perhaps more talented, performers.[127] Many of the performers interviewed also perceived a division between hobby-driven performers and money-driven performers, holding the latter responsible for the bulk of the nuisances and low-quality performances.

Melville suggested prohibiting performers from accepting donations at all, saying that street performance should not be a full-time job, but an opportunity for amateurs to showcase their talents.[128] Bans on donations are currently used by some public space managers as a means of deterring performers seen as more likely to be problematic. As noted in Section I-1.4, the LCSD's Cultural Centre does not allow street performers to accept donations.[129] The Leisure Services branch of the LCSD is also seeking to extend similar policies to its parks (see Section I-1.3.3), arguing to LegCo in March 2020 that "the root of noise nuisance problem in some parks lies in the acts of accepting pecuniary reward for musical performances and singing activities".[130] Similarly, street performers who take part in some private busking schemes, such as the MTRC's and one hosted by a developer, were also prohibited from accepting voluntary contributions or displaying merchandise for sale.

It is debatable whether a broad ban on donations would be feasible or sufficiently narrowly targeted. Ah Sun thought that it would be unrealistic and impossible to enforce.[131] Mr. Kong suggested the Government should find some way to tax street performers on their earnings, although he thought that this would be difficult.[132] Moreover, while a few performers said that they would be willing to perform for free (K.K. said that she would accept donating all of her proceeds to charity), many others, including highly skilled performers, might be deterred.

The perceived line between hobby and commercial performers appears to have more to do with internal motivations than with externally measurable behaviour. The majority of self- described casual or hobby-oriented performers also accept donations, which they see as something nice to have, a token of

appreciation from fans, or a way to make back their transportation costs. CUHK's 2015 street performer census found, while only about one-quarter of street performers did it as a full-time job,[133] just 15 per cent reported they "never" collected donations from audiences, and another 20 per cent said they "seldom" did.[134]

Of the 11 performers interviewed for this project, four relied on street performance for a significant part of their income, but only one described himself as a "commercial artist" and engaged in the type of activity that others might deem commercialisation of public space. Mong Kok Roman used to run a karaoke booth in Mong Kok, saying that his group netted HK$50,000-60,000 a month in their heyday. He claims to have pioneered the practice of asking individual audience members for donations instead of just leaving out a hat. He attracted such large crowds that the Inland Revenue Department required him to obtain a business license. However, he did not see his activities as excessively commercial because unlike the *dai ma*, he cared about artistic quality.

A policy dilemma therefore lies in finding some way to allow street performers the chance to make legitimate earnings without encouraging antisocial competitive behaviours. One alternative approach would be to directly regulate the nuisance behaviours, which is the approach that New York City has taken towards costumed characters who aggressively solicit money from tourists in Times Square (see Section I-5). Melville suggests that imposing a limit on the duration of performances would deter performers from making money by monopolising public spaces for long periods of time.[135] Another approach might be to legitimise street performers through some sort of authorisation process, thereby endorsing their presence in public space within defined parameters in the manner of licensed hawkers. This might give street performers a greater sense of security as well as a clear definition of their rights and responsibilities.

I-3.5 Location

Location is a factor which mediates the spillover effects of street performance on third party stakeholders. Street performers can cause noise disturbances only if they are located in close proximity to incompatible activities and land uses. The level of disturbance is exacerbated when several musicians are located close to each other, generating noise that is discordant as well as loud. Locating them further away from sensitive receivers can reduce people's exposure to noise.

Similarly, the level of obstruction depends on both the amount of space the performer takes up and the external environment. Areas where obstruction is a more serious problem include pavements and walkways at peak hours, shop and building entrances, pedestrian crossings, and places where pedestrians may spill over into the carriageway.

Location may also be a matter of taste. While some stakeholders emphasised that they did not wish to see inappropriate or offensive performances anywhere in Hong Kong, high- profile tourist locations, higher-end shopping districts, and middle-class or upper-class residential neighbourhoods may be less tolerant of performances perceived as low-quality.

Therefore, locational solutions can be an important tool to address conflicts. Several stakeholders suggested that the Government designate certain areas for street performers to minimise conflicts with other stakeholders. Developers and neighbourhood concern groups suggested strategies such as locating them far from residential areas, limiting the number of performance pitches to preserve the majority of public space for quiet enjoyment, or matching performers with locations to enhance city marketing. DC member Yu Tak-po agreed that it would be a good idea for DCs to be consulted on where to locate street performance pitches to avoid objections from residents. [136]

However, aside from considering third party stakeholders' needs in nuisance mitigation, there should also be consideration of street performers' needs in location selection. Some performers such as Jay Lee and

Mong Kok Roman supported designating performance zones since this would guarantee some space for performers, with the latter suggesting a revival of the old *dai dat dei* in some form to serve as a tourist attraction.[137,138] However, overly restrictive zoning can result in street performers being relegated to unviable spaces. For example, Gustavo noted an unsuccessful example in Mallorca, Spain, where the local government not only designated pitches in undesirable locations but charged performers a fee to use them.[139] Viable locational policies must therefore be based on a realistic understanding of how street performers operate. Below is a brief summary of street performers' locational considerations.

Footfall: Footfall is a major consideration for many street performers as heavier exposure to crowds increases their earnings, but it is not an equal consideration for all performers. It is mostly important to those who collect donations from passers-by by leaving out a musical instrument case or hat, or visual artists and handicraft sellers, who rely on tourist traffic. For those with established fan bases willing to travel long distances, or self-entertainers, footfall is less of a consideration. However, high footfall also increases the likelihood of causing obstruction, which is a concern for the FEHD and the Police.

Audience mix: Different locations attract different audience mixes due to the surrounding land uses and activities. For example, commuter crowds on the way to and from public transport hubs are more hurried and less likely to stop to watch. Performers noted that Causeway Bay tends to attract younger crowds, while Tsim Sha Tsui sees more tourists. The time of day and week also makes a difference, with crowds being in a more leisurely state over the weekend than on weekdays. Performers therefore select different locations based on expected audiences or adapt their play styles to the audience mix.

Accessibility: Many of the street performers interviewed were highly mobile and performed in different districts across Hong Kong. Access by public transport was therefore important, especially for those who carry bulky equipment. Tsim Sha Tsui and Central & Western were particularly attractive due to their accessibility by multiple modes of transport. Performers who cater to retirees value public transport accessibility more than pedestrian foot flow because they have built up loyal fan followings who are willing to travel long distances and who only need to pay the HK$2 concessionary fare for senior citizens. Some performers on the Central waterfront had audience members travelling from as far as Fanling.

Competition: The presence of other street performers of the same type in the same place may result in excessive competition. Aggressive space and volume level competition in the former Mong Kok pedestrian precinct prompted several performers to move elsewhere, i.e. Tsim Sha Tsui, in search of a more relaxed environment. Performers have various strategies for dealing with competition, ranging from avoidance to negotiation to coordination or cooperation with other performers of the same type. For example, Yan-yan coordinates with fellow street singers by organizing different performance times, so that instead of competing, they can contribute to each other's fan bases.[140] While some performers were reluctant to disrupt the existing first-come-first- serve practice of claiming space, others complained about performers (or paid agents thereof) showing up hours in advance to reserve pitches.

Authorities and jurisdictional lines: Street performers avoid locations where they have a high chance of being chased away by the Police, other enforcement agencies, or private security guards. Experienced performers become keenly aware of the frequently unmarked boundaries between land managed by different government departments and private landowners, ensuring that they remain mobile enough to move across boundaries at short notice. For example, at the Tsim Sha Tsui waterfront, LCSD staff are quick to remove any street performers seeking to receive donations from the Cultural Centre premises, and private security guards managing the walkway in front of Ocean Terminal do not permit them on their premises at all. However, performers report that they can receive donations in front of the Star Ferry and bus terminus, which are transport facilities under the jurisdiction of the TD and patrolled by the Police and FEHD in the same manner as public pavements.

Shelter: Shelter is imperative for street performers of all types. Shade from the sun and rain is considered essential to make it bearable to perform for longer periods, particularly during the summer. Performers with equipment or selling merchandise or artwork value shelter to prevent their goods from becoming

damaged by rain or sun exposure. In Tsim Sha Tsui and Central, sheltered spaces under ferry piers, covered walkways, and footbridges are highly sought after.

I-3.6 Minimising conflicts and maximising benefits

As explained above, street performance causes problems that impact various stakeholder groups, while its potential benefits are not currently being realised. If the objective of public space management is to ensure that "public space can fulfil all its legitimate roles, whilst managing the interactions between, and impacts of, those multiple functions in a way that is acceptable to its users",[141] then it is necessary to shift street performance into a mode of operation that reduces conflicts while bringing benefits to more stakeholder groups.

The suggestions presented below in Tables I-3 to I-6 are not policy prescriptions but a broad range of possible methods that might be used to address the problems outlined above. They are drawn from suggestions given by the stakeholders as well as from international examples (see Section I-5). In order to assess their acceptability and feasibility, and to identify challenges in implementation, it is necessary to gain a better understanding of the power dynamics between stakeholders. Stakeholder relations will be analysed in Section I-4 through the CLIP analysis.

Table I-3 - Strategies for reducing noise conflict

Objective: Reduce noise conflict			
Strategy	**Possible methods**	**Potential benefits for stakeholders**	**Potential drawbacks for stakeholders**
Control noise at source	Decibel limit	Reduces disturbance to others, reduces disputes between performers, unambiguous standard for enforcement	Implementation challenges - enforcement officers need to carry decibel meters
	Limit use of amplifiers (may be location specific)	Reduces disturbance to others, simple to enforce	May make performance unviable in some locations, disproportionate impact on certain types of performers, impacts on other amplifier uses e.g. advertising, community events, election campaigning
Mitigate noise impact on sensitive receivers	Install temporary sound barriers	Reduces noise impact on others	Limits visibility in public space
	Designate performance pitches/zones further from sensitive buildings	Reduces disturbance to noise-sensitive receivers, gives performers their "own" space, may be marketed as visitor attraction	Reduced accessibility and visibility for performers, noise still affects public space users in the vicinity
	Extend night-time quiet hours	Reduces disturbance to sleeping residents	Limits street performers, may impact other night-time entertainment (e.g. bars, restaurants)
Reduce noise clashes/ competition between performers	Require distance (e.g. 30m) between performers	Mitigates noise volume, prevents discordant noise, reduces noise competition between performers	May be challenging for enforcement officers to enforce, may promote territorial disputes between performers
	Designate specific pitches for performers using sound	Mitigates noise volume, prevents discordant noise, reduces noise competition between performers, easy to enforce, may enhance attractiveness of shopping & visitor destinations	Inflexible, may ignore performers' needs

Table I-4 - Strategies for reducing conflict due to pedestrian obstruction

Objective: Reduce conflicts over obstruction of public spaces			
Strategy	**Possible methods**	**Potential benefits for stakeholders**	**Potential drawbacks for stakeholders**
Prevent obstruction in critical locations	Prohibit performers from setting up adjacent to pedestrian crossings, building and shop entrances, public transport stops, etc	Protects pedestrian safety, ensures access to buildings & shops	Limits performers' access to locations with high foot traffic
Clarify obstruction rules for performers	Provide guidelines on how much space performers should be allowed to occupy and/or how much unobstructed pedestrian pathway should be left under ordinary circumstances	Maintains minimum clear space for pedestrian circulation, clear guidelines for performers to follow	Guidelines may be too rigid, less room for officer discretion
	Provide designated pitches for street performers with drawn spaces on the ground	Clear guidelines for performers to follow, unambiguous to enforce	Inflexible, does not take obstructions caused by crowds into account
Address obstruction by crowds around performers	Teach performers best practices in controlling their audiences	Potentially less work for enforcement officers	
	Assign pitches in wide open spaces for "circle shows" (shows involving audience participation, larger crowds gathering for relatively extended periods)	Accommodates larger-scale performance in suitable locations	Inflexible, potentially draws arbitrary distinction between "circle" and "non-circle" shows in HK context

Table I-5 - Strategies for raising the quality of street performance

Objective: Improve image/quality of street performers			
Strategy	**Possible methods**	**Potential benefits for stakeholders**	**Potential drawbacks for stakeholders**
Filter out poor quality performances	Licenses with auditions May be city-wide or applicable to specified locations	Improves district/city image, improves image of performers, may enhance attractiveness of shopping & visitor destinations	Exclusionary, based on subjective taste
	Recruit non-profit groups to act as vetting organisations	Improves district/city image, improves image of performers, may enhance attractiveness of shopping & visitor destinations, potentially less work for enforcement officers	Potential to become cliquish and exclusionary
Improve performer standards	Education and cultural programming for street performers to encourage skill development and best practices	Improves image of street performers over long term, provides more community entertainment, can make use of underutilised open spaces	Does not immediately address low quality performances
	Optional auditioning – approved performers guaranteed access to prominent locations, promotional support	Provides incentives for performers to improve skills, improves image of selected neighbourhoods	Creates hierarchy of performers, does not prevent low-quality performances

Table I-6 - Strategies for strengthening the legitimacy of street performers in public

Objective: Raise street performer legitimacy			
Strategy	**Possible methods**	**Potential benefits for stakeholders**	**Potential drawbacks for stakeholders**
Prevent use of public space for profit-making purposes	Ban street performer donations (city-wide or location-specific)	Removes commercial performers from public space	Also negatively impacts most amateur performers
	Tax street performers on earnings	Reduces financial incentives for street performers	Difficult to implement and enforce, may not deter commercial performers
	Allow passive receipt of donations (e.g. in music instrument case) but active solicitation of donations	Reduces financial incentives for street performers, deters harassment of audiences not	Disrupts business model of some performers, may be difficult to enforce
Directly regulate antisocial behaviour to reduce perception of public space misuse	Implement and enforce rules on noise, obstruction as suggested above	Reduces nuisance, may reduce perception of abuse of public space	Does not address taste-based objections
Grant official legitimacy to street performers	Grant authorisation (e.g. through licensing) to street performers as long as they adhere to rules of conduct	Recognises street performers' rights, provides clear rules	May be complicated to enforce May exclude some performers
Clarify rules and regulations	Create clear rules for noise, obstruction and quality that provide reasonable scope for street performance activities	Clarifies what activities are within legal bounds, protects legal street performer activities	May be more restrictive than street performers want, or alternatively not restrictive enough to satisfy other stakeholders
Promote and support street performance	Promote street performers city marketing materials, host street performance events	Highlights positive benefits in of street performance, brings publicity to street performers	Tends to privilege certain approved types of street performers

I-4. Phase 1 Research Findings: Stakeholder Analysis

In this section, the bulk of the CLIP analysis is carried out to build profiles of participant-stakeholders and map their relationships, based on the four factors: ongoing relations of collaboration/ conflict, legitimacy, interests and power.[142]

I-4.1 CLIP analysis explained

First, the nature of existing relationships between stakeholders are categorised in a conflict and **collaboration** matrix (see Table I-7). This provides a picture of which stakeholders are in conflicting or collaborative relationships with each other. Relationships can also be categorised as mixed (sometimes conflicting and sometimes collaborating), neutral, or unknown.

These more ambiguous relationship types present opportunities for change in the relationships between stakeholders through the introduction of new policies. For example, unknown (and perhaps non-existent) relationships between business associations, street performers and artistic concern groups could potentially become more collaborative, provided that the performers involved are compatible with the commercial environment.

Next, each stakeholders' **power** is rated as either high/medium or low/none. Power is based on stakeholders' abilities to mobilise resources to achieve their desired objectives. This is based on financial resources and assets as well as social and political connections and authority, including formal law enforcement power. The purpose of assessing power is to understand the extent to which the stakeholder can influence decisions made regarding street performance management, which enables the identification of opportunities and obstacles for future policies.

The assessment of **interests** then looks at the degree of potential gains and losses of the stakeholder in the case of new policies being implemented. Stakeholders are categorised as having a strong or weak interest in the issue based on how much they stand to gain or lose. For example, street performers have a strong interest in any new policies as they would be directly impacted. Other stakeholders may have a more peripheral interest, such as government departments with some tangential regulatory relevance. The analysis also records the direction of stakeholders' interests, which can be used to highlight stakeholders sharing similar interests and concerns but who are not yet in a collaborative relationship.

Finally, the assessment of **legitimacy** focuses on the extent to which a stakeholder's rights and responsibilities are recognised and respected by other stakeholders. Each stakeholder is described as having high/medium or low/no legitimacy. It should be noted that there may be discrepancies between stakeholders' self-perceived legitimacy and that acknowledged by others. One example is that *dai ma* karaoke street singers may consider themselves as having as much right to use public space as other performers, but may be considered illegitimate by some other musicians due to perceived lack of artistic merit. The right to public space is therefore not understood as universal among various stakeholders. For street performers, the exercise of rights to public space are much constrained by specific temporal and spatial contexts, and the presence of other stakeholders. Likewise, street performers may not all be aware of the responsibilities assumed upon them by other stakeholders.

Based on the above assessments, CLIP descriptors are used to categorise stakeholders into seven types: dominant, forceful, influential, dormant, concerned, vulnerable and marginal (Figure I-4). E.g. stakeholders with a high level of power, interest and legitimacy are "dominant"; those with high power and legitimacy but weak interest are "influential"; those with high legitimacy and interest but little power are "vulnerable", etc. These categories help illuminate the respective positions of stakeholders. In combination with the conflict/collaboration analysis, this mapping exercise helps to identify areas of potential change or stumbling blocks.

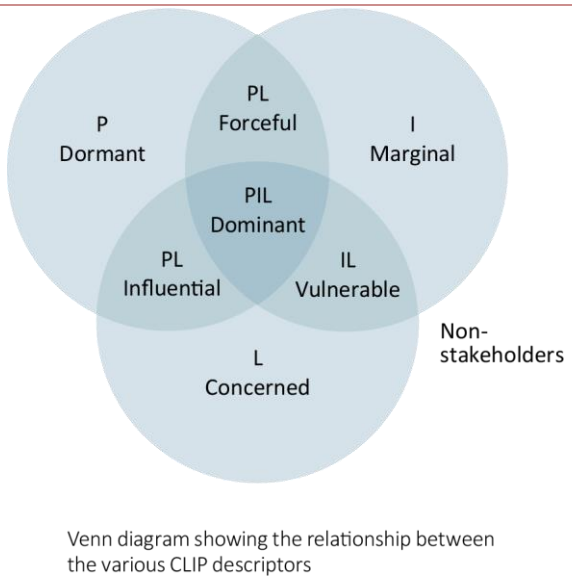


Figure I-4 - Stakeholder power/interest/legitimacy categories

I-4.2 Collaboration and conflict

Table I-7 below illustrates the existing web of conflicting, collaborating, mixed, neutral and unknown relationships between the major stakeholder groups. The only wholly collaborative relationships street performers had was with Non- governmental organisations (NGOs) and busking concern groups. Among the participants were three performers involved in two busking concern groups, notably City Echo, which was established by Jay Lee in 2016 to "promote street performance and advocate high quality street culture with good quality music", and Let's Start (一打人去賣藝) set up by Pong Yat-ming in 2012, which supports young Hong Kongers in experiencing the world through busking abroad. Both organisations had young people as their target audience rather than more mature performers.

Street performers are in conflicting relationships with some stakeholders such as neighbourhood concern groups (representing residents) due to the noise and nuisance that they can cause. As noted in Section I-3, middle-class residents are also concerned about the negative image of what they see as low-quality street performance.

Street performers reported some degree of conflict with enforcement agencies, including the Police and FEHD. Several street performers mentioned being moved on, shut down, or issued summonses by the Police on various occasions. However, at other times they reported more cordial and neutral interactions with the Police, especially those playing on the Central waterfront where there are no residential buildings nearby. Visual artists described more interactions with the FEHD where they were told they were obstructing the pavement or questioned about apparent hawking. Interactions with LCSD staff were more mixed as performers described being told to move off LCSD-managed land onto adjoining public pavement areas. However, the Cultural Centre does allow and facilitate performers who are willing to abide by its house rules (see Section I-1.4) on its sections of the Tsim Sha Tsui waterfront.

Street performers have mixed relationships with some other stakeholders, meaning that they both collaborate and conflict at times. For example, while some DC members view street performance primarily as a nuisance, others, notably Yu Tak-po of Yau Tsim Mong, have worked with performers to try to propose solutions to the Government. Street performers have also occasionally collaborated with developers and

businesses by performing by invitation at events, street festivals, or taking part in privately-run busking schemes. One of these schemes, "Uth Live Saturdays" involves cross- sectoral cooperation between the MTRC and an NGO, the HKFYG, whereby the latter runs an open audition scheme for student groups to apply to perform at Hong Kong Station each Saturday.[143]

Developers and businesses generally cooperate well with enforcement agencies, describingthe Police and FEHD as very responsive on the (relatively few) occasions where they called to complain about street performers or hawkers on their properties. However, property owners and businesses that hosted events or which supported streetscape improvement works had a more mixed relationship with government departments due to the complexity and difficulty of obtaining approvals, such as Temporary Place of Public Entertainment (TPPE) permits.

Developers' relationships with DCs were also more mixed. While they liaised with the DCs on various neighbourhood and street management matters and briefed DCs in advance of special events, they still sometimes received complaints from DCs about noise or other disruption caused by those events.

Table I-7 - Stakeholder collaboration and conflict matrix

Ref. No.	Stakeholders	01	02	03	04	05	06	07	08	09	10	11	12
01	Street performers		m	x	m	+	m	x	x	m	n	m	+
02	Retailers	m		n	m	m	n	+	m	u	m	u	u
03	Neighbourhood concern groups	x	n		m	x	n	+	n	u	m	u	u
04	DC members	m	m	m		m	m	m	+	+	m	u	u
05	Artistic concern groups	+	m	x	m		x	m	m	m	u	u	+
06	Property developers	m	n	n	m	x		+	u	u	u	+	u
07	HKPF	x	+	+	m	m	+		+	+	+	+	u
08	FEHD	x	m	n	+	m	u	+		+	+	m	u
09	LCSD	m	u	u	+	m	u	+	+		u	u	u
10	TD	n	m	m	m	u	u	+	+	u		u	u
11	MTRC	m	u	u	u	u	+	+	m	u	u		+
12	NGO (HKFYG)	+	u	u	u	+	u	u	u	u	u	+	

Key:
+= collaborating
x = conflicting
m = mixed
n = neutral
u = unknown

I-4.3 Stakeholder categorisation

Stakeholders are categorised through assessments of their power, interests and legitimacy (PIL), placing them into one of the seven PIL categories as shown in Figure I-4 above. Please also see Appendix I-2 for a table summary of the major stakeholder groups.

I-4.3.1 Dominant

Four participant stakeholders are grouped under the dominant category. Two of them are government departments – LCSD and the HKPF – one an elected body (the DCs) and one from the private sector. These stakeholders are in a dominant position because they are ranked moderate to high in their interest in street performance management, their authority to enforce rules or exercise political influence, and other stakeholders' recognition of their legitimacy. However, this "dominant" categorisation should be understood in relative terms: although these stakeholders are in a stronger position than others, there are still significant limitations on their ability or desire to influence the overall situation. Hence their influence may lie more in an ability to block undesirable policies than in taking positive action.

The DCs have a moderate level of interest, power and legitimacy in the matter of street performance. Their level of interest in street performance varies depending on how many complaints they currently receive. At present, the volume of complaints in Yau Tsim Mong (YTM) and Central & Western (C&W) is not very high, however the YTM DC has had much more experience with street performers than the C&W DC. While DCs may receive some political credit for achievements in district management, their main method of interacting with constituents is through complaints. This privileges negative feedback and may encourage them to favour more restrictive measures. DCs have a moderate amount of power – they have little formal authority to make decisions in their districts as they are primarily advisory bodies with the ability to carry out minor public works. They have some ability to influence government actions – they can call on government departments at the district level for assistance in enforcement or amenity provision, and their advice on policy matters is sometimes followed. However, this influence is mostly reactive, e.g. by voicing opinions on government schemes rather than in being able to proactively propose new policies. Additionally, DC members may not necessarily be well-informed on all the issues with which they deal. Street performance is a relatively new issue to the Central & Western DC compared to the YTM DC, so its members are not as familiar with the regulatory details. Hence, while they are seen as legitimate elected representatives, public confidence in them is constrained by their limited ability to make an impact.

Of the government departments interviewed, the LCSD is the only one able to manage street performance activities actively, and it has the widest discretion to set and enforce rules within its jurisdiction. However, its "dominant" position is qualified by the fact that its powers are limited to its own facilities, and one government department alone cannot effect systemic change. However, the LCSD's experience could potentially serve as

a model for other departments when designing street performance management measures for Hong Kong generally.

Outside of LCSD-managed spaces, the Police and the FEHD are by default the departments that interact the most with street performers in streets, squares, footbridges and pedestrian subways. The Police enforce the Noise Control Ordinance in public places (where EPD technical guidelines do not apply), and the FEHD enforces laws against obstruction. The Police also provide occasional support to the FEHD and LSCD in carrying out their enforcement duties, and may step in to enforce obstruction laws themselves when necessary (such as if an obstruction blocks traffic). However, although the Police are authorised to enforce noise and obstruction ordinances, this constitutes only a small part of their duties and street management is not a core responsibility. Dealing with street performers competes for resources and manpower with "more imminent tasks, such as dealing with reports of emergency".[144] However, in the absence of a government department dedicated to street management, the Police must handle these tasks. They are also responsible for administering the underutilised musical instrument permit system under the Summary Offences Ordinance. Additionally, changes in street performance policy would unavoidably have implications for their time and manpower as well as lead to changes in enforcement guidelines and practices carried out by uniformed officers. Hence, in the CLIP analysis, their degree of power and legitimacy in the issue of street performance can be said to be high and their level of interest moderate.

Retailers and F&B outlets, represented by business associations, do not have as much financial resources as commercial property owners, but are able to exert moderate influence through their working relationships with relevant government departments and liaisons with DCs and District Offices. These relationships are developed over time through interactions over licensing, street maintenance, public safety, traffic management and event organisation. However, government responsiveness may vary depending on the type of retail; businesses in high-end shopping districts are probably more likely to have their complaints acted upon quickly. Businesses' rights, responsibilities and resolve are fairly well recognised by other stakeholders, as politicians and government departments have an incentive to support local economies. Retailers could potentially have much to gain or lose from changes to street performance policy as they are vulnerable to disruptions to business caused by street performers gathering immediately outside ground-level shops. They could stand to gain much from a curated approach to street performance as this could boost district appeal to visitors and increase customer footfall.

I-4.3.2 Influential

Influential stakeholders are those who have a medium to high degree of power and legitimacy, but a lower level of interest. Participant stakeholders under this category include business associations, commercial property owners, and government departments such as the FEHD. As resourceful and well-connected stakeholders, they are relatively well-respected and their rights and responsibilities are recognised by others. However, street performance is a relatively low priority for them. The FEHD has the authority and resources to enforce laws on street obstruction and hawking, and this authority is broadly perceived as legitimate. However, their core responsibilities with regards to street management are to maintain environmental hygiene and control street hawking activities (see Section I-6 for relevant legislation). Given limited resources, their enforcement priorities are on the prevention of hazards to hygiene and public safety, such as unlicensed hawking (cooked food vendors especially), unauthorized outdoor restaurant extensions, and obstruction of street cleaning.[145] Insofar as they exercise jurisdiction over street performers, it is to prevent illegal hawking and pavement obstruction. Representatives of the FEHD said that under normal circumstances they did not take enforcement actions against street performers and do not ordinarily consider street artists who sell drawings or crafts to be hawking unless they are seen advertising prices or engaging in direct monetary transactions.[146] While FEHD, along with other relevant government departments, strives to control nuisances to pedestrians caused by a variety of different street activities including commercial promotion and pull-up banner advertising as well as street performers, street performance in and of itself is not a core responsibility. However, future street performance policies may have implications for their manpower and resources if they involve any redefinition of the FEHD's role.

Neighbourhood concern groups do not have a great deal of material resources at their disposal but compensate for this through their knowledge of Hong Kong's political and administrative processes, and through their social and political ties. They are often heavily engaged in public consultation processes, knowledgeable about their rights, and familiar with other stakeholders, enabling them to communicate their viewpoints to those in authority. This puts them in a more advantageous position compared to street performers and artistic concern groups, although their influence on government decisions is still limited and inconsistent. While they do have concerns about the quality and accessibility of public space in their neighbourhoods, they do not necessarily see street performance as their major priority when compared with other issues such as urban planning, heritage conservation, and transportation.

The MTRC and NGOs are also categorised as "influential". The MTRC currently operates its own auditioned busking scheme at a designated stage in Hong Kong Station on Friday nights and Saturday afternoons. The former is managed by the MTRC alone, while the latter (Uth Live Saturdays) is managed in partnership with the HKFYG. The HKFYG is responsible for seeking suitable youth performers and processing applications

from organisations and individuals who wish to participate. The MTRC is well-resourced and has broad discretion to make its own decisions concerning the use of its MTR stations. However, it would not have much to gain or lose by changes in government street performance policy. A government licensing scheme for street performers would save them some workload by vetting performers in advance, but they are capable of running their own scheme without government assistance.[147]

More established and well-resourced NGOs such as the HKFYG could also play an influential role as they are much better funded and more respected than small buskers' advocacy groups such as City Echo. They could potentially offer platforms to street performers by collaborating with the private sector and the Government to administer busking schemes such as the one operated by the MTRC and HKFYG. However, it remains to be seen whether they have an interest in doing so, as large umbrella organisations such as HKFYG have broad portfolios. They may become more involved in managing street performers if opportunities for funding and partnerships arise, but otherwise are not affected by street performance policy.

I-4.3.3 Forceful

Forceful stakeholders are those which have a high or medium level of power and interest, but low legitimacy.

A subset of street performers could be described as "forceful" relative to other performers, though not necessarily in relation with all other stakeholders. Their level of perceived legitimacy is low as they are viewed as improper users of public space, and their level of interest is high since their activities and income are dependent on street performance policies and enforcement practices. However, while they do not wield political influence in the conventional sense, they have the ability to occupy public space through physical intimidation of rival performers and have thus far been able to circumvent or disregard enforcement officers from the LCSD or FEHD, and to a lesser extent, the Police. Some also possess enough financial resources to pay multiple fines without being deterred from their activities.

I-4.3.4 Vulnerable

Street performers, artistic concern groups and individual residents are categorised as the vulnerable, meaning that although they have high interests / stakes in the matter of street performance policy and their legitimacy is acknowledged by other stakeholders, their lack of access to resources (financial, social, and political) puts them in a vulnerable position.

Most street performers are classified as "vulnerable" because while street performance is generally recognised as a legal (and therefore legitimate) activity, street performers have little power. They have limited financial resources, are weakly organised, and most have little experience with public engagement or the political process. Mong Kok Roman was friends with a DC member in Yau Tsim Mong.[148] Arrvin had become familiar with some of his local DC members and sometimes coordinated his performance times with their campaign activities in order to benefit from each other's crowds.[149] However, these were exceptions. Most had never spoken to any elected representatives or government officials about their concerns. While some performers were involved in advocacy and promotion of street art through artistic concern groups such as City Echo, these groups tend to be small and hampered by lack of funds. However, their level of interest in street performance policy is high as they would be most directly impacted. A more liberal approach to street performance management could lead to an improvement in their social position as legitimate public space users and provide them with access to official support and opportunities. New rules could also help them to mediate conflicts with other stakeholders by providing a clearer understanding of everyone's rights and responsibilities. However, a restrictive approach might result in a loss of access to public space, a loss of income, and may delegitimise some performers if they were

excluded by a licensing system.

Residents are similarly in a vulnerable position, even though interests are largely opposite from those of street performers. They can be strongly affected by street performance activities, and while other stakeholders tend to be sympathetic towards their need for quiet especially at night, individually they have little influence. Residents can call the Police or approach DCs with complaints, but as the example of Sai Yeung Choi Street shows, such complaints do not necessarily produce speedy results.

More restrictive policies would benefit residents by providing stronger reassurance that their living environment will be free from nuisance caused by street performance. This would not necessarily mean a blanket ban of street performers from all public spaces, but may involve relocating them to spaces far from residences.

I-4.3.5 Marginal

Some street performers fall under the marginal category, as they have much to gain or lose but lack power and legitimacy. While street performance is legal, some performers are perceived as lower status and their presence may be unwelcome for various reasons. Performers can be perceived as beggars, unskilled, socially inappropriate, or incompatible with the image of their surroundings. Some performers also see themselves as marginalised, are wary of involvement in decision- making, and are passive in their attitude towards change for two main reasons. One is that they feel that their needs are not taken seriously, and the second is that they fear disruption to the status quo as their situation might become even more precarious as a result.

In the absence of a centralised information platform, marginalised street performers generally have little awareness of what their given rights and responsibilities are, especially in situations when they are subject to complaints or legal charges. They learn to stay out of trouble through trial and error, engaging in a cat-and-mouse game with the authorities. Street performers in this category would hugely benefit from more targeted public engagement programmes to put them on a level playing field in their participation in public life.

The TD's Walkability Task Force is also classified as "marginal". While it may seem counterintuitive to place a government department in this category, this was done because, out of all the government departments involved in the situation, it has the most to gain from improved street performance management but the least formal authority or influence over it. Its level of interest in this area is moderate to high because unresolved street management problems affect its ability to implement pedestrian programmes as part of its walkability agenda. However, it has a moderate to low amount of power in the situation because it lacks the legal authority to manage street activities outside the arena of traffic safety within the pedestrian zones that it can create. It does have some influence among government departments and as it has been able to involve them in an interdepartmental policy steering group at the senior management level, involving FEHD, HKFP, the HAD and HYD where different topics related to its walkability study, including street management, are discussed.[150] However, at this stage it is unknown how much attention the steering group will give to street performance or what decisions it might yield. Additionally, its public legitimacy in this area is somewhat limited, since in the absence of solutions to persistent street management problems, it has been unable to persuade stakeholders of the benefits of its pedestrianisation agenda.

I-4.3.6 Dormant

Dormant stakeholders are those that possess power, but have relatively little stake in the issue and also a relatively low level of legitimacy. Developers and owners of major commercial properties have large financial resources, political clout, and connections with relevant government departments and elected

representatives, such that their concerns are taken seriously and their complaints acted on quickly whenever possible. As private property owners, they have control over what occurs within their properties and a relatively wide discretion to decide what activities are permitted in public open spaces under private management within contractual terms and government guidelines. Their relationship with street performers is one of mediated tolerance or exclusion – i.e. they have the ability to remove performers from their premises, but in some cases invite them to play through selective processes as part of curated public engagement, corporate social responsibility and marketing programmes.

However, unless they have unwanted street performers performing directly outside major properties on a regular basis, they have a low to moderate stake in the issue. Their main concern is the maintenance of order in the public and private spaces they manage, to avoid negative impacts on their business and image, And, as noted above, they usually have the ability to deal with such disruptions through private security or by making complaints to relevant government departments.

Some developers do have a stake in placemaking, community building, and promotion of the arts in service of their marketing and branding strategies and corporate social responsibility objectives. Street performers can play a role in helping them fulfil these goals, if managed in ways consistent with their branding and vision for the neighbourhood. Hence, they would moderately benefit from a more orderly street performance management system in public spaces in the vicinity of their properties.

However, these potential benefits are not strong enough to motivate them to take a visible role in pushing for better street performance management policies. While the rights and responsibilities of developers are broadly respected in the main, they have low legitimacy in the specific area of their influence over public space due to public suspicions of government- business collusion. Previous initiatives, such as the failed 2015-2016 proposal to renovate and expand Tsim Sha Tsui's Avenue of the Stars under the management of a non-profit set up by New World Development,[151] provoked strong opposition and made developers reluctant to take the lead in decision-making processes regarding the management of public spaces.

I-4.4 Challenges and opportunities in shifting power dynamics

The overall power dynamic is one in which most of the stakeholders are arrayed around the edges of the Venn diagram (see Figure I-4), with very few in the centre. Most stakeholders possess two out of three of power, legitimacy and interest, while just three stakeholders can be said to possess all three. Even stakeholders that are "dominant" do not actually have the power to alter the existing situation. For example, the Police exercise power within the existing legal framework but cannot make policy changes; businesses have some ability to influence government actions through complaints but not necessarily to motivate new policy changes, and the LCSD only has the authority to make rules within its own venues. DCs have some influence over the Government's service delivery but cannot make regulatory or policy decisions. They tend to be reactive and mainly concerned with complaint avoidance. Additionally, many stakeholders that do have power and legitimacy have limited interest in the matter. The FEHD considers street performers to be peripheral to its concerns, and neighbourhood concern groups (whose influence is fairly limited in any case) do not consider street performance a high priority unless they receive a large volume of complaints.

The stakeholders who have the most to gain or lose from street performance policy, namely street performers and residents, have little power. Street performers are in an especially weak position because not only do they have little power, their legitimacy is also fairly weak due to negative public perceptions.

These dynamics help to explain why little progress has been made on this issue. In order to shift this dynamic, one party needs to acquire enough power and interest to push through new policies, enough consensus is achieved to make changes, or a combination of the two. As Section I-3 showed, there is room

for street performance policy to shift in a direction that delivers mutual benefits to multiple stakeholders, so that conflicting relationships become more cooperative or neutral. Hence some degree of consensus should in theory be possible. In order to aid the crafting of the consensus, it would be beneficial to address the following issues:

(1) Street performers are in a vulnerable or marginalised position and need to be productively engaged in order to craft successful policies. This is challenging because they are not a homogenous group, do not always share the same interests, are weakly organised, and frequently sceptical of interaction with authority. However, it is necessary to include them in decision-making as policies that take their needs and habits into account will have a better chance of being realistic, effective, and accepted. Conventional consultation methods, such as written consultation documents and holding formal meetings are unlikely to be successful and engaging with them will require alternative methods such as social media or meeting them face-to-face at their usual performance spots.

(2) Street performers could potentially become partners in public space management and enhancement if supported through engagement and cooperation with busker's associations and arts advocacy groups. This may build their capacity for skill development and self-regulation.

(3) DCs are likely to act as a constraint on policies to facilitate street performance, as their primary concern is to avoid complaints from residents. Shoppers and visitors who enjoy street performance often do not live in the district, and therefore have less influence on DC members' priorities. DCs may also make it challenging to identify locations that street performers would also consider viable, as some residents may object even if proposed locations are far from residential areas. Proposals that address DC members' noise and taste-based concerns may reassure them that street performance will be better managed, and therefore make its presence more acceptable. Presenting DC members with information about the benefits of well- managed street performance (e.g. to local business and tourism) may help foster a more balanced view with more realistic expectations regarding complaint prevention.

(4) The administrative silos within the Government present an obstacle to progress, since no government departments consider street performance a core responsibility. Cross- bureau meetings, such as those organised by the TD under its walkability study, may help to promote multi-disciplinary problem solving. Bureaus are more likely to take action if it can be shown that consensus is achievable. However, one of the most challenging issues is for the bureaus to decide on which departments should have jurisdiction over the proposed solutions. It may be beneficial for the Government to set up an office for street and public space management, similar to the Energising East Kowloon Office, to provide high-level leadership and coordination.[152]

However, besides the sticking points described above, the stakeholder analysis shows that there are opportunities to build more cooperative relationships between some street performers and other stakeholders so that they can all reap mutual benefits: the business sector stands to benefit from, and could potentially provide spaces for street performances that are consistent with their marketing priorities in terms of orderliness and taste. (Not all street performers would benefit – those who fail to conform to businesses' expectations would be excluded). Government leadership and coordination will be needed to facilitate these benefits, as the stakeholders are unlikely to act on their own.

(1) Government could provide leadership in creating opportunities for collaboration between business interests and street performers. If Government provided quality certification for street performers, they could set up a platform to match street performers with venues provided by business associations or developers, enabling the business sector to benefit from street performance as a marketable attraction without having to run a busking scheme themselves, as

in Singapore or Taipei.

(2) Some developers and businesses are also interested in hosting outdoor performances, which the Government could facilitate by allowing for greater regulatory flexibility or a simpler permit process for smaller-scale events. This could provide more opportunities for certain performers.

(3) NGOs could serve as a bridge between street performers and the private sector through partnerships such as that between the MTRC and the HKFYG. In this way, they provide a platform through which street performers can access otherwise inaccessible space to showcase their talents.

(4) There is also scope for more direct cooperation between the Government and NGOs, for example through management of street performance zones by busking associations or other NGOs in the arts or youth development. Some overseas examples of this (e.g. Covent Garden in London) are provided in Section I-5. Government support for arts organisations could also help to build capacity and skills among street performers, raising their standards over the long term.

The next section, Section I-5, is an in-depth exploration of selected international case studies. It focuses on three major regulatory approaches that cities have used to implement the various types of street performance management measures suggested in Section I-3.6. These case studies provide lessons for Hong Kong by illustrating both successful and less successful policy measures. They also demonstrate the institutional structures, practices and cultures that enable such policies to succeed (or fail), providing insight into the constraints and opportunities in adapting these policy measures to Hong Kong.

I-5. Phase 1 Research Findings: International Case Studies

This section will examine selected international case studies and explore different approaches towards street performance management. Various policy measures, including licensing, location- based regulation, and voluntary approaches will be examined. The framing and rationale behind various cities' policies will also be explored, as will relationships between street performers and enforcement agencies. The selected case studies include Singapore, Taipei, London, Bath, New York City, Melbourne and Prague. Table I-8 below provides a brief summary of the management methods used across these cities. More detailed tabulated summaries of individual cities may be found in Appendix I-3.

Table I-8 - Summary of street performance management methods across case study cities

Management system	**Licensing system**			**Spatial regulations**		**Voluntary measures**	**Mixed approach**		
City	**Taipei**	**Singapore**	**Melbourne**	**New York**	**Prague**	**Bath**	**London** Borough of Camden	**London** Borough of Kensington & Chelsea	**London** Borough of Westminster
License	•	•	•				•		•
Fee	•		•				•		
Audition	•	•	•						
Decibel limit		•	•	•					
Amplification rules		•	•	•	•			•	•
Performance duration limit			•		•	•	•	•	•
Fixed pitches	•	•	•						•
Zoning			•	•	•			•	•
Voluntary code of conduct						•			•

I-5.1 Licensing-based systems

This subsection will examine three cities: Taipei, Singapore and Melbourne, chosen because they are major cities with significant tourism sectors with well-developed street performance licensing systems. Singapore and Taipei are especially relevant as they are major Asian cities. It should be noted, however, that Melbourne's licensing system only applies to the city centre under the administration of the City of Melbourne (the metropolitan area consists of 31 municipalities), and Taipei's excludes the suburban and rural environs of New Taipei City.

I-5.1.1 Mechanism and rationale

Taipei, Singapore and Melbourne require street performers to apply for a license or permit in order to perform on the street or in public places. While the terms "license" and "permit" are often used interchangeably, this report will use "license" to refer to long-term licenses and "permits" to refer to one-off, short-term permits. Licenses usually come with conditions on public safety, noise levels, pavement obstruction, performance times and locations etc. These rules can be quite complex and subject to

interpretation, which makes them impractical as standalone laws or regulations.[153]

Licenses allow governments to grant or deny permission to people to perform, providing an incentive to adhere to the conditions under the threat of license cancellation. Street performers are usually required to display their licenses while performing so that unlicensed performers can be easily identified.

One-off permits, on the other hand, act as a gatekeeping mechanism by requiring people to go through an application process or pay a fee.

I-5.1.2 Freedom of expression concerns

Licensing schemes can be controversial on freedom of expression grounds because they put governments in the position of judging which performers may perform in public space. Opposition on freedom of expression grounds can be a significant constraint, depending on political and social context. Taipei, Singapore and Melbourne had all previously prohibited street performance, hence their licensing systems are perceived as a legitimisation of street performance and liberalisation of public space rather than a further restriction.[154] In addition, all public entertainments are subject to government licensing in Singapore,[155] where restrictions on content are long established.[156]

However, in the US in particular, licensing systems often meet with strong opposition, and have been struck down by courts on freedom of speech grounds, although this varies by region.[157] The generally accepted legal standard there is that local governments may not regulate the content of speech, but only the "time, place and manner of public speech" in the least restrictive way necessary to achieve their objectives.[158]

I-5.1.3 Application process and quality control

Governments such as Taipei's[159] and Singapore's[160] which use street performance as part of their city marketing strategies require performers to audition. Taipei's audition panel consists of Government representatives from the Department of Cultural Affairs, public space management bodies, experts in art and culture, and street performers' representatives,[161,162] and is famous for having a pass rate of less than 15 per cent.[163] While members of the public may attend auditions and vote, the process has been criticised for being subjective and arbitrary.[164, 165] Auditions are only held once a year, but once granted, a performer does not ever need to re-audition.[166]

Singapore's government established its licensing scheme under the National Arts Council in 1997,[167] justifying auditions as a means of preventing busking from becoming a form of begging.[168] While Singapore's pass rate is around 5 out of 6,[169] its performers are required to re-audition every two years to ensure no deterioration of skill.[170] Auditions are held four times a year.

Melbourne only requires auditions for a small number of "premium locations", and most performers are only required to undergo a basic review to ensure that their act meets Melbourne's definition of street performance and will not have a detrimental effect on the city's amenity or safety.[171] Melbourne curates the visitor experience by finessing its definition of busking, which includes playing musical instruments, singing, reciting, magic tricks, juggling, puppetry, mime, and dance, and pavement drawing or painting,[172] but excludes activities perceived as lacking artistic merit, such as dressing as costumed characters. Personal services like face painting and portraiture require a different "street entertainment license" to prevent large numbers of these vendors congregating so as to reserve space for "a significant musical element".[173] In spite of these somewhat arbitrary rules, obtaining a license in Melbourne is relatively straightforward.[174] Applications are processed year- round and standard permits are normally issued on the same day as the safety review,[175] which makes it possible for foreign performers to obtain temporary licenses at short notice.

Not all licensing schemes include auditions. In London, the Borough of Camden's licensing scheme was designed primarily to limit nuisances, so performers have to pay for licenses depending on how disruptive their performances are likely to be – i.e. those using amplifiers, loud musical instruments, or larger groups of people have to pay more (see Appendix I-3). Approvals are based on whether there is enough space at the proposed location for the performance not to cause undue nuisance or obstruction, the likelihood of the applicant causing nuisance to nearby building occupants, and whether the applicant is viewed as likely to comply with license conditions based on their previous record.[176]

I-5.1.4 Pitch designation

Singapore and Taipei have a system of fixed performance pitches. Singapore had 112 authorised pitches,[177] while Taipei had 66 as of June 2020.[178]

Taipei's pitches are managed by a patchwork of government departments and private bodies such as property owners and business improvement districts. Most are in recreational facilities like parks, museums, and selected Mass Rapid Transit (MRT) stations as few streets have pavements wide enough to fulfil the legal 8m width requirement.[179] Pedestrianised streets and plazas in the major commercial districts of Ximending, Xinyi and Tamsui are the major exceptions, and are among the most heavily frequented.

Licensed performers must seek permission from the relevant managing body to use a pitch,[180] and the process for doing so varies from a simple sign- up process to lottery systems at the most popular pitches.[181]

Singapore's fixed pitches are designated by the National Arts Council through negotiation with venue managers such as shopping mall owners.[182] Applicants are authorised to use five pitches of their own choosing,[183] which serves to distribute performers throughout the city.[184] Pitches are allocated on a first come, first serve basis and performers are expected to sort out pitch swapping among themselves.

Singapore and Taipei's fixed pitch systems share similar problems. By limiting the number of locations, highly lucrative pitches end up over- crowded, while others are considered unviable due to low pedestrian flow. This results in fierce competition for space and noise clashes at popular pitches. In Taipei, newer artists are pushed out by established ones, and licensed performers face competition from unlicensed ones.[185] In Singapore, performers complain about pitch hogging and having to travel long distances to alternate locations when their first choices are occupied. In response, in 2019 the National Arts Council planned to expand popular busking locations to broader areas each containing multiple pitches,[186] and proposed to set up an online balloting system for popular pitches to reduce conflicts.[187]

In contrast, Melbourne only designates fixed pitches in its premium locations and for circle acts, which require more space. (Circle acts are performances such as acrobatics or magic that involve gathering audiences together in a circle.) Performers can perform anywhere except in no-go zones and amplification-free zones marked on a map,[188] providing more flexibility. Overcrowding of popular pitches is mitigated through license conditions requiring performers who use sound to maintain at least 30m distance from one another, and to move to a different location at least 50m away every two hours.[189]

I-5.1.5 Enforcement and cooperation

Effective enforcement of a licensing system requires adequate resources and manpower, but also a high degree of cooperation from license holders to translate written rules into behavioural norms.

In Taipei, street performance license conditions (see Appendix I-3) are enforced by designated staff under the Department of Cultural Affairs. A points system is used, whereby if nine demerits are accumulated, the license is revoked, and the performer will not be allowed to reapply for a year.

However, there is no specific penalty for performing without a license. General legislation against nuisance and obstruction can be enforced against unlicensed street performers by the Police. Those caught performing in a roadway without permission or otherwise causing an obstruction can be fined between NT$ 1200-2400 (approx. HK$318-635) under the Road Traffic Management and Penalty Act.[190] Additionally, property damage, endangerment of public safety, and noise nuisance can also be penalised under the Social Order and Maintenance Act,[191] and the Noise Control Act,[192] respectively.

Taipei's licensing system is not effective in excluding unlicensed performers from public space due to insufficient manpower for enforcement and the difficulty of obtaining licenses to begin with. Excessive noise is still a problem at over- crowded pitches but is limited to a small number of locations, as performers who appear in the wrong places are very conspicuous to the Police. Cooperation and self-organisation also play important roles in mediating spatial conflicts between performers.[193]

Taipei's system creates an elite tier of officially sanctioned performers with access to designated pitches, performance opportunities at city events, and promotional support, which gives them more security and professional recognition. Many street performers start out unlicensed but seek to obtain a license when they become more established.[194] An important consequence has been performers' internalisation of a professional artistic ethos and a desire to raise Taiwan's international cultural profile. NGOs such as the Street Performance Experimental Lab help street performers to develop their skills through workshops and mentorship, partly to improve their chances at auditions, and partly to give them better access to opportunities in the formal arts scene.[195]

In Melbourne, although penalties are harsh on paper, the government's soft enforcement approach helps to build a cooperative relationship with street performers and encourages them to internalise the rules.[196] The guidelines encourage street performers to "amicably" resolve disputes before calling the authorities.[197] Enforcement officers follow a "pyramid protocol" where they try to mediate disputes using education and verbal warnings before escalating to written warnings or infringement notices. Fines and license revocation are reserved for the most serious cases.[198] Enforcement officers are also highly visible in popular street performance locations, and spend most of their time on active patrol, surveillance and relationship management, rather than simply responding to complaints.[199] Melbourne also employs a Busking and Program Coordinator to liaise with the busking community and handle relevant enquiries.[200]

Most street performers perceive the rules as fair, reasonable, and consistent with good etiquette between performers. They informally advise each other on what is legal or not, and even intervene in situations involving unlicensed performers or people exceeding their time limits.[201]

In Singapore, enforcement is carried out by the normal Police Force, who generally only act in response to complaints.[202] There is a still fairly high degree of compliance among local street performers, given Singapore's low tolerance of unregulated informality on its streets.[203] The National Arts Council can revoke the licenses of street performers found in breach the terms and conditions. Additionally, unlicensed street performance is punishable by heavy fine of SG$10,000 (approx. HK$56,828) under the Public Entertainments Act.[204] However, licensed performers still face significant competition from unlicensed performers.[205]

I-5.1.6 Licensing – Takeaways

Street performance licensing systems require performers to apply for a license in order to gain permission to perform in the street or in other public places. Based on the case studies of Taipei, Singapore and Melbourne, the following considerations should be taken into account for successful implementation.

- **Freedom of expression**

  As licensing systems place governments in the position of giving or refusing permission to people to perform in public spaces, consideration must be given to a city's social context and legal

standards to judge if doing so would be politically viable. Auditioning schemes in particular are likely to be challenged on the grounds of limiting freedom of expression.

- **Quality Control**

  If an audition scheme is implemented, it is important for the panel to be viewed as knowledgeable and unbiased, and the judging criteria fair and transparent. Some cities have alternative ways of thinking about quality. Instead of vetting the skill level of individual performers, they focus on curating the mix of street performers that appear in different places.

- **Application process**

  If the process for obtaining a license is seen as excessively difficult, biased, bureaucratic or expensive, performers are more likely to ignore the scheme and risk performing unlicensed. Licenses should be reasonably straightforward to obtain.

- **Licensing conditions**

  The key enforcement mechanism of a licensing system is that license holders are required to abide by a set of rules, which typically include guidelines about not obstructing pedestrian flow, keeping public spaces clean, maximum decibel levels, and performance times. Some cities may impose restrictions on offensive content.

- **Pitch designation**

  Pitch allocation systems need to be carefully designed due to the risk of inadvertently exacerbating space competition between performers, resulting in clashing sound systems and conflicts between performers. Zoning systems such as Melbourne's can offer more flexibility. Adequate consultation with all stakeholders, including street performers, should be carried out before pitches are designated.

- **Enforcement and cooperation**

  License conditions can be challenging to enforce due to their complexity. Effective enforcement requires adequate resources and proactive supervision of street performance hotspots. Penalties also need to be strong enough to deter serious violation. However, it also depends heavily on the translation of formal rules into behavioural norms accepted and reinforced by the performers themselves. Rules and enforcement practices should be seen by performers as reasonable, fair and useful in facilitating their activities and mediating conflicts. Street performers should be engaged carefully when rules are designed.

I-5.2 Spatial (zoning) approaches

This subsection will look at Prague, New York City's Times Square, and selected London boroughs to examine spatial management approaches to street performance. Spatial zoning approaches involve attaching rules and regulations to specified geographical locations rather than to individual performers.

I-5.2.1 Mechanism and rationale

In spatial zoning approaches, city governments regulate defined geographical areas rather than performers individually. Such measures are used to protect noise-sensitive locations or manage conflicting street uses in highly trafficked areas. They are often implemented in lieu of licensing due to being less administratively burdensome, such as in Kensington and Chelsea (London), which considered licensing in 2017[206] but decided to implement spatial regulations instead in 2019.[207] They are also seen as a viable approach in cities where licensing would face strong opposition, such as New York City.

I-5.2.2 Jurisdiction

Spatially specific regulations require special authorisation because they are by definition inconsistent with the general laws of the jurisdiction. In cities with siloed administrative structures, such areas may fall under the jurisdiction of government departments that lack the legal authority to do so, such as in Hong Kong and New York City, where their respective transport departments could not regulate street performances taking place on roads. In 2016, New York City addressed this problem by passing a bill designating Times Square as a pedestrian plaza, empowering the Department of Transportation to "promulgate reasonable time, place, and manner regulations governing pedestrian plazas in order to manage the competing uses of finite public space".[208]

Other local governments use different legal mechanisms to implement spatially-specific rules. London boroughs are authorised to designate streets for licensing under the London Local Authorities Act, but only three out of 32 boroughs have done so (Camden, Hillingdon and Westminster). Other boroughs such as Hammersmith and Kensington & Chelsea have used a different mechanism called Public Spaces Protection Orders (PSPOs), which allow local councils to prohibit or require any specified activity in a defined public space to prevent behaviours that are "unreasonable", "persistent", and have a "detrimental effect on the quality of life".[209] Although PSPOs were meant to address severe problems such as public drunkenness, vandalism and intimidation,[210] local governments have applied them broadly – they are viewed as easier to enforce than general nuisance legislation.[211] as they can be enforced through fixed penalty fines (£100 (approx. HK$998).[212] Although local councils frame PSPOs as a lighter alternative to licensing, their application to non-dangerous activities has been criticised as abuse of power.[213, 214]

I-5.2.3 Activity zoning at different scales

Spatial regulation can be applied at different scales from entire districts to individual streets. Prague's 2016 regulations applied to the whole of its city centre and were aimed at reducing nuisances to local residents caused by over-tourism and preserving the city centre's image as a heritage site. Amplification was banned throughout the whole area. Loud, high-pitched and ethnic (i.e. non-European) musical instruments were banned as they were viewed as too noisy or aesthetically incongruous. Specific locations, such as children's playgrounds, places of worship, schools on weekdays, health care facilities and boarding platforms for public transport were designated no- go zones for all performers,[215] while certain other areas were deemed off limits to any performances involving sound.[216]

New rules were also imposed on the time and duration of performances, as well as the amount of space street performers could occupy (see Appendix I-3). One interesting feature was the use of staggered time

slots, allowing acoustic performances to take place alternately every other hour on the left and right banks of the Vltava River.[217]

Kensington and Chelsea's street performance PSPOs targeted major shopping destinations and tourist attractions on a somewhat smaller scale, for example Harrods department store and Portobello Market, among others.[218] Two types of zones were established, "purple zones" where street performers were legally required to follow a Code of Conduct, and "red zones" identified as "the areas of highest detrimental impact" where only quiet performances without any music, amplifiers or percussion were permitted.[219]

In New York City, spatial zoning was implemented on a micro scale in Times Square, which was singled out due to its unique circumstances. It had been pedestrianised in 2009[220] as part of then- mayor Michael Bloomberg's policy of public space enhancement, which created opportunities for large numbers of costumed characters and theatre ticket sellers. Visitors complained of harassment, foul language, and occasional physical aggression by street performers,[221] leading mayor Bill DeBlasio to consider scrapping the pedestrianisation scheme altogether in 2015.[222]

As licensing was politically unviable, the Times Square Alliance (the business coalition behind the Times Square Business Improvement District) proposed a system of micro-zoning.[223] Implemented in 2016, the Department of Transportation was empowered to set up "designated activity zones" for performers and hawkers, defined by painted boxes on the pavement. There were also "civic zones" set aside for special events and programmes, and "flow zones" for pedestrian circulation where it was illegal to cause an obstruction.[224] It was hoped that these measures would allow pedestrian traffic to flow more smoothly and visitors who did not want to engage with performers to avoid them.

I-5.2.4 Implementation and unintended consequences

As the main rationale for spatial zoning approaches is to mitigate nuisance rather than to promote a city's culture, these policies tend to be enforced by the Police, by city council officers responsible for minor offences such as littering, and in a few cases by private security guards, rather than by cultural departments or dedicated busking enforcement teams. As a result, these cities tend to have more antagonistic enforcement approaches with less emphasis on education and outreach.

In New York City, street performers have historically had a contentious relationship with the Police. Under its "broken windows" policing strategy which aggressively targets minor offences,[225] street performers are targeted by Police officers under pressure to issue more fines. A similar dynamic occurs in the UK where local councils have been allowed to outsource the enforcement of PSPOs to private security companies,[226] which have a financial incentive to issue as many fines as possible.[227]

Micro-zoning in Times Square has been of limited effectiveness. The number of arrests of costumed performers declined since the implementation,[228] but this appears to be the result of inconsistent enforcement, as complaints of harassment by performers have persisted.[229] On the other hand, performers say that they were not consulted or given clear information,[230] and that the new rules have negatively impacted their earnings,[231] limited their access to shade and water,[232] and exacerbated competition by forcing incompatible performer types to share space with each other.[233]

Insufficient consideration of performers' needs and modes of operation produce unintended results. For example, Prague's blanket ban on amplification made many musical performances unworkable, such that many performers unsuccessfully argued for a licensing system instead.[234] While City Council members say that the policy has been very successful in reducing noise complaints,[235] one result was a proliferation of costumed characters, living statues, and bubble blowers. The City Council reacted in 2019 by banning them as "disturbing to the aesthetic appearance" of the city, while some musical instruments like oboes, piccolos and saxophones were re-legalised.[236]

Applying restrictions to specific geographical areas also risks pushing street performers from one place to another, especially if they are implemented in an uncoordinated fashion. In London, the adoption of new rules in one borough prompted performers to move elsewhere, setting off a chain reaction of tightening rules. After the implementation of Camden's licensing scheme in 2013 and Kensington and Chelsea's PSPOs in 2019, many performers moved to Westminster, over-crowding pitches there,[237] and prompting Westminster Council to implement its own trial licensing scheme in early 2020.

I-5.2.5 Spatial approaches – takeaways

Spatial approaches apply rules and regulations to designated geographical locations in order to address street performers' activities within those spaces. They are often implemented as a location- specific nuisance mitigation strategy in lieu of licensing. While they may be attractive to local governments because of their lower administrative burden and simpler enforcement mechanisms, the following factors need to be considered in order to implement them successfully and avoid common pitfalls.

- **Jurisdiction**

  City governments need to be able to implement regulations on a targeted geographic scale, which may require special legislation. Cities with strong vertical administrative silos may find this more challenging due to different types of land falling under the jurisdiction of different government departments.

- **Holistic design**

  Unless areas subject to spatial regulations offer truly unique advantages to street performers (such as New York City's Times Square), onerous restrictions may push performers into other unregulated sites, resulting in intensified space competition and negative spill overs. Activity zoning should consider city-wide impacts, including the likely effects on areas outside of the affected zones.

- **Engagement with street performers**

  Street performers need to be involved in the design of the spatial regulations. Rules that focus purely on nuisance abatement without considering the needs of performers are more likely to be met with opposition, limited compliance, and loophole-seeking behaviour. They may also create perverse incentives with unintended results.

- **Responsive and consistent enforcement**

  Outreach and engagement also need to take place during implementation and enforcement to ensure that the rules are well understood. Enforcement officers need to be adequately trained to explain the rules and enforce them consistently, which may be challenging if the regulations vary from place to place. Proactive supervision, education and mediation are needed to maintain regulated areas as viable and attractive performance sites.

I-5.3 Voluntary approaches

This subsection will examine voluntary approaches to encourage self-regulation among street performers. This approach is commonly used by localities throughout the UK as an alternative to formal regulation in cities such as Bath, York, Liverpool, and Birmingham, as well as some London boroughs. This subsection will look principally at Bath, a heritage tourism-oriented city in south-western England with a vibrant street performance culture, and the borough of Westminster in Central London which includes major tourist sites

such as Covent Garden and Trafalgar Square. Brief examples from other cities may be mentioned where relevant.

I-5.3.1 Mechanism and rationale

Voluntary approaches are intended to encourage street performers to regulate themselves and each other in the absence of formal regulation. They use strategies such as education, engagement and negotiation in order to promote norms of behaviour.

In the UK, local governments that view street performers positively from a city marketing perspective often see voluntary measures as a way of facilitating street performance while maintaining some influence over the "content, quality and duration of the performance", as well as the location.[238] Street performers also favour them a light-touch method that does not involve criminalising unauthorised performance.[239] They can result from negotiations between street performer organisations and local authorities under which street performers agree to abide by voluntary guidelines in order to avoid the implementation of more restrictive regulations.[240] There are two main voluntary methods used in the UK: voluntary codes of conduct, and management by street performers' associations (SPAs).

I-5.3.2 Voluntary codes of conduct

Voluntary codes of conduct are non-statutory guidelines issued by local governments. Bath has had one in place since the late 1980s.[241] Street performers are advised to perform between 10 a.m. and 8 p.m., move to a different location every hour, keep their volume to ambient noise levels, avoid repetitive performances, clean up after themselves, and avoid blocking shop windows, doorways and fire exits. Street performers can accept donations but are not supposed to actively solicit money, nor sell CDs or other merchandise without a street vendor's license. At Bath Abbey, a religious site, red and green lights have been set up outside to show when religious services are taking place so that performers may avoid the site when the red light is on.[242]

Local governments use codes of conduct to reinforce norms and to educate street performers on expected standards of behaviour. For example, performers are advised to be mindful of other street users and to try to resolve conflicts courteously.[243] Members of the public are encouraged to hand out copies to street performers if they feel that the guidelines are not being followed.[244]

However, codes of contact are also used to guide local enforcement priorities. Performers who adhere to the code are left alone by enforcement officers, while those who ignore it are more likely to be charged under existing noise, nuisance and begging, or antisocial behaviour legislation.[245]

I-5.3.3 Management by street performers' associations

Another voluntary method is through cooperation between site managers (private or public) and membership-based street performers' associations. Busking associations are allowed to take on the responsibility of managing a site by establishing an informal monopoly over an area, and performers who wish to perform there are strongly encouraged to join. Members monitor each other and intervene to prevent problems, from giving advice and mediating disputes to coercive tactics like standing in front of problematic performers to prevent them from receiving donations.[246]

Covent Garden in Westminster[247] is run by the Covent Garden SPA and the Courtyard Musicians Association in collaboration with Covent Garden's management company, Capco.[248.] Interested performers must join the association, audition, purchase insurance, sign a code of conduct, and submit to a risk assessment.[249] The joint management organises the auditions and sets the schedule for different pitches

on the site.[250] On public land, Westminster Council decided in 2019 to delegate Trafalgar Square's management to the Westminster SPA as part of a multi-pronged proposal to regulate street performance in the borough more closely.[251] Westminster proposed a mixed approach requiring licenses at a number of major tourist attractions including Leicester Square, Chinatown, Oxford Street and Piccadilly Circus, management through SPAs at Trafalgar Square and retain Covent Garden, and adopting a voluntary code of conduct.[252] Under this pilot scheme, performers will be asked to join the Westminster SPA in order to perform at Trafalgar Square, stick to three designated pitches there, abide by the code of conduct, and pro-actively tell other performers to adjust their performances if necessary.[253] However the effectiveness of this scheme is uncertain due to a breakdown in relations between the local government and the street performance community discussed below.

I-5.3.4 Engagement for effective implementation

Voluntary codes of conduct depend on effective cooperation with street performers. Bath's code of conduct was developed through agreement with multiple stakeholders including representatives of the busking community, the local government, the Bath Business Improvement District, and Bath Abbey. An open and respectful engagement process is necessary to build trust, identify areas of common ground and reach compromises. If street performers feel a sense of ownership, they can become effective advocates for best practices.[254]

Street performers are more likely to adhere to a voluntary code if they perceive it as useful in mediating conflicts with residents, businesses and other performers.[255] Effective engagement can also result in out-of-the-box solutions such as Bath Abbey's red and green light system. In another example, Berlin's Mauerpark has been a site for Sunday karaoke concerts since 2009.[256] When new housing was built in the area and residents began to make noise complaints, the singers formed a street performer's association, and working with the local government, created moveable sound barriers that were used to shield the residences.[257] Street performers are less likely to cooperate if guidelines are imposed from above without their input and if the engagement process is perceived as biased. In Westminster, the stakeholder engagement process broke down in late 2019 to early 2020 when street performers were excluded from key discussions about the questions to be included in the consultation document.[258] Relations soured to the point where street performers threatened to get themselves arrested in order to waste the Council's resources.[259] Under such circumstances, neither the proposed mandatory nor voluntary measures are likely to be observed.

Another challenge for voluntary cooperation is street performers' own organisational capacity. They are a diverse group whose interests sometimes diverge, and agreements made between one subset and the Government may be ignored by others. SPAs themselves need to be open, inclusive, and internally democratic in order to give all performers an equal chance to have a say.[260]

I-5.3.5 Voluntary approaches – takeaways

- Voluntary approaches towards street performance management are a more liberal and flexible alternative to statutory regulations.
- Voluntary codes of conduct are non-statutory guidelines that encourage street performers to regulate themselves and each other.
- They also serve as guidelines for law enforcement priorities - those who adhere to the code will not be prosecuted under existing legislation.
- SPAs can be delegated the responsibility to monitor and organise street performance in certain areas to allocate pitches fairly and manage nuisances.

- The success of voluntary measures depends on a trusting and collaborative relationship between local governments and street performers' representatives. Ongoing engagement is necessary in order to produce solutions that are seen as reasonable and therefore more likely to be complied with.

I-5.4 Commonalities, differences and relevance to Hong Kong

No matter which regulatory approach is taken by the cities described above, they tend to share a certain number of practical street performance management rules. This shows that cities tend to encounter similar problems and adopt relatively similar measures to address them. It is the combination and details of the rules that differ, as well as the method of implementation. Basic rules tend to include:

a) **Noise limits:** Some cities specify decibel levels, while others use more descriptive guidelines. Some cities control the use of amplification in lieu of, or in addition to noise limits, by limiting the types of amplifiers permitted or the locations where they can be used.

b) **Obstruction of streets and public spaces:** Obstruction rules range from general legislation to more specific guidelines for street performers. The latter often call on performers not to set up in front of building entrances, pedestrian crossings, and public transport stops. A few cities specify how much area performers are allowed to occupy.

c) **Time limits**: These usually specify the hours of the day when performances can take place.Some cities also place limits on the duration of performances, requiring street performers to move locations after a certain amount of time.

d) **Donations:** All of the cities reviewed in the case study allowed street performers to accept donations but had rules against aggressive solicitation of tips. However, different cities treat sellers of artwork differently. Some, such as Singapore and Taipei, recognise them as street performers and permit them to sell artwork created live. Others such as Melbourne and London treat them as hawkers and require them to acquire street vending licenses.

e) **Location:** Most of the cities examined have location rules, but with wide variations in how and where they are implemented. Some cities like Singapore and Taipei prohibit street performances everywhere except in designated locations, whereas others take the opposite approach, allowing street performers to set up anywhere except for in restricted locations. A few cities such as Melbourne require performers to maintain a certain distance from each other to prevent pitch overcrowding.

Hong Kong seems to have similar problems in terms of noise and obstruction to other cities, but on a greater scale. While Hong Kong is more densely built-up, other cities also have mixed-use urban centres with a large tourist volume, which results in street performances taking place in close proximity to residences (e.g. London) and in very crowded public spaces (Times Square, New York). Hence, street performance rules that can work in busy mixed-use city centres overseas should theoretically work in Hong Kong. Indeed, such rules have already been adopted at the WKCD Art Park (see Section I-1.4),[261] and have been tested with positive results by DC member Yu Tak-po at the Mong Kok Pedestrian Precinct shortly before its closure in 2018 (see Section I-3.3.1).[262] The obstacles to implementing such regulations are not practical but institutional and jurisdictional, as will be discussed in Section I-6.

There is one issue unique to Hong Kong: Donations for street donations are a matter of debate here, due to negative perceptions about profit-seeking performers (as discussed in Section I-3), but are uncontroversial in all the overseas examples. Whereas some of the overseas examples have had complaints about performers aggressively soliciting money, in Hong Kong the solicitation is less overtly aggressive, so voluntary donations are also seen as a problem. Among the overseas examples, there is less

consensus on whether and how to regulate the quality and content of performances:

f) **Quality control:** There is wide variation in the degree to which cities exercise quality control over street performance, ranging from audition systems in Taipei and Singapore, to subtler limitations on acceptable types of performance in Prague and Melbourne, to none in New York City and London.

g) **Community standards:** Some cities regulate the social acceptability of street performances, including rules against offensive language, discriminatory speech, sexualised performances etc. Other cities do not have any content regulations beyond general obscenity and public safety laws. For example, New York City's "desnudas" are not against the law as female toplessness is legal there.

Not all cities had serious concerns about low performance quality as in Hong Kong, where it is a major priority for many if not all stakeholders. There were some similarities between Hong Kong and Prague, where residents had concerns about preserving the city's image from excessive commercialisation and over-tourism, and with Singapore, where the audition system is intended to counter the perception of street performance as begging. Issues of taste and quality are likely to be a major source of debate in Hong Kong, and there needs to be in-depth public consultation in order to decide whether there is sufficient public support for mandatory quality control. Implementing an audition system such as Taipei's or Singapore's will also be challenging within Hong Kong's institutional context, discussed below in Section I-6.

I-6. Phase 1 Research Findings: Constraints and Opportunities in Hong Kong's Institutional Context

Sections I-3 and I-4 analysed street performance problems in Hong Kong, identified opportunities to align interests and named a range of possible solutions. Section I-5 looked at overseas examples to better understand the effectiveness of different strategies and implementation methods. Here, Section I-6 will deal with the "how" of implementation in Hong Kong's institutional context. The objective of this section is not to judge the desirability of any of these options, since that should be determined by the stakeholders, but to outline the institutional challenges in implementing the three regulatory approaches: licensing, spatial regulation or voluntary measures.

I-6.1 The legal context

As noted in Section I-1, street performance is currently governed under a patchwork of legislation concerning nuisances, noise and obstruction, summarised in Figure I-5.

SUMMARY OFFENCES ORDINANCE (CAP. 228)	NOISE CONTROL ORDINANCE (CAP. 400)
Section 4(15): It is an offence to, "without lawful authority or excuse", play musical instruments "in any public street or road" except with written permission from the Commissioner of Police which he may issue "in his absolute discretion". **Section 4C:** Requires police permit for lion, dragon and unicorn dances in public places. **Section 12A:** It is an offence to "take part in, provide or manage any public live performance of an indecent, obscene, revolting or offensive nature." **Section 4A:** it is an offence, "without lawful authority or excuse", to set out anything in a public place which "obstructs, inconveniences or endangers" any person or vehicle. Enforced by: HKPF, FEHD (Section 4A only)	**Section 4(1):** it is an offence to make or cause noise "which is a source of annoyance to any person" between the hours of 11 p.m. and 7 a.m. **Section 5(1):** It is an offence to cause annoyance to any person at any time of day through noise from musical instruments, record players, radios, televisions, amplifiers, games and pastimes, trades or business. Enforced by: HKPF. EPD has the authority to set decibel guidelines for noise from construction sites, commercial or industrial premises, but not from domestic premises or public places. EPD's "Noise Control Guidelines for Music, Singing and Instrument Performing Activities" apply to fixed performance venues, not public places and advise that noise should not exceed 10 dBA above background level measured at 1m from building exterior of noise sensitive receivers between 11 p.m. and 7 a.m.
PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE (CAP. 132)	**PLEASURE GROUNDS REGULATION (CAP. 132 BC)**
Section 22: It is an offence to obstruct or place any object in the street that obstruct "any scavenging or conservancy or any street sweeper acting in the performance of his duty". Enforced by: Street cleaning teams of FEHD **Section 83B:** It is an offence to hawk without a license issued by the FEHD. Hawking is defined as "trading in a public place" by "selling or exposing for sale any goods, wares, or merchandise", or samples thereof, or "hiring or offering to hire his skill in handicraft or his	Governs the management of recreational public open spaces under the jurisdiction of the Leisure Services Branch of the LCSD. **Section 25:** prohibits singing, making music, or playing music on any apparatus without the written permission of the Director of the LCSD. **Section 33:** authorises the staff of the LCSD to remove persons from pleasure grounds if the staff see them breaking the regulations, if the staff cannot ascertain their name and address (necessary for

personal services". Street performers such as portrait artists are not normally considered hawkers as long as they do not engage overtly in monetary exchange. Enforced by: Hawker control teams of FEHD	prosecution), or if the staff believe that they will continue to break the rules. Enforced by: LCSD, Leisure Services Branch
CIVIC CENTRES REGULATION (CAP. 132F)	**WKCDA (PUBLIC OPEN SPACES) BYLAW (CAP. 601A)**
Governs the management of civic centres, including outdoor areas, under the management of the Cultural Services Branch of the LCSD, e.g. Hong Kong Cultural Centre, the Sha Tin Town Hall, Tuen Mun Town Hall. **Section 10 (1b)** of the Regulation prohibits anyone from selling or offering for sale any "refreshment, commodity or article" without authorisation from the Director of the LCSD. Enforced by: LCSD, Cultural Services Branch	Governs the management of public open spaces under the purview of the WKCDA. This currently includes the WKCD Art Park. **Section 10:** Events, defined as "any event, exhibition or performance conducted within a public open space" require permission from the WKCDA. This empowers the WKCDA to set up its own street performance scheme. Enforced by: WKCDA

Figure I-5 - Legislation affecting street performance

I-6.1.1 Legal constraints and opportunities in adopting a licensing approach

Section 4(15) of the Summary Offences Ordinance currently forms the basis of a poorly utilised one- off permit system for musical performances.[263] The legislation as written only refers to musical instruments, excluding a broad range of other performance types. The law is unenforceable due to a 2015 High Court Ruling, which found that performers cannot be prosecuted for lacking a permit unless they cause undue noise and obstruction. It argued that engaging in cultural activities constitutes a "lawful excuse" to occupy public space, so lacking a permit in and of itself does not violate the law. The Police therefore do not check whether street performers have permits.[264]

However, the ruling left open the possibility of implementing a licensing scheme as it agreed that the Government has a legitimate aim in ensuring public safety and order in Hong Kong's crowded urban environment.[265] A more comprehensive licensing scheme would be possible as long as the restrictions were proportional to their aims. However, enforceability would be questionable as it is somewhat doubtful that performers could be prosecuted simply for being unlicensed. This might create a paradoxical situation in which it would be easier to penalise licensed performers for breaking their license conditions than it would be to penalise unlicensed performers, creating a situation similar to Taipei's. The system therefore could not rely on punitive deterrents but would have to confer benefits on performers in order to give them an incentive to participate.

Geographically specific licensing schemes may avoid this constraint, as those without licenses are not completely barred from performing, but only excluded from specified areas. The TPPE and LCSD currently run their own limited licensing schemes. It may therefore be more feasible to implement licensing requirements in selected street performance hot spots, although the scheme would have to be designed carefully to ensure that the licensed areas remain sufficiently attractive to performers to avoid pushing them into unregulated areas.

Some cities such as London and Boston have street performance licensing schemes in their underground metro systems. However, doing so in Hong Kong will be difficult from a legal and regulatory standpoint, and may only be feasible in yet-to-be-built MTR stations. Performances are currently only permitted at one purpose-built performance space in Hong Kong Station. Any fixture that is placed inside an MTR station must be approved by the Safety and Security Coordinating Committee (SSCC), which is chaired by

the Electrical and Mechanical Services Department and includes the Fire Services Department, Buildings Department, Highways Department, the Police, and the MTRC.[266] Standards for fire safety and preventing obstruction to pedestrian flow are very strict, so public performances which are variable in their size and activity type would be unlikely to be approved unless they take place on purpose-built stages. This would be in addition to acquiring a TPPE license (discussed below in 6.1.2).

I-6.1.2 Legal constraints and opportunities in implementing spatial (zoning) approaches

The most significant legal constraint in implementing spatial management is that public streets are regulated by the Road Traffic (Traffic Control) Regulations (Cap. 374G), which do not enable the TD to regulate pedestrians outside the scope of traffic safety. Spatially-specific street performance regulations would require new legislation or significant amendment to existing legislation. In New York City, pedestrian plazas are designated by law to enable their Department of Transportation to make rules for them. A similar precedent in Hong Kong is the Director of the FEHD or the Transport Commissioner's ability to designate streets as hawker areas under the Hawker Regulation (Cap. 132AI) and the Public Health and Municipal Services Ordinance (Cap. 132).

In the absence of new legislation, one workaround may be to use the TPPE licensing system under the FEHD. The Places of Public Entertainment Ordinance (Cap. 172) requires all places of public entertainment ("public entertainments" includes performances, dance parties, exhibitions, circuses, lectures, sports contests, bazaars, and amusement rides) to be licensed, with the exception of venues under the management of LCSD and the HAD.[267] TPPEs are required for events like street festivals, which involves the organisers submitting to-scale plans of the set-up and undergoing a multi-departmental safety and crowd control evaluation.[268] The Government could partner with an external organisation to approve TPPEs in part-time pedestrianised zones, giving the partner organisation the responsibility of managing street performance and other recreational activities during operating hours.

For public spaces divided along complicated jurisdictional lines such as the Tsim Sha Tsui and Central waterfronts, another workaround could be for government departments to make an agreement to place them under unified management by the LCSD for the purposes of activity management if not for physical maintenance. One precedent for this is the LCSD's management of the former Wan Chai Dog Park on behalf of the Civil Engineering and Development Department, which was in charge of the site.[269]

I-6.1.3 Legal constraints and opportunities in implementing voluntary approaches

The implementation of voluntary approaches by definition has relatively few legal constraints. However, there may be some complications in implementation. For example, if the Government cooperates with NGOs to manage performance zones through the TPPE mechanism described above, small NGOs may find it difficult to fulfil the requirements, such as submitting detailed site plans and providing first-aid services, as the TPPE was not designed for small-scale events such as street performance.

A voluntary code of conduct would not face any legal constraints if it were intended only as advisement for street performers, but if the Government intended to use it as an administrative guideline for the enforcement of existing laws, there may be some legal ambiguity regarding the implementation of decibel limits. The Noise Control Ordinance (Cap. 400) allows the EPD to issue technical guidelines for noise from construction sites and non-domestic premises, but not for noise coming from homes or public places. Enforcement for the latter is done by the Police on a "subjective nuisance basis" [270] according to professional observation, circumstantial evidence and witness statements.[271] It is unclear whether the Police would be able to refer to a non-statutory decibel guideline made by a different department when enforcing the Noise Control Ordinance.[272] A minor legal amendment allowing the EPD to issue technical guidelines for street performance would resolve the matter.

I-6.2 The administrative context

Hong Kong's administrative structure is relatively centralised, siloed, and hierarchical. Government departments are organised under policy bureaus, each with their separate responsibilities defined by legislation. All policy and regulatory decisions are made at the territorial level, with DCs providing advice and carrying out local minor works. This contrasts with city governments in London and Melbourne where some decisions can be made at a more local level. These municipal governments also have more discretion in deciding how to organise local services, which makes it easier to implement measures like hiring council officers for the express purpose of supervising busking hot-spots or to liaise with the public on street performance.

In Hong Kong, there is more limited scope for slotting new initiatives into pre-existing departmental structures without amending legislation or passing new laws. This creates challenges especially when an issue touches on multiple departments' areas of responsibility yet is not the primary focus of any. As previously noted, the enforcement of regulations relevant to street performance falls mainly on the HKPF and the FEHD, neither of which see it as a core responsibility. Additionally, neither have any expertise in cultural policy. Therefore, street performance in Hong Kong is not considered from a holistic cultural policy or placemaking perspective.

Hong Kong does not have a bureau or department of culture. The Government considered but decided against setting one up in 2012.[273] Cultural policy falls under the HAB, whose responsibilities also encompass youth development, social harmony, civic education, district administration, building management, hotel licensing, gambling, advisory and statutory bodies, and sport. An aide for Ma Fung-kwok, the LegCo representative for the Sports, Performing Arts, Culture and Publication Functional Constituency, suggested that a new Commissioner for Culture be created, to parallel the existing Commissioner for Sports, to serve as the dedicated person overseeing cultural policy.[274] He sees scope for a more proactive policy from the HAB to manage street performance as part of an overall effort to rebrand Hong Kong as a cultural city in addition to a prominent global financial centre.[275]

At present, implementation of cultural policy is divided between various government departments and agencies, none of which are well-positioned to implement a city-wide street performance policy. These include the LCSD, the WKCDA, the Arts Development Council (ADC) and the Hong Kong Academy of Performing Arts (HKAPA). The LCSD is primarily a facilities management organisation with no responsibility outside of its cultural and recreational venues; the WKCDA's jurisdiction is geographically limited to West Kowloon, the ADC provides support and funding to the arts through grants and programmes, but focuses on high art and does not see street performance as within its remit, and the HKAPA provides formal undergraduate and graduate education to performing artists.

The HAD, which is under the HAB, has responsibility for district administration and coordination between departments and DC at the local level. As the liaison with DCs, it receives local concerns and complaints about street performance, and coordinates responses by the Police, FEHD and LCSD. However, while it facilitates cultural events at the district level, it does not have direct responsibility for the implementation of cultural policy, nor has the ability to make local rules.

The TD handles planning of pedestrian spaces, but has no authority to manage pedestrian activities outside the scope of traffic safety. Therefore, while the TD has perhaps the strongest interest in addressing street performance management problems so that it can further its pedestrian planning agenda, it cannot address them directly. TD hopes to begin a process of inter-bureau coordination by raising the matter of street management in its interdepartmental walkability policy steering group involving FEHD, the Police Force, HAD, and HYD. This group is to be established in order to discuss cross-departmental policy issues related to TD's ongoing walkability consultancy study.[276]

I-6.2.1 Administrative constraints and opportunities in implementing a licensing approach

The biggest challenge in setting up a city-wide licensing scheme is that it is both administratively complex and unclear which department should implement it. A licensing system would require a body with the power to review applications, issue licenses, enforce the rules, and to revoke licenses if necessary. If an audition process is involved, this body would need to form an audition panel in a fair and transparent manner acceptable to the public.

DC member Yu Tak-po argues it would be necessary to establish a Department or Bureau for Culture in order to do so. However, it may be possible, if challenging, to locate such functions within the existing departmental structure, such as by setting up an office within HAD to administer the programme, and to establish an audition panel under an advisory committee framework.

The Government would also need to consider how the licensing system should be enforced. If enforcement responsibility continues to be shared between the Police and the FEHD, this would have manpower implications for both departments, and involve some redefinition of their duties. Alternatively, the Government could set up a dedicated enforcement team. This would be akin to Taipei's approach, or similar to Hong Kong's Office of Tobacco Control (OTC) under the Health Department which enforces anti-smoking legislation in bars and restaurants.[277] If this option is chosen, there would need to be sufficient resources and manpower devoted to active supervision, mediation and education efforts in non-LCSD street performance hotspots. However, since there are relatively few such locations in Hong Kong, this would be a more focused task than the OTC's responsibility for monitoring all bars and restaurants in Hong Kong.

Alternatively, a street performance licensing policy could be taken as an opportunity to revamp a branch of the FEHD as a broader street management body, perhaps separate from its food safety and public sanitation functions. The FEHD's street management functions are inherited from the old Urban and Regional Councils, which focused heavily on public hygiene and the control of illegal hawking. However, hawking has declined significantly since the 1970s due to the non-renewal of licenses.[278] Nowadays, there are also other inadequately regulated informal street activities such as touting, commercial promotion, and sales of third-party services (e.g. mobile phone contracts) that fall outside the definition of hawking. Mary Melville argues that excess manpower in hawking control teams could be reallocated to other priorities as there is very little hawking left in her district.[279]

I-6.2.2 Administrative constraints and opportunities in implementing a spatial (zoning) approach

Unlike licensing, a spatial regulation approach does not necessarily have to involve the establishment of a new government body. It could be done within existing departmental frameworks. However, as DCs lack rule-making powers of their own, the Government would have to provide the legal framework as well as leadership and coordination.

New legislation or amendments to existing legislation would be necessary in order to authorise an existing government department, such as the HAD, to implement local rules, the details of which could be developed in consultation with DCs and local stakeholders. There is an opportunity for DCs to advise on suitable locations for street performers, noise-sensitive locations, and other specific local considerations.[280] Stakeholders could provide detailed local knowledge on suitable public spaces that could be adapted for street performers' use, for example by providing better shade, seating, storage for instruments and access to refreshments.[281]

In the absence of new or amended legislation, DCs could still provide guidance on areas where enforcement efforts should be prioritised, and areas where street performers can be more tolerated, in a similar manner to how DCs have helped the HAD compile a list of tolerated zones and blackspots for

pavement shop displays.[282]

A coordinated territory-wide zoning strategy would even be preferable to separate local efforts, as the example of London shows the latter can cause unintended spillover effects. A more coordinated approach could mitigate ad-hoc "not-in-my- backyard" dynamics which push street performers from place to place. The Government could begin with pilot projects in selected districts, which if successful, could become a model for others.

There also an opportunity for the LCSD to take a more proactive approach in managing street performance across its different recreational and cultural venues, given its administrative discretion. Parks should be considered as part of an overall web of urban public spaces, and policymakers need to consider that imposing stricter rules in parks may push street performers into other areas that are less easily regulated, such as transport interchanges, footbridges, pedestrianised streets and waterfronts. Parks could therefore be strategically used to accommodate public demand for street performance away from residential areas, while providing more extensive support, amenities and supervision.

I-6.2.3 Administrative constraints and opportunities in implementing voluntary approaches

There are relatively few administrative constraints in implementing voluntary approaches such as a street performer code of conduct. The HAB, as the bureau with oversight over cultural policy, can lead consultations with street performers, DCs, residents and businesses in order to develop voluntary guidelines.

Voluntary guidelines need to be accompanied by public education and outreach to promote take-up among street performers. District Offices are well- positioned to carry out this work in cooperation with the relevant government departments, including the Police, the LCSD, and the FEHD. It may also be feasible for District Offices in districts heavily frequented by street performers to assign a staff member as a community liaison on street performance matters.

It should also be possible to use voluntary guidelines to prioritise enforcement under existing legislation, as is done in cities such as Bath. This would not require any reorganisation of existing government departments or the establishment of new bodies, but would require some interdepartmental coordination at the district level.

However, the effectiveness of voluntary guidelines is debateable, since these would not be legally enforceable. While administrative guidelines could be drawn up to prioritise enforcement of existing noise and obstruction legislation, any guidelines that are not directly related to these matters might be subject to dispute or disregarded. Street performers interviewed were pessimistic about self-regulation, saying that bad actors simply ignored any attempts to reason with them.[283] In the UK, street performers often have an incentive to cooperate with voluntary guidelines to prevent more formal restrictions from being imposed, but this situation does not apply in Hong Kong.

Other voluntary efforts could be implemented to promote higher quality street performances. The LCSD and the WKCDA or even the Arts Development Council could also potentially carry out programmes to develop street performers skills while meeting the demand for affordable or free entertainment in public spaces, for example by organising talent shows, open mics, and busking festivals. Such programmes could encourage performers to improve their skills through fostering competition and raising public expectations for performance standards.[284]

I-7. Preliminary Policy Implications

Based on preliminary interviews with stakeholders, there appears to be relatively broad agreement between street performers, businesses, developers, and residents' representatives that there needs to be more proactive management of street performance in Hong Kong. Contrary to the supposition that street performers would oppose regulation of their activities, many see the need for the Government to implement ground rules to mediate conflicts with other stakeholders and each other. Several of them explicitly drew a link between the need to improve the image of street performers and their freedom to use public space. Stakeholders in the business sector also see potential for street performance to become a placemaking asset, thereby creating mutual benefits. However, leadership from the Government is needed in order to realise these benefits since the stakeholders are unwilling or unable to act on theirown.

This leads to the question of whether the Government is able to implement proposed solutions even if non-government stakeholders favoured them, given the legal and administrative constraints described in Section I-6 and the lack of priority given to street performance as an issue. Therefore, as policy options were narrowed down in Phase 2 of the study, it was necessary to explore their perceived feasibility as well as their desirability *(see Part II).*

In Phase 1, there appeared to be a broad consensus over the issue of noise. A decibel standard seems likely to receive broad acceptance, although amplifier restrictions will probably be more controversial. The concept of licensing was not universally supported, but received a significant degree of acceptance even among performers. However, there were concerns about how feasible it would be to implement. There also appeared to be cross- sectoral support for spatial solutions by designating areas for street performers, although it will be challenging to identify specific spaces acceptable to most parties. Voluntary measures were suggested by some, although others expressed doubts that street performers have the organisational and social capacity to regulate themselves.

It appears more challenging to achieve consensus on issues of taste and quality. A significant number of stakeholders had strong feelings against *dai ma* groups and wanted future street performance policies to address socially unacceptable behaviour, while others argued that it would be unfair to discriminate against Mainland immigrants, the elderly, and low-income residents on grounds of subjective taste. Another potentially tricky issue is whether and how street performers should be allowed to receive donations. Receiving donations is viewed by some stakeholders as an incentive for antisocial behaviour and an illegitimate use of public space. However, restricting it would likely have a negative effect on a broad cross-section of street performers. There are also questions about whether such restrictions would be practical to implement.

The second phase of this study therefore explored policy options with stakeholders systematically through a two-stage Delphi survey, presenting stakeholders with policy ideas obtained through this interview process and from overseas examples in order to test their level of support and perceived feasibility. The detailed methodology and results of this phase is covered in the corresponding chapters in the following *Part II*.

Part II - Delphi Analysis & Policy Recommendations



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II - Acronyms and Abbreviations

CLIP	Conflict/Cooperation, Legitimacy, Influence and Power
EPD	Environmental Protection Department
FEHD	Food and Environmental Hygiene Department
HAD	Home Affairs Department
HKOTC	Hong Kong Office of Tobacco Control
HKPF	Hong Kong Police Force
HYD	Highways Department
LCSD	Leisure and Cultural Services Department
MTR(C)	Mass Transit Railway (Corporation)
NGO	Non-Governmental Organisations
SPAs	Street Performer Associations
TD	Transport Department
TPPE	Temporary Places of Public Entertainment (License)
WKCD	West Kowloon Cultural District
WKCDA	West Kowloon Cultural District Authority

II-1. Phase 2 Objectives and Methodology

II-1.1 Background

Phase 2 of this project aims to generate recommendations for the more effective management of street performance in order to address the inadequacy of existing measures.[285] The management of public spaces, defined as "the set of processes and practices that attempt to ensure that public space can fulfil all its legitimate roles, whilst managing the interactions between, and impacts of, those multiple functions in a way that is acceptable to its users," [286] is an integral part of building a liveable city with walkable, pleasant and convivial streets and public spaces. Well-managed street performance can be an asset to cities by enlivening streets, encouraging sociability, [287] promoting local culture, and attracting visitors. [288] Some cities such as Melbourne, [289] Taipei[290] and Singapore[291] seek to strike a balance between the promotion and regulation of street performance, incorporating it into their cultural development and city marketing strategies. However, in Hong Kong, street performance is tolerated but treated primarily as a source of nuisance under the existing regulatory framework for general noise and obstruction. There is no comprehensive or dedicated street performance policy. The result has been unsatisfactory for both street performers and other stakeholders affected by the externalities they generate.

Phase 1 of this project (*Part I*) explored the relationships between street performers, law enforcement officers, residents, business and property owners, and District Councillors under the existing framework. Competition for space, a lack of clear guidelines, and complaint-driven enforcement practices exacerbate conflicts which undermine community support for the expansion of pedestrianised spaces, and promote the exclusion of street performers from a growing number of public spaces.

However, despite ongoing calls for a more proactive system of management since the mid to late 2000s, no major policy action has been taken for various reasons: street performance is treated as a low priority by policy makers and legislators. The wide variation in street performance policies in other cities makes it challenging to draw conclusions about best practices.[292] The Government argues that Hong Kong's dense urban environment makes it difficult to endorse any locations as suitable for street performance.[293] Finally, the Government argues that there is no consensus in the community on how to address the issue.[294]

II-1.2 Phase 2 objectives

As noted in *Part I*, the objective of Phase 2 of the study is to "assess the receptivity towards a menuf of possible policy solutions and identify possible areas of consensus". This is carried out by engaging with key stakeholders from different sectors to craft policy recommendations that are able to address their major needs, and are seen as both acceptable and broadly feasible. It is hoped that the recommendations may provide some direction for building the community support needed to overcome institutional and political constraints.

Phase 1 of this study involved preliminary semi-structured interviews with 30 stakeholders including street performers, neighbourhood advocacy groups, district councillors, the business sector (property, retail and hotels), and relevant Government departments (the Leisure and Cultural Services Department - LCSD, Hong Kong Police Force - HKPF, and Food and Environmental Hygiene Department - FEHD). The interviews explored their main concerns, their understandings of street performance issues in Hong Kong, and relationships or interactions with one another. A Co-operation/Conflict, Legitimacy, Interest and Power analysis was conducted in order to systematise our understanding of their power dynamics.

Phase 1 also included seven case studies from around the world—Melbourne, Taipei, Singapore, London, Bath, Prague and New York City. While policies were varied, they could be grouped into three main strategies: licensing, zoning, and voluntary measures.[295] Additionally, there were a number of concrete guidelines or rules that were found across various different approaches. [296] Lessons for successful engagement, implementation and enforcement were also drawn from these diverse examples. [297] These various rules and strategies were used to create a menu of policy options presented to stakeholders in Phase 2 of this study (see Section II-2). Phase 2 further interrogates stakeholders' views on the desirability and feasibility of these policy options through two structured questionnaires using the Policy Delphi method.

II-1.3 Policy Delphi methodology

In Phase 2, participants were presented with a menu of policy options using the Policy Delphi technique. The Delphi Technique was originally developed as a methodology to build consensus among a panel of experts through an iterative survey process. Responses to the first survey are analysed and used to create a new questionnaire, which shares the results with the participants anonymously and asks them for further feedback. This encourages them to consider the views of others before stating their own. This process is repeated several times (usually between two and five) until a consensus emerges.[298]

A Policy Delphi is a variation that handles complex policy issues involving interested stakeholders rather than experts dealing with technical problems. In Policy Delphis, it is not always possible or desirable to promote consensus, however the process aims to produce informed opinions in a systematic way so as to ensure that all options are considered, and to estimate the acceptability and likely impacts of any particular option before recommendations are made.[299] It aims to identify policy options where consensus is possible, and those where consensus is unlikely due to irreconcilable differences in beliefs and priorities among stakeholders.

The main advantages of the Delphi method is that it allows stakeholders to participate anonymously, does not require them to meet face-to-face, and avoids discussions being skewed by more talkative or dominant personalities. Each participant is taken through the issues one by one and has equal opportunity to state their views. Each participant is also asked to consider other viewpoints.

This study used two rounds of questionnaires in order to minimise participant fatigue as semi-structured interviews during the exploratory Phase 1 had already identified the participants' major concerns. The first round was done through prescheduled telephone interviews, or through a written online questionnaire for those who expressed preference for that option. The second round was done entirely through a written online questionnaire due to the need to present statistics and charts from the first round.

The two Delphi questionnaires were conducted in the second half of 2020 and early 2021, reengaging with most of the stakeholders interviewed in Phase 1. However, participant recruitment and retention suffered due to the timing of the study during the COVID-19 pandemic and prevailing political climate in Hong Kong. After Phase 1, 11 of the original 29 participants either voluntarily withdrew from the study or could not be contacted. Therefore, an additional eight participants were recruited for Phase 2.

The 27 participants included in Phase 2 included 9 street performers, 2 representatives of non-profit organisations or advocacy groups, 5 district councillors, 7 people from the business sector, and 4 representatives of government departments. However, one of the government departments, the

Hong Kong Police Force, chose to give a written statement instead of completing the questionnaire. In the end, 26 participants completed the first questionnaire, and 22 completed the second.

In the Round 1 questionnaire, participants were asked to rate the helpfulness and feasibility of different policy options (see Section II-2). For example, participants were asked to rate how helpful certain policy changes would be for reducing conflicts between street performers and other stakeholders, improving interactions between performers and law enforcement officers, and promoting vibrant street performance. Most of the questions were multiple choice with response options on a four-point Likert scale (see sample question below) with no neutral option to discourage non-committal responses, however a "don't know" option was provided to allow participants to opt out of answering questions they could not or did not wish to answer. [300]

There were also some ranking questions in which participants were asked to rank the priority of various objectives, or to place policy variations in order of preference. Finally, at the end of each section, participants were given an open-ended question that asked them to choose which of the previous policies they found suitable or unsuitable for Hong Kong, and to explain why. The full questionnaire can be found in Appendix II-3.

Sample Likert scale question

How **important** is it to address the following **problems** with street performance in Hong Kong?

a. Noise
b. Poor quality performances
c. Street obstruction
d. Lack of legal protections for street performers

Response options:

1. Very important
2. Somewhat important
3. Slightly important
4. Unimportant

   Don't know

The first-round data was analysed to identify areas of consensus and disagreement. A high bar for consensus was used since the objective was to identify areas of clear agreement among diverse stakeholders, rather than to find a bare majority. For Likert scale questions, consensus was defined by two tests. [301] First, over 60% of the stakeholders had to fall on one side of the scale, e.g. agree that a policy was "definitely feasible" or "probably feasible", as opposed to "definitely infeasible" or "probably infeasible". If this condition alone was met, this was defined as a "weak consensus" because up to 40% of the stakeholders may still disagree, even strongly. For a strong consensus, the interquartile range also had to be equal to or less than 1. The interquartile range is the gap between the 25th percentile respondent and the 75th percentile respondent. If the gap between them was one point or less on the four-point Likert scale, then participants' opinions were clustered close to each other. Either a large majority of the participants agreed with one another, or in the case of a near 60-40 split, few people strongly disagreed.

For ranking questions, multiple choice items were weighted and scored to assess the popularity of the different options. For example, first choices were given 3 points, second choices 2 points, third choices 1 point, etc. The points were added up and divided by the number of participants to find the average ranking. Additionally, the percentage of participants choosing each option as a first or a second preference was also calculated to assess the relative acceptability of the different choices to the participants. This can be used to identify the options that are acceptable to the broadest range of participants even if it is not their first choice.

These results were used to develop the second questionnaire according to the logic of the flowchart shown in Figure II-1.

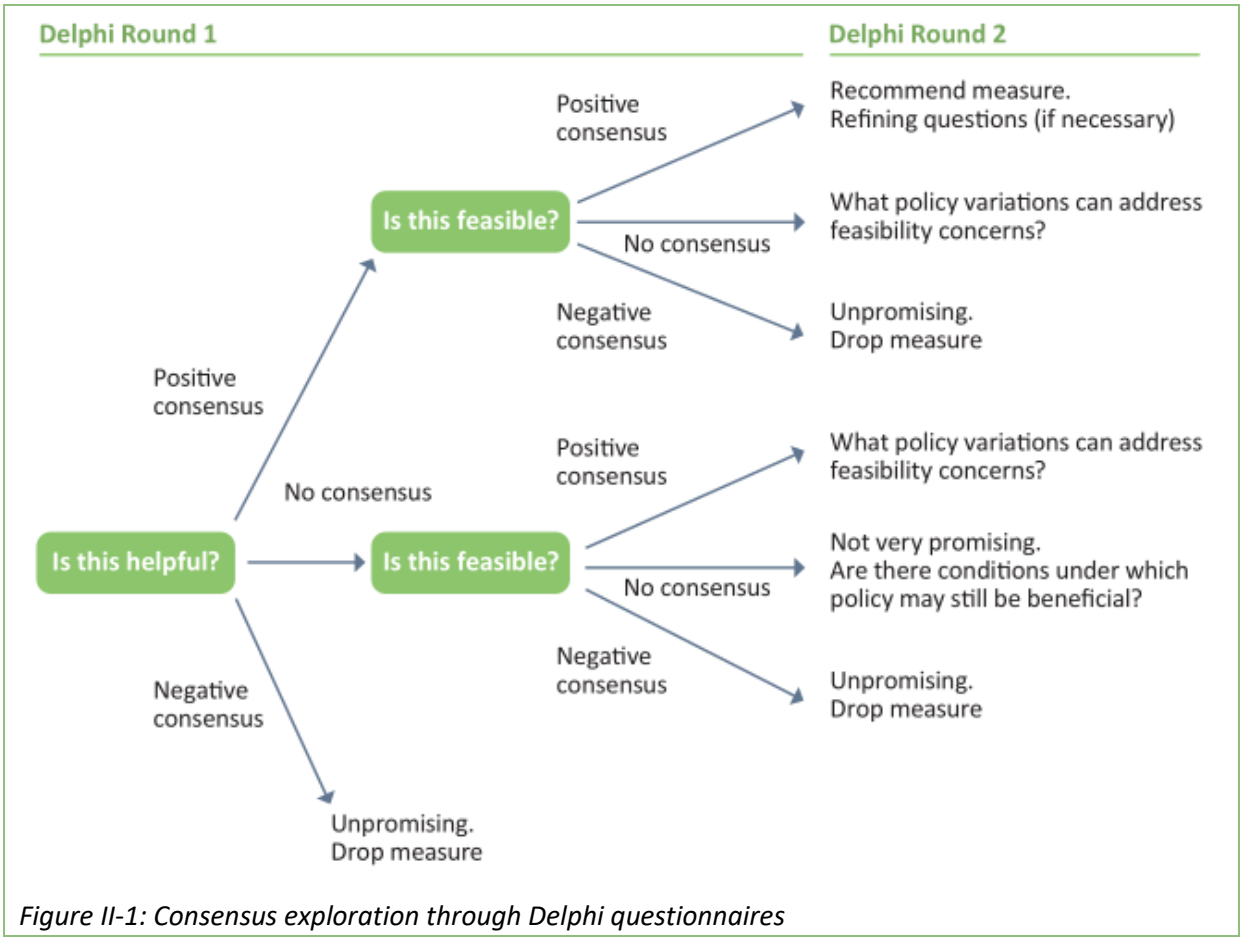


Figure II-1: Consensus exploration through Delphi questionnaires

The Round 2 questionnaire focused mainly on areas where clear consensus was not achieved to see if there were policy variations which could address concerns about helpfulness or feasibility. Stakeholders were first presented with a range of statements drawn from open-ended comments from the previous round and preliminary interviews and asked to rate their validity. This was to probe the extent to which they were willing to consider alternative points of view. It also led participants through a range of different considerations before asking them to finally rate the acceptability of policy variations designed to offer differing levels of compromise between competing priorities. The full questionnaire for Round 2 can be found in Appendix II-4.

The findings from the second round informed final policy recommendations by identifying and articulating the policies which various stakeholder groups agree upon, policy ideas where further

engagement may lead to workable compromises, and areas where disagreements will be difficult to resolve. This clearer understanding of stakeholders' views and underlying assumptions aided in the formulation of policy recommendations that are more likely to be perceived as acceptable and realistic by the community.

II-1.4 Limitations

The limitations of the Policy Delphi method are that though a questionnaire format is used and the results are expressed in percentages, it is in fact a qualitative exploration of the views of a small group of stakeholders, and not a randomly sampled survey. The recommendations contained in this report should therefore be taken as indicative of the ideas that are likely to gain acceptance based on the reasoning and justifications put forward by major stakeholder groups. Further consultation would need to be done by the Government in order to address the issues with the general public.

II-2. Policy Menu Development: Themes and Content

This section outlines the menu of policies presented to the stakeholder participants. It was generated by taking inspiration from the policies employed by the seven case-study cities that were most relevant to the problems identified in Phase 1 of the study.

The menu consists of three main street performance management **strategies**: licensing, spatial zoning, and voluntary agreements (the latter includes two substrategies, non-profit partnerships and voluntary codes of conduct). These strategies are used to structure and organise a set of **rules**, guidelines or norms, which attempt to address the major **problems** caused by street performance, in order to achieve broader aspirational **objectives.**



Figure II-2: Development of street performance policy menu

The following subsection will start from the objectives and work backwards through the problems to the proposed rules and strategies.

II-2.1 Objectives

An analysis of participant interviews during Phase 1 found that stakeholders held different values and priorities relating to street performance, which could be translated into aspirational policy objectives. Six main value-based objectives were identified, illustrated by sample quotes below:

1. **Promoting urban vibrancy**
   Some stakeholders valued street performance for the way it can enrich urban life, bring spontaneity and interaction to public spaces, bring the public into contact with arts and culture, and enhance the quality of life in cities. These humanistic aims overlap to some extent with

placemaking objectives of commercial interests hoping to make districts more attractive for shoppers and tourists.

> *"It's possible to do everything. And also allow the people...to make really good art. [For example] making jewellery with your hands, and also the city can create a market for these kinds of things. There are places in Hong Kong that have beautiful ladder streets…they have many places with nice markets to attract people and also develop the art in the city. Maybe people don't even learn to do these things here. When the country is very—in this way—very corporate, you know, the young people don't even know the possibility to learn to work in other kinds of things that's not business, offices."—Travelling street artist*

> *"If because we have been liaising or discussing with the District Council... then I think if we would be able to create some sort of platform like what is done in Tsim Sha Tsui, then that may be able to create some sort of interest or create a characteristic kind of attraction for tourists or locals... But I believe that if it's properly managed and organised, by the relevant authorities or organisations, that could be something that could be a very unique kind of characteristic, I mean for Hong Kong…" —Developer's representative*

2. Accommodating the public's need for entertainment and social life

Some stakeholders valued street performance as an accessible form of entertainment and social life for members of the public as well as for street performers themselves, seeing it as an opportunity to meet friends, gather with fans, and enjoy themselves.

> *"Actually [I started performing because] I like singing, I really love singing. So since I had friends who were out there singing, I joined in. Because if you go out to karaoke you have to pay money, but the street is a really good stage because anyone can do it, anyone can afford it. —Street performer (translated from Cantonese)*

> *"Yeah, we don't have much free entertainment. I've always been on about that we have to create more entertainment. And then you have like one week where you want the best guitarist in Hong Kong, and then the next week you want the best clarinet player, and the next time the best K-pop band, whatever the Hong Kong equivalent of it is, do you know what I mean? Have a contest." —Community activist*

3. Protecting freedom of cultural expression

Some stakeholders expressed concerns that street performance should be an activity that is open to all, without high barriers to entry. Anyone should have the freedom to express themselves creatively in public, regardless of form or skill level.

> *"We need to start from the definition of a street performer, when it comes to how the Government treats people. It's best to get out the Oxford Dictionary. We're talking about rights, yes? The written definition of a street performer is someone who performs to provide entertainment on the street. That includes body performance, sound performance, artistic performance, playing the piano, playing the trumpet, acrobatics, one-fingered push-ups, all of that involves artistic skill, it's all good stuff, it's all an attraction, fashion shows, whatever, right?...There are some basic standards—you shouldn't exceed 64 decibels… Say if you're doing a fashion show, you shouldn't go beyond what most people would consider obscene, but wearing a bikini on the beach, there's no problem with that. Why did I bring up the definition? Are performers meeting the basic definition of street performance? That's what's important. It's not up to you, or me, or him to say. As long as they fall within the definition...what's the problem?" —Street performer (translated from Cantonese)*

4. Supporting local arts development

Some stakeholders, particularly performers who define themselves as artists, wanted to see a culture-driven street performance policy that nurtures artists, supports local culture, encourages higher professional standards and diversity of art forms among street performers. This aligns somewhat with those with a city marketing perspective hoping to promote Hong Kong's creative industries.

"The Government's management role should be pretty basic. You can't create culture out of regulations. But the Government could help to promote culture, like by holding arts festivals…. For example the Government could put in place certain arrangements to encourage more diversity in street performance. Hong Kong's street performance is too homogeneous, it's mostly singers—at the worst period in Mong Kok, it was all karaoke. This makes people lose interest in street performance... So the role of [public space] managers should be to promote a more diverse performance ecosystem."
—Street performer (translated from Cantonese)

"How to promote street performance, how to sustainably promote street art, how to positively influence and contribute to local cultural and creative industries, is something we care very much about."
—Legislator's aide (translated from Cantonese)

5. **Reducing the level of nuisance**
   More effective control and management of nuisances in the form of noise and obstruction was a major priority for many though not all of the stakeholders, particularly residents and community representatives, but also business owners and some street performers. These stakeholders expressed frustration at the inadequate management so far and expressed a desire for a more orderly and pleasant urban environment.

   "I really don't want the buskers to come over here, because it's really a nuisance if their sound is not good. But no one can control [it]. Or even if they sing something like… yeah, we can't control them. So better I think for the Government to set the platform, to do something very organised, and then to create some event or maybe the local association like me, to work together to present something very good and very attractive for the public in general."
   —Business chamber representative

6. **Promoting Hong Kong's international image**
   Some stakeholders were very concerned about the impact of street performance on the city's image. Concerns about city image building, tourism promotion and destination marketing for business and economic reasons overlapped with concerns about preventing street performance activities that stakeholders considered in poor taste.

   "...I would say we shouldn't just be talking about street performance, but about how to develop the performing arts in general… What status do we want to achieve on the international market? … How do we develop the entire sector? In terms of practice, international promotion, international image, these are things that we hope the Government will consider together."
   —Legislator's aide (translated from Cantonese)

   "And I'm really concerned about you know, what's happening in the Central area, where I talk about, because there is no, you know, management of it, and it can get really out of hand, and it can really affect you know, the outlook, the look of our city and the appearance and you know the image of the city as well."—Community activist

Figure II-3 places these six objectives along two axes: restrictive vs. permissive in terms of regulation, and professionalised vs. informal in terms of culture. Objectives that appear close to each other on the chart are more compatible with each other than those which are on opposite ends.

Policies that focus primarily on nuisance reduction and city image promotion will tend to fall on the more restrictive end of the spectrum as they will likely involve imposing greater restrictions on activities that other stakeholders find bothersome or objectionable. Those which focus more on vibrancy, entertainment and free cultural expression will conversely fall on the looser end of the regulatory spectrum. Similarly, policies which focus on arts development and image promotion will attempt to foster a more formal street performance culture, focused on supporting and promoting performers with more professional performance standards, and may involve excluding or restricting

those who fail to meet such standards. Policies which value free expression and entertainment would be more supportive of casual performers and self-entertainers (i.e. those who perform mainly for their own amusement rather than public recognition), without regard to aesthetic standards. Policies which focus primarily on nuisance abatement may also be relatively indifferent to the aesthetic standards of performers as long as they do not cause excessive disturbance to others.

The final policy recommendations will require stakeholders to either prioritise some of these goals over others, or to accept compromise solutions that partially satisfy conflicting objectives.

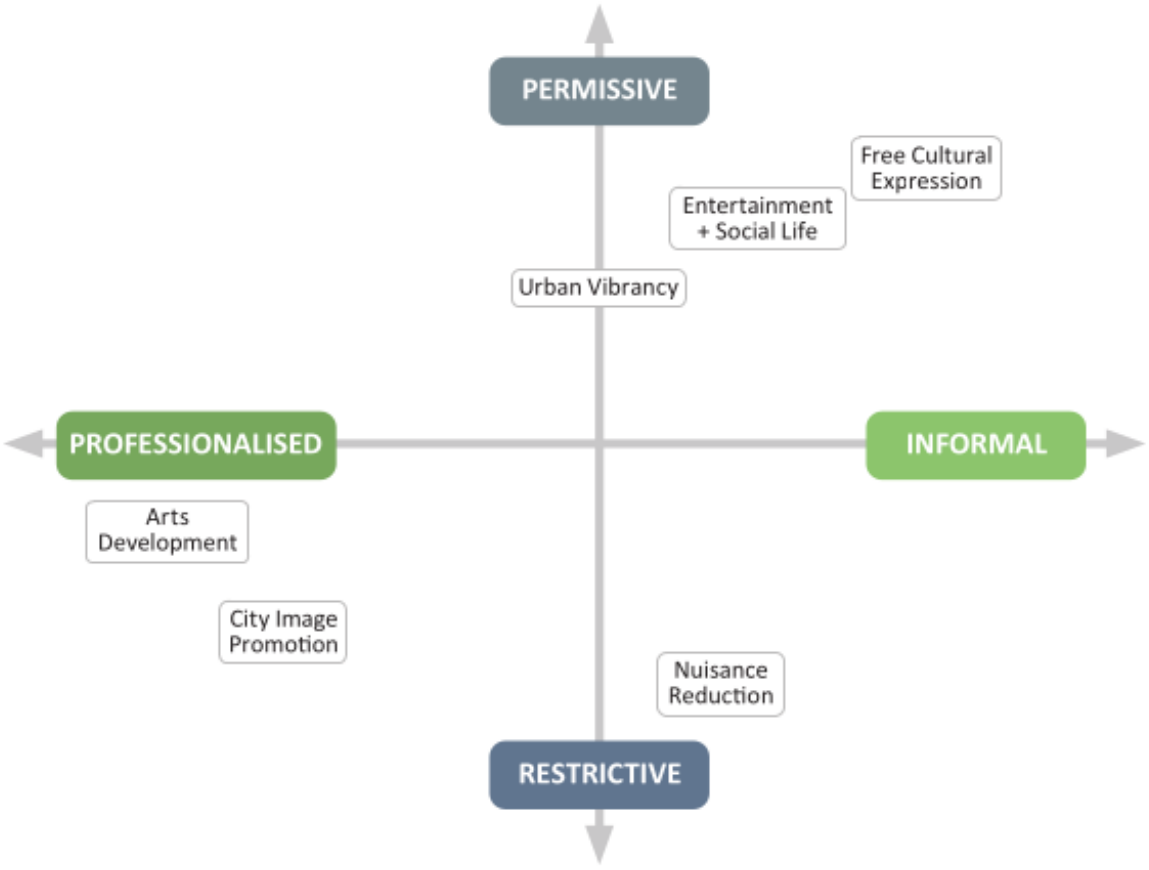


Figure II-3: Aspirational objectives for street performance policy

II-2.2 Problems

In preliminary interviews, stakeholders named four major sources of complaint:

1. Noise

Stakeholders complained about noise disturbances to nearby residential buildings, shops, and to other users of public open spaces. Street performers also complained about disruptive noise from other performers, forcing them to compete to play at ever higher volumes.

> *"…there was way too much noise, everyone nearby was subjected to so much nuisance. It was so loud that people couldn't do business…those people disrupted life. And they caused so much nuisance because the Government didn't control them. Everyone and their dog could play there, everybody was competing to be louder. The effect it produced spoiled everyone's enjoyment, and made people hate it."—Street performer (translated from Cantonese)*

> *"...and I have called the police when there have been people set up on Granville Road and that, because I don't feel that we residents—who are exposed to high levels of pollution from cars 24/7 and from constant construction—should also have another layer of noise pollution to contend with." —Community activist*

2. Obstruction

The obstruction of pedestrian pathways causes inconvenience and potential risks to safety. Unobstructed fire egress in underground passageways, especially in MTR stations, was mentioned as a major concern by some stakeholders. Street performers can also potentially obstruct the entrances to shops.

> *"My feeling is that pedestrian zones were not supposed to be for performances. What I mean is 20 years ago, the Yau Tsim Mong District Council hoped to improve the comfort and flow of pedestrians. It was an especially busy street… Pedestrian zones are usually on busy streets, like in Mong Kok, Lan Kwai Fong, these are major pedestrian corridors. They didn't want people to be all crowded together on the pavement, they wanted people to be able to use the vehicular lanes so that everyone could walk more comfortably… They didn't expect it to be used for performance." —District councillor (translated from Cantonese)*

3. Taste/Quality

Many stakeholders stated objections to what they saw as poor quality, unserious, or tasteless performances. They expressed concerns about the negative impact that poor quality performances had on Hong Kong's image. Some street performers felt that bad performers reflected poorly on street performers as a whole. However, some expressed opposing views, saying that quality is subjective and imposing quality controls would limit freedom of expression.

> *"'Dai ma' dancing performance or singing performance, which you know, was referred to as quite, how do I describe it? 好粗鄙 [very vulgar], do you know this word? It's not okay. It's quite bad, you know. Not good quality, not elegant, and 粗鄙..."—Community activist*

> *"First let me talk about the [Times Square] court case. As a street performer, it's obvious that the amount of space we can use has decreased while the number of performers has increased. A lot of them obviously can't sing, I don't know if it's gotten more trendy, but a lot more people are daring to come out and sing, not necessarily that regularly, but there's more people… This makes it so that a lot of time, high quality street performers can't find a space to use." —Street performer (translated from Cantonese)*

> *"Let me tell you, when they started the West Kowloon [Art Park busking scheme], they said that to get a licence, they had to see if you were good enough. It's none of their business if you're good enough! Let me tell you, this audition process is unfair, it suppresses the development of some performers' talent...Say I do a fashion show, I like these clothes…but they just don't suit your taste! You don't have any fashion sense, so how can you criticise my clothes? Seriously, isn't it unfair? Aren't you being unfair?"—Street performer (translated from Cantonese)*

Another stakeholder, a community advocate, also expressed strong reservations about street performance regulations or quality controls being used to censor the content of community advocacy street activities.

4. Legal protections (rights) for street performers

While the relative lack of regulation besides general noise and nuisance legislation may theoretically be seen as permitting street performers more freedom, many of them expressed dissatisfaction with the insecurity and vulnerability generated by this complaint-driven, reactive system. The vagueness in existing rules creates uncertainty, seemingly arbitrary enforcement, and an absence of guidelines for resolving disputes. Some argued that the lack of legal recognition for street performers results in their being perceived as illegitimate occupants of public space.

> *"Sometimes it's because noise is really subjective. You don't know what happened, someone makes a complaint against you. That's how it was in Yuen Long [that time]. Sometimes I just feel like I'm being messed with. It starts out fine, several police cars drive by on patrol, they see someone singing, then they turn around, come back, and tell you to leave. They just don't want to see you there. They don't have to give you an explanation. All they have to say is "someone complained", and it's not like you can ask for the evidence. They can actually say anything they want." —Street performer (translated from Cantonese)*

> *"Right now, society has a very low estimation of street performance policy, or street performers themselves. The public has a lot of misconceptions about them. For example, the police might think this group of people are just out to make money. Like, they're just a bunch of unemployed wasted youth. The FEHD would think they're beggars or hawkers… If a serious street performer were defined in such a way by others, they would be very unhappy. These social attitudes absolutely hinder the development of street performance. It's a matter of awareness and education. So licensing would bestow a lot of legal rights on them." —District councillor (translated from Cantonese)*

While it is necessary to address these problems in order to satisfy the stakeholders, doing so would not necessarily achieve all the higher-level objectives shown in Section II-2.1. Figure II-4 below illustrates how addressing each of the four problems may help to meet some of the objectives, but additional measures may also be needed. For example, while improving legal protections for street performers might help to promote urban vibrancy, further measures such as promoting artists and organising cultural events would also be beneficial.

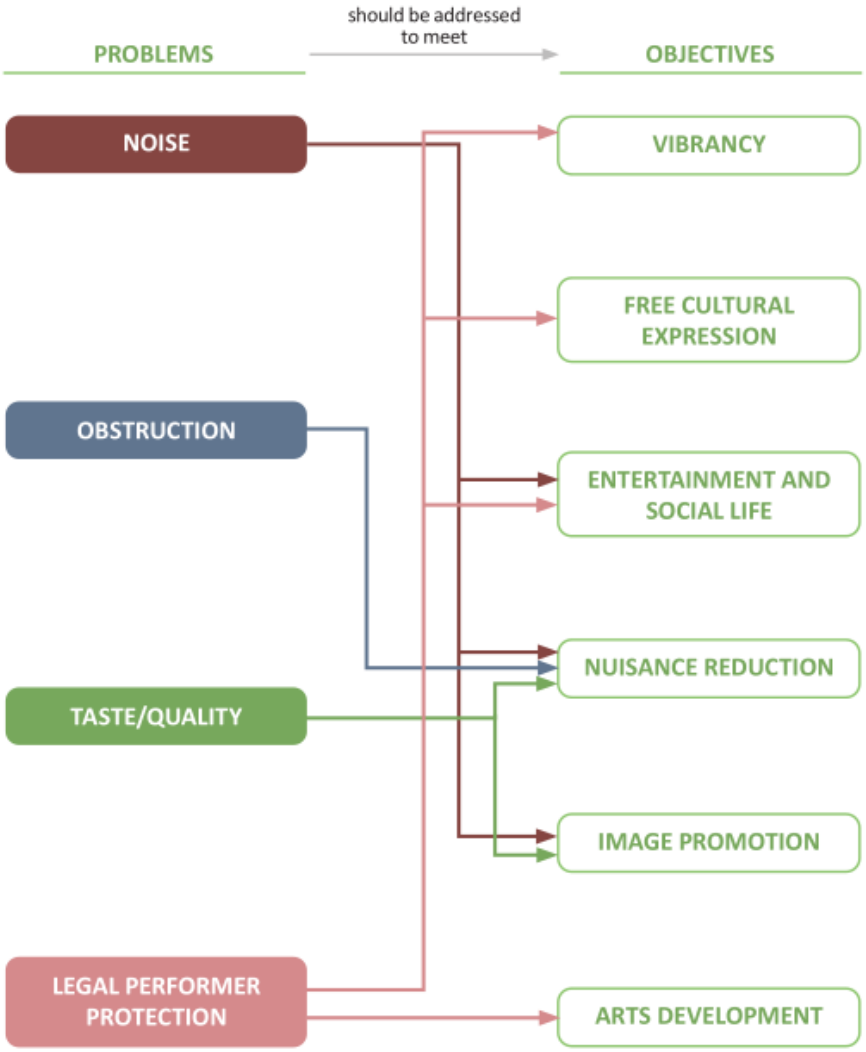


Figure II-4: Relationship between policy objectives and problems

II-2.3 Rules

The problems discussed above produce conflicts between performers and other stakeholders such as residents, businesses, competing public space users, law enforcement officers and other performers. However, while a highly restrictive policy might minimise conflicts, it would also diminish urban vibrancy. An effective street performance policy should aim at facilitating performers while enabling them to coexist more peacefully with other stakeholders.

An examination of seven international case studies in Phase 1 yielded several rules and guidelines used to mitigate conflicts caused by street performance externalities (see Table II-1).

Table II-1: Street performance rules

Rule type	Details	Used in
Decibel limits	A maximum decibel limit measured at specified distances is set for street performers. 80-85dB is most common, although Singapore sets a lower level of 65dB.	Singapore, Melbourne, New York City subway.
Amplifier restrictions	The use of amplifiers may be prohibited in certain noise-sensitive locations. There may also be rules about the types of amplifiers that performers may use.	Melbourne, Prague, parts of London (amplifier-free zones); Hong Kong WKCD Art Park (amplifier size restrictions).
Obstruction guidelines	Rules or guidelines specify the amount of space that performers may occupy and must leave clear for pedestrians. Locations which street performers must not block may be specified.	Taipei, Melbourne, Prague (pitch size); parts of London, Bath (locations to avoid).
Distancing requirements	Performers are required or advised to space themselves a certain distance apart to prevent sounds from neighbouring amplification systems from clashing.	Melbourne, parts of London.
Time limits	Performance hours are specified. The duration of individual performances may be limited.	Melbourne, parts of London, Prague, Bath.
Donation restrictions	Performers are not allowed to directly solicit donations from audiences, or are prohibited from selling CDs, T-shirts and other merchandise without a permit. In rare cases, performers are not allowed to receive monetary donations at all.	Bath, Singapore (solicitation); Melbourne, parts of London (merchandise sales), Hong Kong LCSD managed spaces (donation ban).

With regard to restrictions on monetary donations, while some of the other cities examined had rules about direct solicitation of money or the sale of merchandise, outright bans on donations were unique to parts of Hong Kong. The LCSD has banned performers within their public spaces from receiving donations without permission, and some privately-run busking schemes have similar bans. This was due to the perception that receiving money encourages performers to engage in antisocial behaviour and indecent displays. Several stakeholders expressed similar ideas in Phase 1 preliminary interviews. Therefore, despite the lack of other examples, donation restrictions were included among the rule proposals to examine the extent to which stakeholders share this belief.

Table II-2 shows how the various rules would in theory address the four problems specified in Section II-2.2. In practice, stakeholders may or may not agree that the proposed rules will be effective or desirable.

Table II-2: Hypothesised relationships between proposed rules and problems

	How it addresses...			
Proposed rule	**Noise**	**Obstruction**	**Taste/Quality**	**Performer protections**
Decibel limits	Caps volume level			Provides objective standard for enforcement
Amplifier restrictions	Caps volume level, protects noise-sensitive locations		Limits use of poor quality, shrill sound equipment	
Obstruction guidelines		Limits spatial area occupied, keeps important spots clear		Provides objective standard for enforcement
Distancing requirements	Spaces out performers	Spaces out performers		Prevents volume level competition between performers
Time limits	Limits performance duration and repetitiveness, preserves quiet at night		Requires pitch turnover, encourages diversity of performers	Prevents pitch monopolisation
Donation restrictions	Reduces incentives for spatial and volume level competition		Reduces incentives for antisocial behaviour and "offensive" displays	

II-2.4 Strategies

Phase 1 also identified three strategies for street performance management: licensing, spatial zoning, and voluntary measures. Voluntary measures include two main methods: non-profit partnerships and codes of conduct. These overall strategies are administrative mechanisms for organising, implementing and enforcing or promoting various specific rules or guidelines. They are not necessarily mutually exclusive, as elements of one approach may be incorporated in another.

1. Licensing

Under a street performance licensing scheme, performers must apply for a licence from the government. Licences come with conditions requiring performers to adhere to certain guidelines about time, location, noise level etc. If licence conditions are breached, performers may be fined and their licences may be revoked. In some cases, performers may be required to audition before a panel in order to obtain a licence. Licensing systems are used in Taipei, Singapore, Melbourne, and parts of London. Taipei and Singapore have universal audition requirements, while Melbourne requires auditions for certain premium locations.

2. Zoning

Under a zoning approach, certain rules or regulations are applied to defined geographical locations. Performers do not have to obtain a licence, but are required to adhere to certain rules within the designated areas, for example concerning noise level, amplification, use of space, and performance times. Zoning approaches primarily target busy, heavily touristed

areas that attract many performers, or are used to protect particularly sensitive sites such as religious buildings, hospitals and schools from performance externalities. Such approaches are used in Prague, New York City's Times Square, and parts of London. Zoning may also be a component of a broader licensing scheme to regulate the locations used by street performers, such as in Melbourne.

3. **Non-profit partnerships (voluntary agreement)**
   Under a non-profit partnership, governments collaborate with non-profit arts organisations or street performer associations (SPAs) and delegate to them the responsibility to manage street performers at defined locations. Street performers who wish to perform at these locations are strongly encouraged to join or seek permission from the relevant non-profits. Members, staff or volunteers then become responsible for monitoring the location, intervening in situations and mediating disputes before the involvement of law enforcement officers becomes necessary. This approach is used in parts of London.

4. **Voluntary code of conduct (voluntary agreement)**
   A voluntary code of conduct is negotiated by the local government and various stakeholders including street performers, residents, and business representatives, drawing up a set of guidelines for street performer activity and peaceful resolution of disputes. Street performers agree to abide by the guidelines so that more formal regulation involving legal penalties does not become necessary. Local law enforcement may use the code of conduct as a reference for prioritising the enforcement of existing laws.

Each of these approaches is compatible with most of the rules described in Section II-2.3 (summarised in Table II-3) but their mechanisms of action and emphases differ. Table II-4 shows the intended effects of the four management strategies on the problems of noise, obstruction, taste/quality, and street performer protections. The strategies can then be placed on the two axes shown below in Figure II-5.

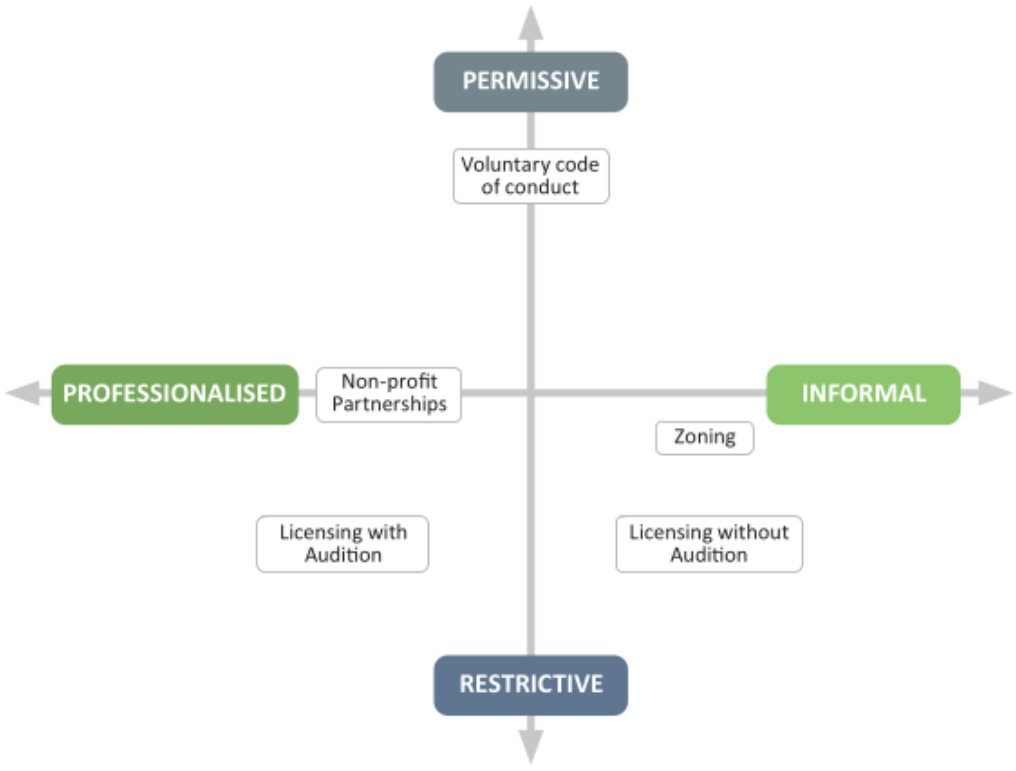


Figure II-5: Street performance management strategies

Licensing schemes are more restrictive as they involve approving or denying performers the right to use public space based on certain criteria. If they include an audition component, they would fall on the professionalised end of the spectrum.

Zoning approaches can be moderately to very restrictive depending on how they are designed. However, as they do not involve any vetting mechanism for quality or taste, they would tend to fall on the more informal side of the artistic scale.

Non-profit partnerships involve outsourcing the management of performance zones to non-profit arts groups, thereby avoiding formal regulations and legal penalties. This can potentially be a permissive form of management that empowers performers to organise themselves. However, it could also grant certain groups the ability to exclude other performers from public spaces. As non-profits could implement their own quality controls or emphasise the development of performance skills, this management strategy leans more towards the professionalised side.

While voluntary codes of conduct fall on the permissive end of the scale, they can be used to nudge performers towards more professionalised norms of behaviour. Their implementation depends on self-regulation and mutual reinforcement by performers and other stakeholders, and therefore work best when there is a relatively high degree of cohesion among street performers.

Table II-3: Street performance strategies

Strategy	Decibel limits	Amplifier restrictions	Distancing	Time limits	Spatial occupation guidelines	Monetary donation restrictions	Audi-tions
Licensing	●	●	●	●	●	●	●
Zoning	●	●	●	●	●	●	
Non-profit partnerships	●	●	●	●	●	●	●
Code of conduct		●	●	●	●		

Table II-4: Intended impact of proposed management strategies on problems

	How it addresses...			
Proposed strategy	Noise	Obstruction	Taste/Quality	Performer protections
1. Licensing	Licensing conditions	Licensing conditions	Audition screening	Grants official status to performers, lays out rights and responsibilities
2. Zoning	Zone-specific rules, spatial separation of incompatible activities	Zone-specific rules, spatial separation of incompatible activities		Ensures access to sanctioned locations
3a. Non-profit partnerships	Supervision by non-profit representatives or volunteers	Supervision by non-profit representatives or volunteers	Vetting by non-profits	Influence through civil society participation
3b. Voluntary code of conduct	Self-regulation, enforcement prioritisation	Self-regulation, enforcement prioritisation		Absence of specific legal penalties (besides general legislation)

II-3. Phase 2 Round 1 Research Findings

This section will summarise the results of the Round 1 Delphi questionnaire, providing an overview of stakeholders' problems and priorities and their views on the proposed rules and management strategies. A full tabulation of responses to every question is provided in Appendix II-1.

II-3.1 Priorities

II-3.1.1 Problems and aspirations

Stakeholders were first asked how important it was to address four street performance problems: noise, performance quality, obstruction, and legal protections for street performers. They were then asked to choose their top issue (see Figures II-6 and II-7). Performance quality was deemed somewhat or very important by all of the 26 stakeholders, and was chosen as the top issue by a plurality of 35 per cent. Noise was also a high priority, identified as somewhat or very important by 81 per cent of the stakeholders, and chosen as the top issue by 31 per cent. Street obstruction and legal protections for performers were lower priorities. Out of the four issues, the lowest proportion of stakeholders said that performer protections were "very or somewhat important" (50 per cent), but out of those who did, three quarters said it was "very" rather than "somewhat" important. Those who prioritised performer protections tended to be performers themselves, but there was relatively little recognition of its importance by those from other sectors.

Table II-5: Importance of street performance problems

Q1: How important is it to address the following problems with street performance in Hong Kong?

Problem/ % breakdown	Very or somewhat important	Slightly or unimportant	Don't Know	Total	IQR	Consensus
Noise	81%	19%	0%	100%	1	Strong
Poor quality performances	100%	0%	0%	100%	1	Strong
Street obstruction	69%	31%	0%	100%	2	Weak
Legal protections for performers	50%	46%	4%	100%	2	None

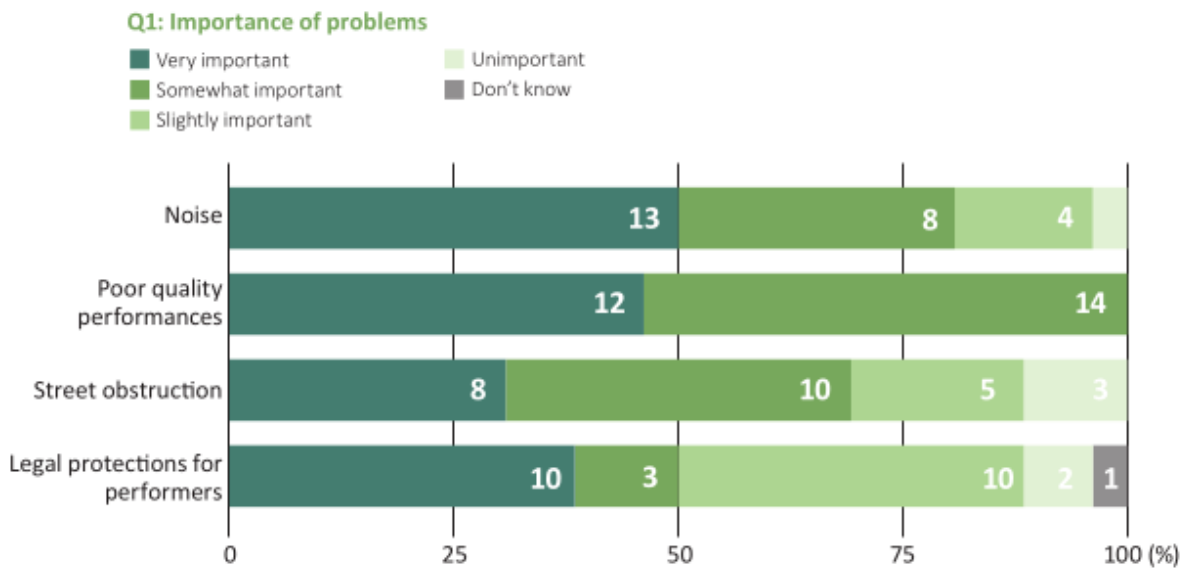


Figure II-6: Chart of importance of street performance problems

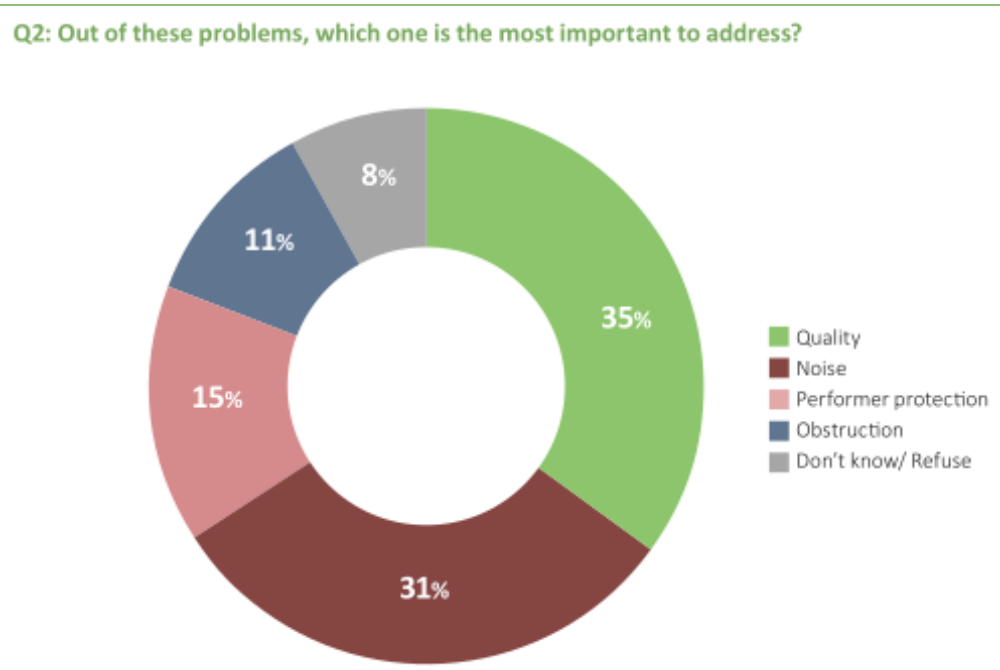


Figure II-7: Most important street performance problem

Regarding their broader aspirations for street performance policy, stakeholders were asked to choose their top three priorities from a list of six options. The number of stakeholders choosing each option and the average weighted ranking score of each option are shown below in Table II-6.

Table II-6: Most important policy objectives

Q3: Below is a list of potential objectives for Hong Kong's future street performance policy. Please choose the three most important objectives and rank them from 1 to 3 with 1 being the most important.

	Choice 1	Choice 2	Choice 3	Total times chosen	Average weighted ranking score (out of 3)
1. Promoting a vibrant urban environment	6	6	2	14	1.3
2. Supporting local artists	11	4	4	19	1.8
3. Reducing the level of nuisance	4	3	6	13	1.0
4. Supporting people's right to cultural expression	0	9	3	12	0.8
5. Meeting people's needs for accessible entertainment and social life	4	3	6	13	1.0
6. Enhancing Hong Kong's international image	0	0	4	4	0.2
Total participants*	25	25	25	75	-

* 1 participant declined to answer this question

- "Supporting local artists" received the most support, followed by "promoting a vibrant urban environment".
- "Reducing the level of nuisance", "meeting people's needs for accessible entertainment and social life" and "supporting the right to cultural expression" all received moderate levels of priority, and were selected by about half the stakeholders.
- The lowest priority option was "enhancing Hong Kong's international image", which was only chosen by 4 stakeholders, all of whom ranked it as their 3rd priority. This indicates that stakeholders' aspiration to cultural vibrancy is not motivated by tourism promotion or city marketing.

Most stakeholders did not appear to immediately perceive a link between supporting local artists and protecting the legal rights of street performers in Q1, as discussed above. This raised the question of how stakeholders envision this "support", which a follow-up question addressed in Round 2 (see Section II-4).

Additionally, while stakeholders prioritised supporting the arts and promoting urban vibrancy over reducing nuisance, responses to other questions show that there are limits to the level of nuisance that they are willing to tolerate (see Section II-3.1.2).

II-3.1.2 Noise tolerance

Despite "nuisance reduction" coming third on the list of aspirational objectives, as noted above, there was still a strong consensus on the importance of addressing the noise problem.

There was also strong consensus on the locations where noise could or could not be tolerated (see Figures II-8a-c). This can form a basis for creating street performance noise guidance that is location-based, rather than the current one-size-fits-all legislation. However, a few stakeholders did point out that there are few areas of Hong Kong that are purely commercial, so noise zoning must be done with care.

- **On weekdays:** A strong majority of stakeholders (81 per cent) showed low to no tolerance of noise in areas with upstairs residential units, while most showed medium to high tolerance in purely commercial areas (65 per cent) and public open spaces (79 per cent).
- **On weekends:** Stakeholders showed a similar pattern of response to their tolerance of noise, although there was a weaker consensus in favour of low noise tolerance in areas with upstairs residential units than on weekdays. Stakeholders showed a much higher tolerance for noise in the other two locations.
- **Cut-off time**: The spread of responses indicated that participants would prefer earlier cut-off times, perhaps as early as 9 p.m. in residential areas (favoured by just over half of the stakeholders). For commercial areas, the spread of responses appear to support retaining the current legal cut-off time of 11 p.m. according to the Noise Control Ordinance, or perhaps moving it up to 10 p.m. For public open spaces, the 2 hour gap between the median response (10:01 to 11 p.m.) and the modal response (9 p.m. or earlier) shows a lack of consensus, given that there are different types of public spaces and some stakeholders did not consider noise in public spaces to be a problem in the first place. Response patterns to the cut-off time question correspond to tolerance of noise—e.g. stakeholders with a lower tolerance for noise usually want performances to end earlier.

Table II-7: Noise tolerance by location

Q4 & Q5: Now we would like to ask some questions about noise at different times and locations. How much tolerance for street performance noise should the following locations have on weekdays? High tolerance, medium tolerance, low tolerance or no tolerance? How about on weekends?

Problem/ % breakdown	Very or somewhat important	Slightly or unimportant	Don't Know	Total	IQR	Consensus
Areas with upstairs residential units (weekdays)	19%	81%	0%	100%	1	Strong
Areas with upstairs residential units (weekends)	31%	69%	0%	100%	2	Weak
Purely commercial areas (weekdays)	65%	31%	4%	100%	1	Strong
Purely commercial areas (weekends)	94%	4%	0%	100%	1	Strong
Public open spaces such as parks and waterfronts (weekdays)	77%	19%	4%	100%	1	Strong
Public open spaces such as parks and waterfronts (weekends)	81%	19%	0%	100%	1	Strong

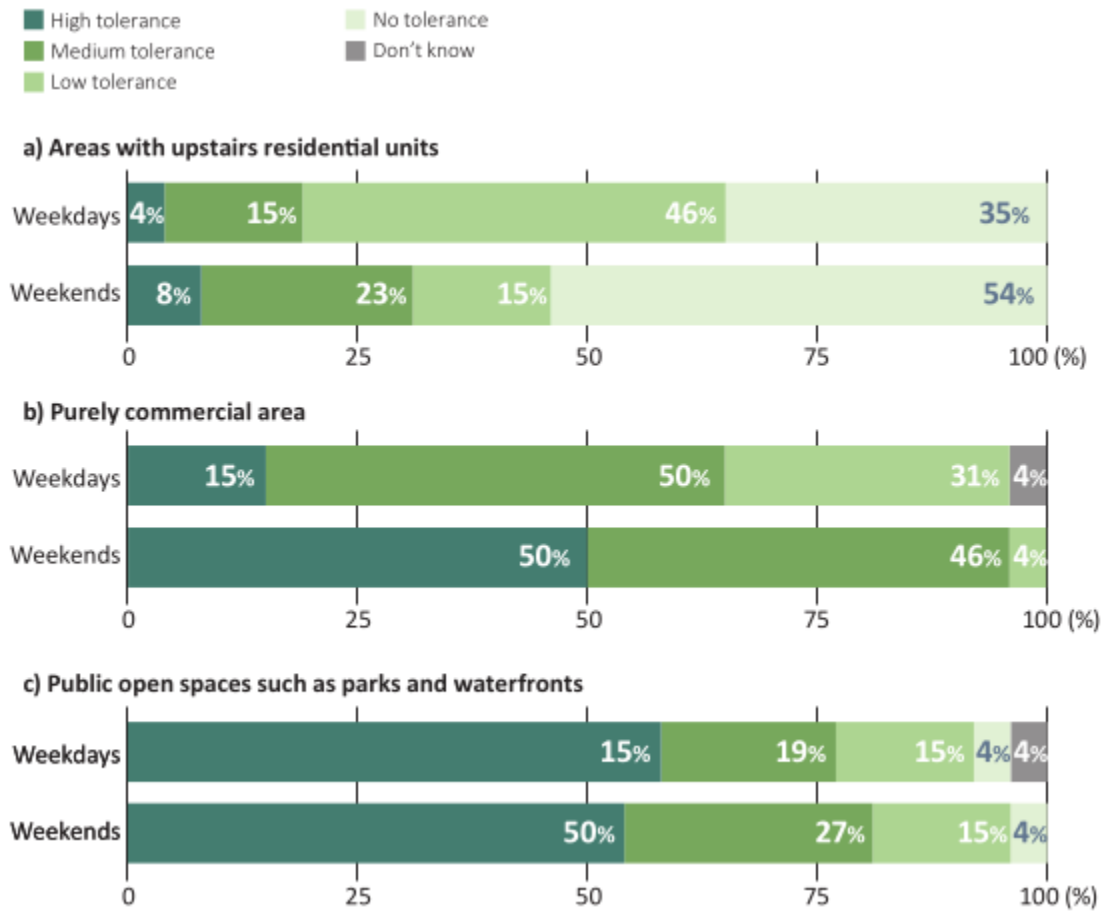


Figure II-8: Charts of noise tolerance by location

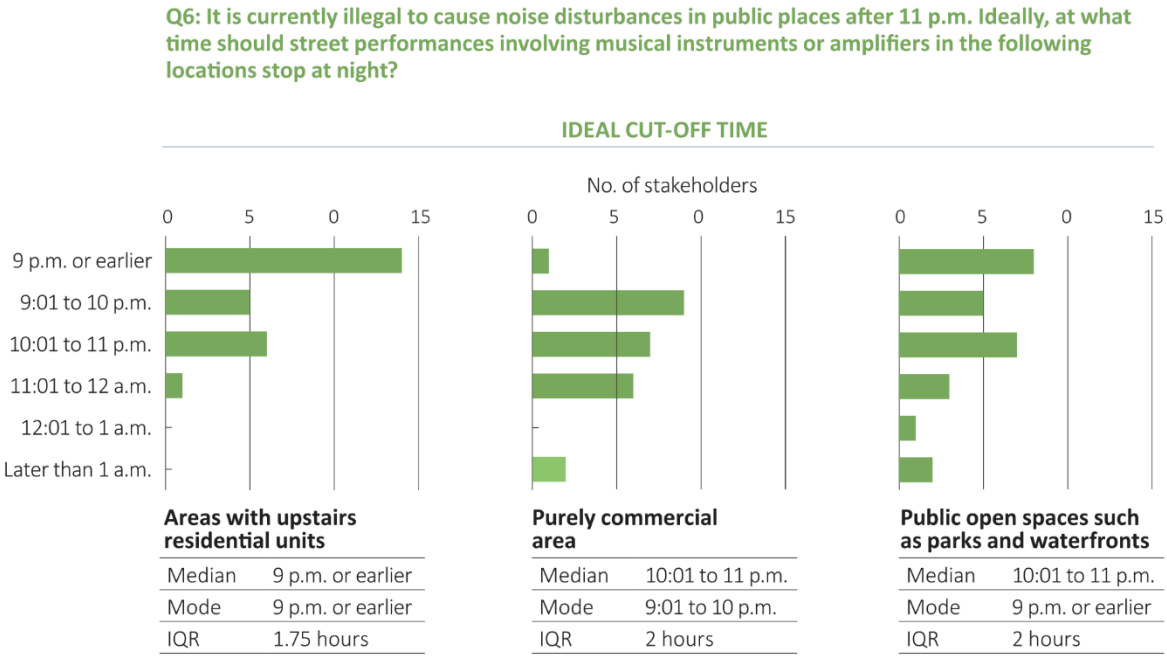


Figure II-9: Ideal cut-off times for street performances by location

II-3.1.3 Performance quality

As noted above, Q1 (see Figure II-6), "poor quality performances" were deemed a "very important" or "somewhat important" problem by all 26 stakeholders. In Q8 (see Figure II-10), the goal to "ensure that street performers meet a standard of artistic quality" gained a strong consensus. Preventing offensiveness and promoting greater diversity of performances gained weak consensus, with over 60% support from stakeholders but not achieving an IQR of 1 or below. Phase 1 interviews found that stakeholders had different ways of conceptualising diversity and offensiveness—while some thought that promoting greater diversity of performance types and musical genres was important to raise the calibre of street culture in Hong Kong, others saw diversity as a potential source of conflict when different activities took place in limited space. Additionally, while several stakeholders felt strongly about putting a stop to performances they saw as vulgar and indecent, others either did not mention it, or thought it was unfair to single out performers due to personal taste. Hence, while there was broad agreement about the importance of ensuring artistic quality, different people may have different ideas of what this means.

Despite the strong agreement that quality was important, there was not much support for providing "support and training for performers to improve their skills", with less than half of stakeholders saying that doing so was "very" or "somewhat important". In preliminary interviews, several stakeholders characterised poor quality performance as poor taste or indifference to artistic standards on the part of money-motivated performers rather than merely a lack of skill, so they may not see it as a problem that can be addressed by offering educational courses.

The consensus that quality is an important issue also did not translate into unambiguous support for auditions. In response to Q21, (see Figure II-11 below), a majority of participants agreed with several contradictory statements about auditions, including a strong consensus that auditions would improve artistic quality, and that they would unfairly exclude some performers. They also reached a weak consensus that auditions would filter out offensive performances, yet also that committees could not fairly judge the quality of something subjective like art. While many stakeholders want something to be done about poor quality performances, they are also sceptical of auditions. The majority of stakeholders may ultimately decide to support or oppose specific plans to hold auditions based on their perceived fairness and openness. Therefore, any audition policy needs to be carefully crafted to address concerns about inclusivity and artistic freedom.

Furthermore, based on Phase 1 interviews, a minority of stakeholders strongly oppose audition schemes on principle. One street artist expressed in strong terms that auditions were inherently exclusionary, while a community organiser had serious reservations about any measures that might be used to censor performers or to suppress other community street advocacy activities. Policy options for licensing schemes, with or without auditions, are discussed further in Section II-4.1 on licensing.

Table II-8: Importance of performance quality policy objectives

Q8: Now we would like to ask about street performance quality. How important is it for street performance policy to meet the following quality objectives? Very important, somewhat important, slightly important, or unimportant?

Problem/ % breakdown	Very or somewhat important	Slightly or unimportant	Don't Know	Total	IQR	Consensus
Ensure that street performers meet a standard of artistic quality.	81%	12%	8%	100%	1	Strong
Ensure that street performances are not offensive to the public.	79%	27%	4%	100%	2	Weak
Provide support and training for performers to improve their skills.	46%	42%	12%	100%	1	None
Ensure that performances are compatible with location's image.	54%	35%	12%	100%	2	None
Promote greater diversity of performance types.	70%	24%	12%	100%	1.25	None

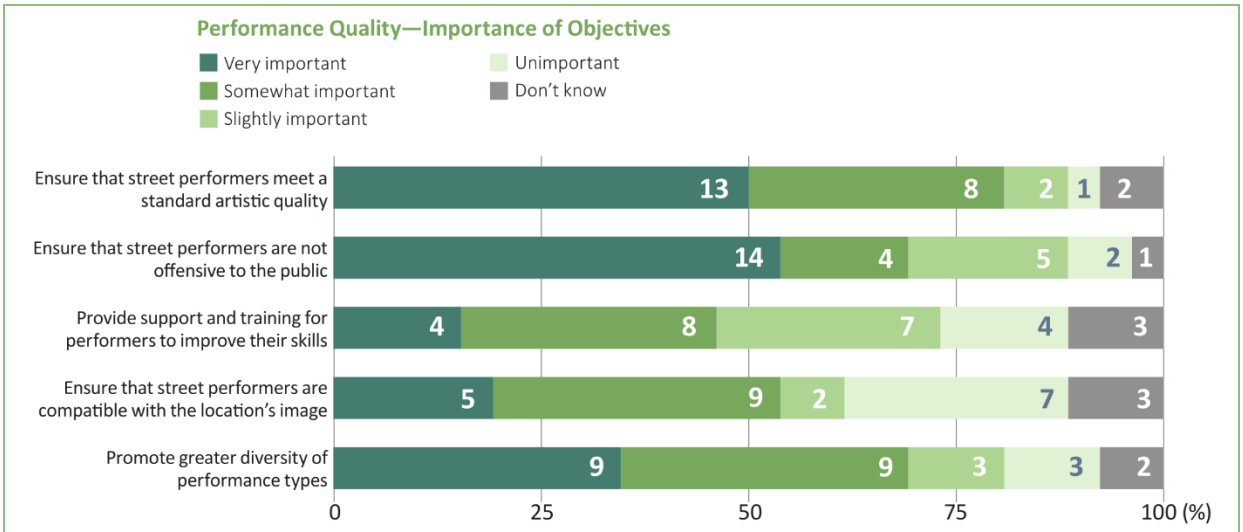


Figure II-10: Chart of importance of performance quality policy objectives

Table II-9: Validity of statements about auditions

Q21: Some people have suggested that street performer licences should require an audition, but others think that it would be too restrictive. In your assessment, how valid are the following statements about auditions? Definitely valid, probably valid, probably invalid, or definitely invalid?

Problem/ % breakdown	Definitely or probably valid	Definitely or probably invalid	Don't Know	Total	IQR	Consensus
Auditions would improve the artistic quality of street performances.	77%	19%	4%	100%	1	Strong
Auditions would filter out offensive performances.	69%	23%	8%	100%	1.24	Weak
Auditions would unfairly exclude some performers.	69%	23%	8%	100%	0.5	Strong
Artistic quality is subjective and cannot be fairly judged by a committee.	69%	23%	8%	100%	1.25	Weak

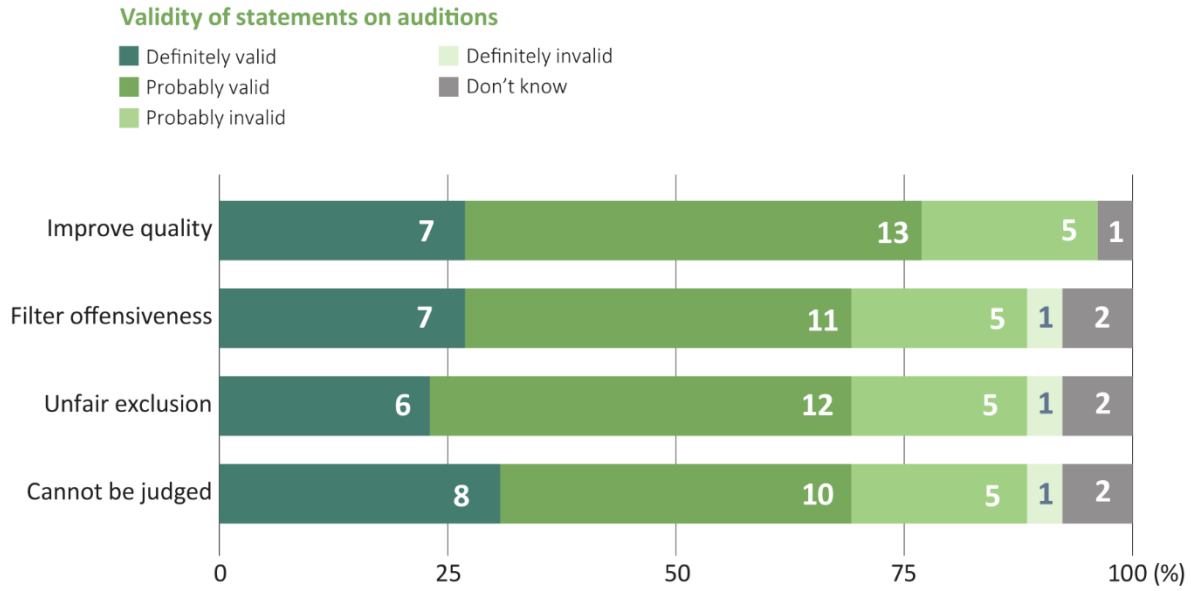


Figure II-11: Chart of validity of statements about auditions

II-3.1.4 Obstruction of streets and public spaces

Obstruction is a lower-priority problem, but stakeholders reached strong consensus on the importance of minimising obstruction at two critical locations—near pedestrian crossings, and in front of public transport hubs such as MTR stations, bus terminuses and ferry terminals (see Figure II-12). The other locations either received weak consensus, or no consensus. (There was a weak consensus that preventing obstructions in parks was less important).

Table II-10: Importance of minimising obstructions by location

Q7: Now we would like to ask about street obstruction at different locations. How important is it to minimise obstructions to pedestrians by street performers at the following locations? Very important, somewhat important, slightly important, or unimportant?

Problem/ % breakdown	Very or somewhat important	Slightly or unimportant	Don't Know	Total	IQR	Consensus
In front of MTR stations, bus stations, and ferry terminuses	88%	8%	4%	100%	1	Strong
In front of shops	70%	23%	8%	100%	1.25	Weak
On footbridges and underpasses	50%	46%	4%	100%	2	None
Near pedestrian crossings	73%	23%	4%	100%	1	Strong
In public open spaces such as parks	23%	69%	8%	100%	1.25	Weak
Near residential buildings	66%	31%	4%	100%	2	None

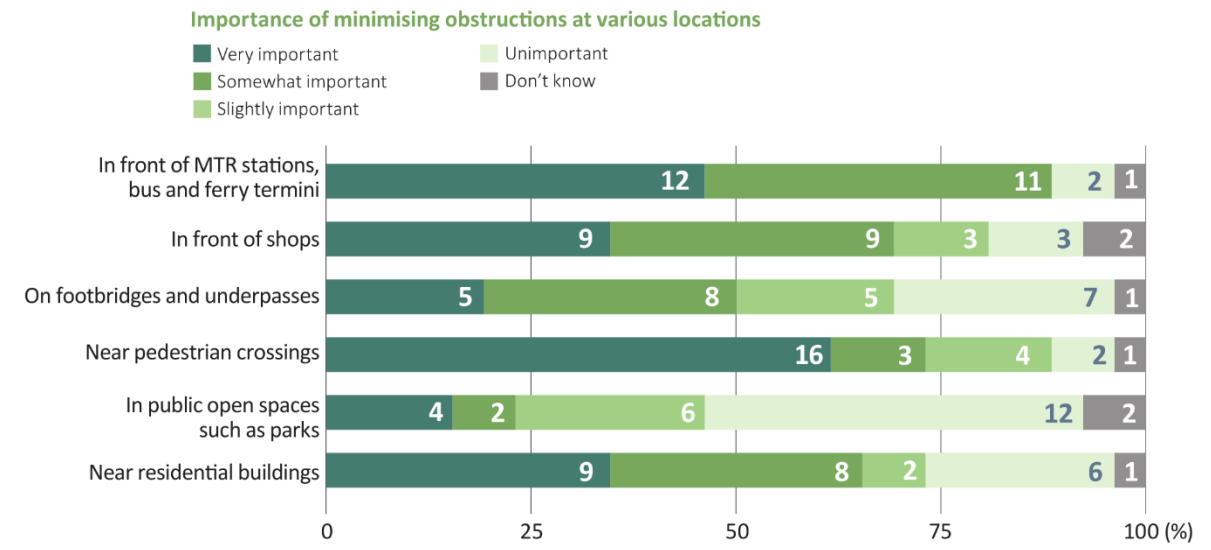


Figure II-12: Chart of importance of minimising obstructions by location

II-3.1.5 Legal protections for street performers

As discussed in Section II-3.1.1, the problem of "legal protections for street performers" was a lower priority than noise and quality for most stakeholders, and was the first choice of marginally more stakeholders (15 per cent) than obstruction (11 per cent). However, while obstruction was generally a less salient issue overall, performer protections were of great importance to street performers while being of lesser importance to those from other sectors. Seven of the 13 stakeholders who said that performer protections were "very" or "somewhat" important were performers themselves.

Q9 (see Figure II-13), which asked about sub-objectives related to legal protections for performers, found stakeholders in strong consensus about "providing clear guidelines" and "ensuring access to performance spaces". In open-ended comments, many stakeholders supported the need for clear, objective standards both as a means of protecting performers from arbitrary enforcement, and making enforcement easier, and thereby addressing nuisance complaints. Access to performance spaces was also very important. In open-ended comments and preliminary interviews, stakeholders

implied that having guaranteed access to approved performance locations would both give performers more peace of mind, and reduce disputes with other stakeholders as long as the locations were appropriately sited so as to prevent disturbance to neighbourhood building occupants.

There was also strong consensus on "preserving the spontaneous nature of street performance", although the intensity of feeling was lower on this item as more people rated this as "somewhat important" rather than "very important". However, spontaneity as a goal would appear to conflict with the clarity sought in the other two objectives. This shows that stakeholders wanted neither too many restrictions nor too much freedom which could allow disorder to develop. Reconciling the two will be a matter of compromise.

There was no consensus on the "giving performers legal protection through licensing", with 58 per cent of stakeholders saying this was "very" or "somewhat" important, and 35 per cent saying it was "slightly important". There was also no consensus on "ensuring that anyone can perform", which was deemed "very" or "somewhat" important by less than half of the stakeholders, and nearly 20 per cent saying it was unimportant. This reinforces the mixed findings on auditions reported in Section II-3.1.3—stakeholders are divided on the issue of whether there should be a bar to clear before someone is allowed to perform in public space.

Table II-11: Importance of legal protections for performers

Q9: Now we would like to ask about improving legal protections for street performers. How important is it for street performance policy to:

Problem/ % breakdown	Very or somewhat important	Slightly or unimportant	Don't Know	Total	IQR	Consensus
Provide clearer guidelines for both performers and enforcement officers.	80%	16%	4%	100%	1	Strong
Preserve the spontaneous nature of street performance.	77%	15%	8%	100%	1	Strong
Give performers legal protection through licensing.	58%	35%	8%	100%	2	None
Ensure access to spaces for street performers.	85%	12%	4%	100%	1	Strong
Ensure that anyone can perform.	46%	46%	8%	100%	2	None

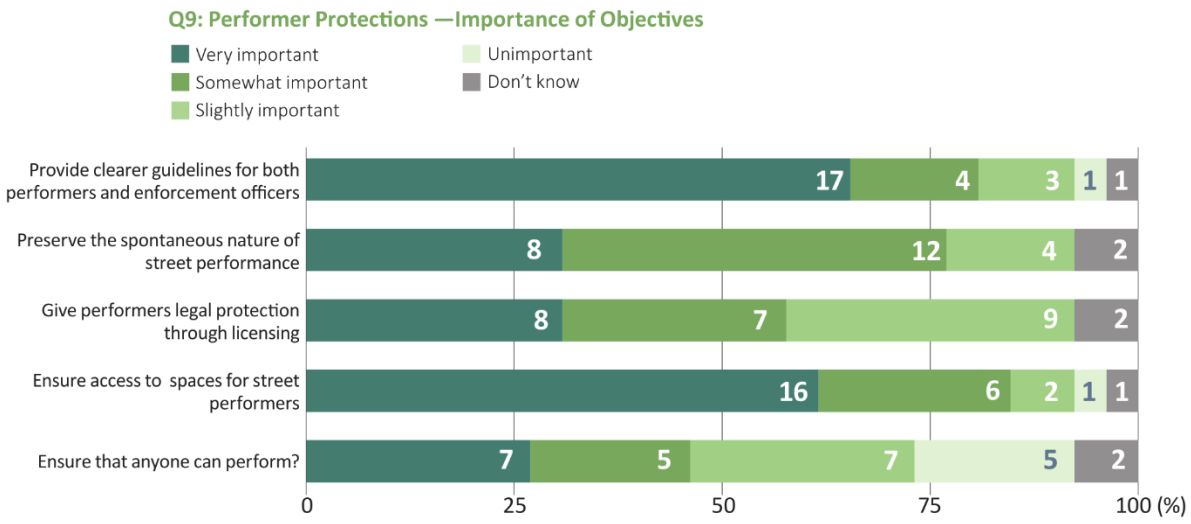


Figure II-13: Chart of importance of legal protections for performers

II-3.2 Stakeholder views on rules

II-3.2.1 Overview of results

As explained in Section II-2.3, the questionnaire asked stakeholders to provide their views on six street performance rules: decibel limits, location-based restrictions on amplifiers, distancing requirements, spatial occupation guidelines, time limits, and restrictions on monetary donations. Participants were asked to rate the proposed measures' helpfulness and feasibility.

Helpfulness was rated along three dimensions, involving competing considerations:

1. Whether it will reduce conflicts between street performers and other stakeholders (coexistence)
2. Whether it will improve interactions between street performers and law enforcement officers (co-operative enforcement)
3. Whether it will promote vibrant street performance (vibrancy)

Feasibility was rated along two dimensions:

4. How feasible it is to carry out and enforce (enforcement)
5. How feasible it is for the Government to introduce and set up (implementability)

After being asked to consider the helpfulness and feasibility of the proposed measures, stakeholders were asked to name which rules they considered suitable or unsuitable for Hong Kong, and to explain why in an open-ended answer. This was to encourage a more considered final response, considering the usefulness and practicality of the measures within Hong Kong's particular circumstances.

Table II-12 below summarises the level of consensus reached on the helpfulness and feasibility of the six proposed rules, showing the IQR and the percentage of stakeholders in agreement on each question. Table II-13 shows the percentage of stakeholders that suggested each rule was suitable or

unsuitable for Hong Kong, as well as the percentage that did not mention each rule. As this was not a Likert scale question, no IQR could be calculated.

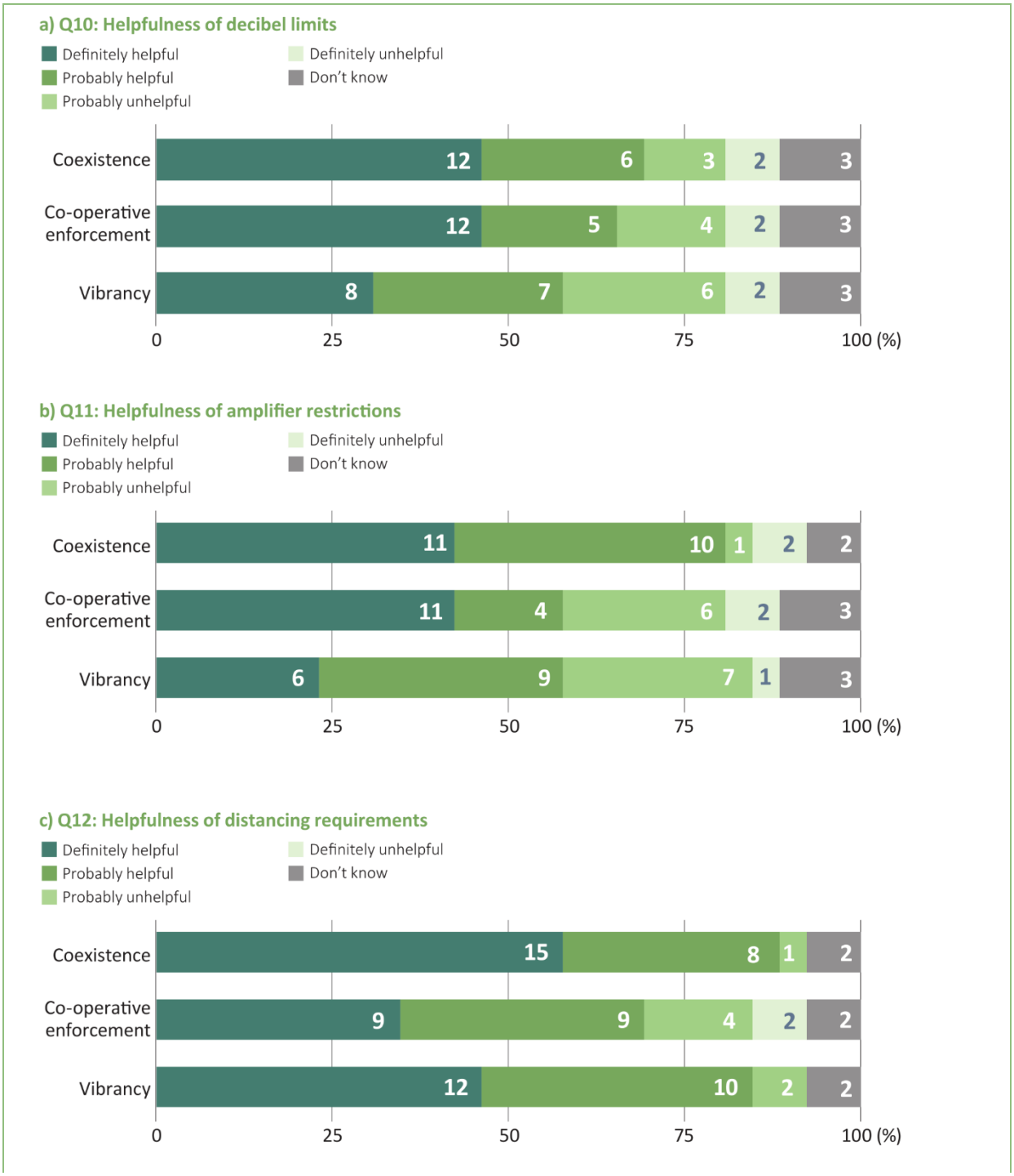
Table II-12: Street performance behavioural rules—consensus summary

		Decibel limits	Amplifier restrictions	Distancing requirements	Spatial occupation guidelines	Time limits	Donation restrictions
Helpfulness:	IQR	1	1	1	1	2	2.25
Coexistence	% in agreement	69%	81%	88%	92%	62%	50%
	Consensus	Strong consensus	Strong consensus	Strong consensus	Strong consensus	Weak consensus	No consensus
Helpfulness: Co-operative enforcement	IQR	1.5	2	1.25	1	1	2.25
	% in agreement	65%	58%	69%	77%	50%	(50%)
	Consensus	Weak consensus	No consensus	Weak consensus	Strong consensus	No consensus	No consensus
Helpfulness: Vibrancy	IQR	2	1.5	1	2	1.25	2
	% in agreement	58%	58%	85%	62%	58%	(54%)
	Consensus	No consensus	No consensus	Strong consensus	Weak consensus	No consensus	No consensus
Feasibility: Enforcement	IQR	1	1	1	1.25	1	2
	% in agreement	81%	77%	73%	69%	73%	50%
	Consensus	Strong consensus	Strong consensus	Strong consensus	Weak consensus	Strong consensus	No consensus
Feasibility: Implement-ation	IQR	1	1	1	1	1	1.5
	% in agreement	77%	73%	81%	73%	73%	46%
	Consensus	Strong consensus	Strong consensus	Strong consensus	Strong consensus	Strong consensus	No consensus
# of criteria with consensus in favour (strong consensus = 1, weak consensus = 0.5)		3.5/5	3/5	4.5/5	4/5	2.5/5	0/5

Note: Percentages in brackets () have the majority of stakeholders on the negative side of the response scale (probably, definitely not helpful/feasible).

Table II-13: Suitability of proposed street performance rules for Hong Kong

% of stakeholders	Decibel limits	Amplifier restrictions	Distancing requirements	Spatial occupation guidelines	Time limits	Donation restrictions
Suitable	85%	58%	54%	42%	54%	31%
Unsuitable	4%	8%	31%	42%	31%	54%
No comment	11%	44%	15%	16%	15%	15%



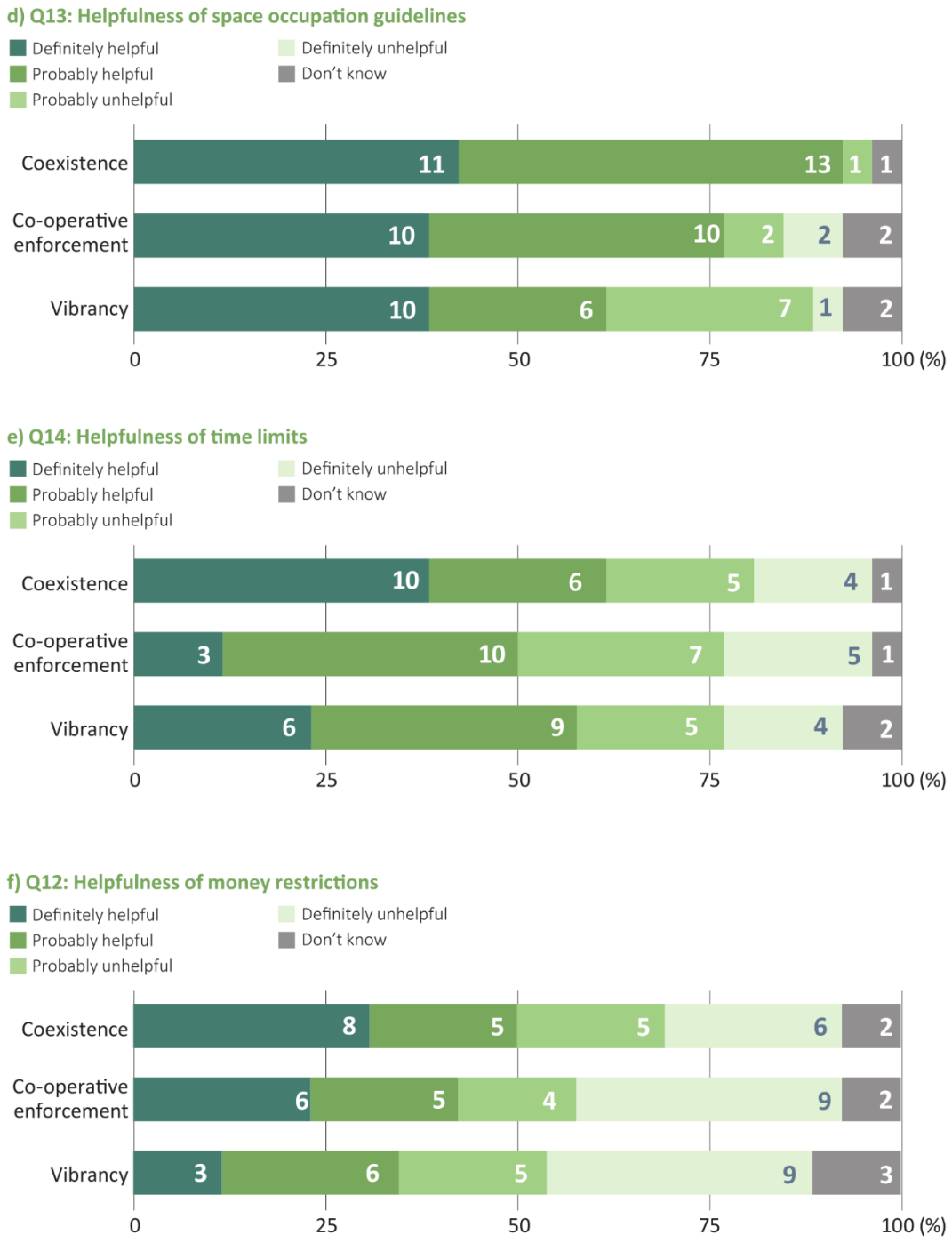


Figure II-14: Charts of helpfulness of proposed street performance rules

None of the rules received strong positive consensus across all three dimensions of helpfulness, although some received strong consensus on two out of three dimensions. None of the rules received a strong negative consensus (that they were unhelpful) on any of the three dimensions, either.

Stakeholders did not appear to consider feasibility an obstacle for any of the measures except for donation restrictions. Strong majorities (more than 60 per cent) of stakeholders believed that it would be "definitely" or "probably" feasible for the Government to implement and enforce most of these measures, regardless of whether they were seen as helpful.

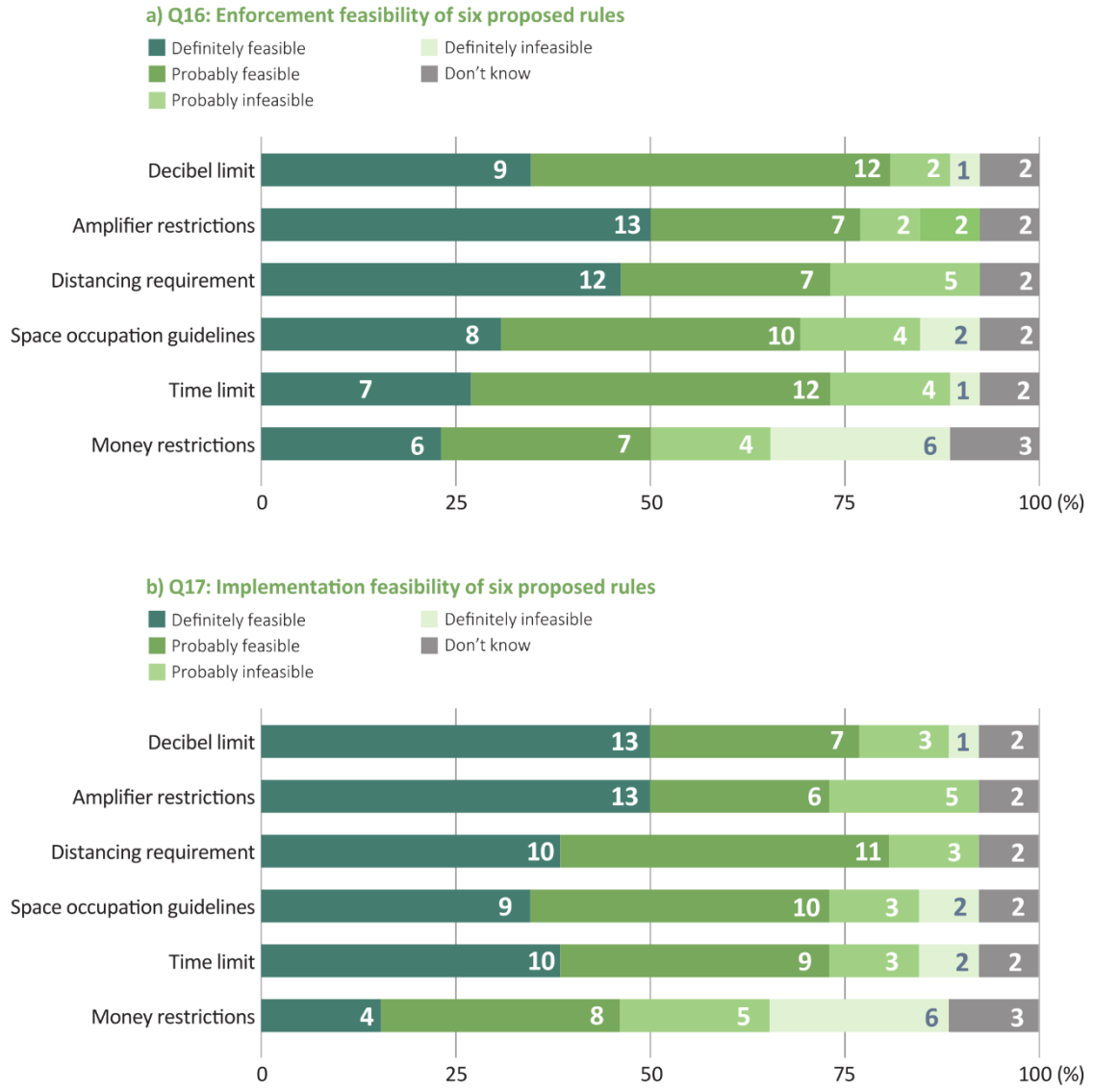


Figure II-15: Enforcement and implementation feasibility of proposed street performance rules

However, the rules that most stakeholders chose as suitable for Hong Kong were not those they had deemed the most helpful. For example, decibel limits were deemed suitable by 85 per cent of stakeholders with only 4 per cent disagreeing, but there was only strong consensus on the "coexistence" dimension of helpfulness. Conversely, while distancing requirements were deemed "very" or "somewhat" helpful by large majorities of the stakeholders on all three dimensions (with either strong or weak consensus), far fewer stakeholders said they were suitable. 54 per cent of stakeholders said distancing requirements were suitable, versus 31 per cent unsuitable, while stakeholders were equally divided (42 per cent—42 per cent) on the suitability of spatial occupation guidelines.

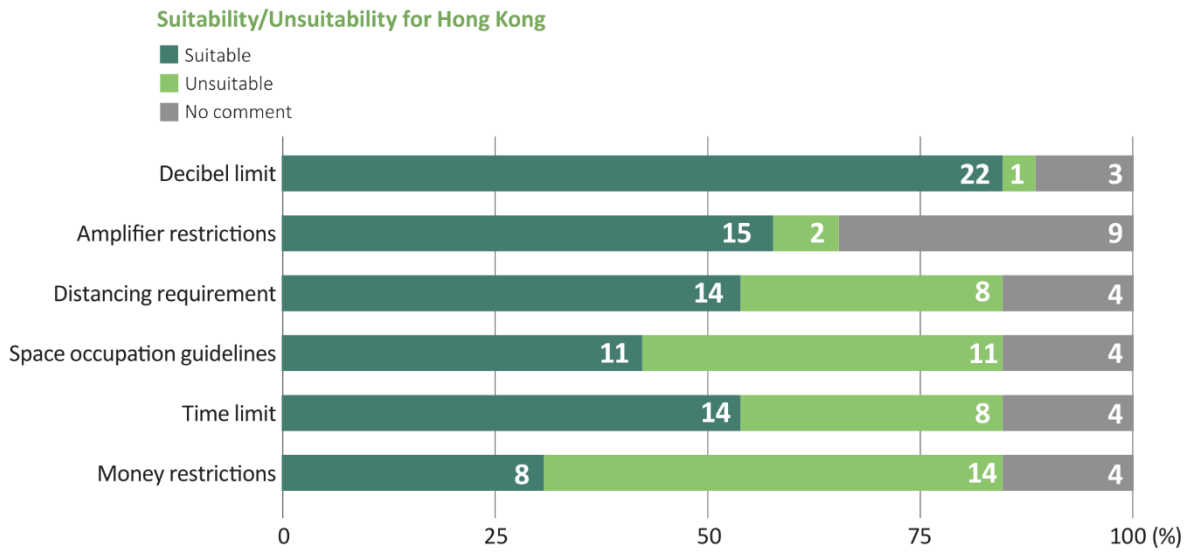


Figure II-16: Suitability of proposed street performance rules for Hong Kong

These responses reflect different considerations brought up by the questions: the helpfulness questions ask people to evaluate the effectiveness of various measures in achieving certain goals—reducing conflict, smoothing enforcement, and encouraging vibrancy. However, stakeholders may not feel that all the goals are equally important. The suitability question, on the other hand, asks them to consider the Hong Kong context, so that measures seen as helpful in the abstract may not be practical in local circumstances. The suitability questions were also concluding questions asked at the end of survey sections, where stakeholders should have given more considered responses after being asked to evaluate the various aspects of helpfulness and feasibility.

II-3.2.2 Discussion and follow-up questions

Decibel limits

The decibel limit was recommended as suitable for Hong Kong by the vast majority of stakeholders, 85 per cent, with very few objections. There was also strong consensus on both dimensions of feasibility. However, while a majority of stakeholders considered decibel limits definitely or probably helpful, they only reached strong consensus on the coexistence dimension, while reaching weak consensus on co-operative enforcement, and no consensus on vibrancy. However, only two people (8 per cent) considered them "very unhelpful" on all three dimensions of helpfulness. Hence, while decibel limits may not be seen as extremely effective in addressing noise problems, they are still seen as beneficial, and unlikely to provoke strong opposition.

The main reason that people gave for recommending decibel limits as suitable for Hong Kong was that they are objectively measurable, and hence able to provide concrete benchmarks for noise enforcement. Stakeholders believe that this will reduce disputes between street performers, other stakeholders, and law enforcement officers. Some stakeholders commented on the importance of addressing noise complaints as the biggest source of conflict. Many street performers themselves supported decibel limits, saying that an objective standard would enable them to regulate themselves more effectively. One performer stated, "There isn't currently a decibel guideline. The performers do not limit their decibel levels, even as a performer I find it annoying." However, a small number of performers expressed concern that a decibel limit might be set too low for them to be heard over background noise.

Just one stakeholder gave comments on why they did not find decibel limits suitable, saying that they would be too rigid and unrealistic to enforce in every circumstance, such as if a performer made a loud noise for two seconds, or performed loudly in a country park where there were no residents around to complain. This stakeholder had a different perspective on street management than the majority, arguing that there was no need for specific regulations on street performance as a special activity, but that street performers should abide by the general rules and regulations pertaining to the use of public space by any other member of the public.

Due to the broad support for decibel limits, they will be included in the policy recommendations. The second survey included a follow-up question about whether stakeholders preferred one uniform decibel limit to avoid confusion, or whether decibel limits should be context-dependent as different locations have different background noise levels. A number of other questions also addressed how decibel limits might interact with other measures, including location zoning, amplifier limits, time limits, and distancing requirements.

Amplifier restrictions

Respondents showed a strong consensus on this rule being helpful in reducing conflicts (at 81 per cent) but not so much in improving interactions or facilitating vibrancy. Additionally, while over 80 per cent of stakeholders suggested decibel limits as suitable for Hong Kong, only 58 per cent suggested amplifier restrictions. However, amplifier restrictions also received relatively few objections, with just 8 per cent saying they were unsuitable. Of those claiming they were unhelpful for co-operative enforcement and vibrancy, most selected the “probably unhelpful” category, so the degree of their opposition was not extreme.

Stakeholders also saw restrictions on amplifiers as straightforward and easy to enforce, while being effective in reducing noise levels. However, one performer expressed strong concerns that banning amplifiers would prevent musicians from being able to perform at all in busy urban areas, as they would not be able to be heard over background noise, saying that this would “harm the diversity of street performance”.

The Round 2 survey therefore asked participants to rate the acceptability of amplifier bans in specific locations and at specific times, especially in the vicinity of residential buildings, which stakeholders agreed should have a low tolerance for noise. Stakeholders were also asked whether they preferred amplifier restrictions to decibel limits, and whether any restrictions on amplifiers should apply to street performers specifically or to all outdoor amplifier use, including by commercial entities and political campaigns.

Spatial occupation guidelines

Spatial occupation guidelines were one of the two most popular measures in terms of helpfulness. There was strong consensus on coexistence and co-operative enforcement, and a weak consensus on facilitating vibrancy. However, many stakeholders had doubts about the suitability of such rules for Hong Kong, with 42 per cent saying they were suitable and another 42 per cent saying they were unsuitable.

Those who supported it thought it would be effective in bringing some order to what they saw as a chaotic situation, as well as providing more clarity on where and how performers could set up so as to reduce ambiguity and conflict in law enforcement. Those who opposed it cited Hong Kong’s lack of space for its impracticality. Others also expressed concern it would result in overly-restrictive control of street performers and infringement of civil liberties.

As spatial occupation guidelines are supposed to prevent pavement obstruction, and obstruction is a lower priority for most of the stakeholders, they may not consider it as important to implement them. As discussed in Section II-3.1.4, stakeholders found it most important to prevent obstruction at the entrances to public transport hubs and pedestrian crossings. Therefore, in Round 2, stakeholders were asked about the acceptability of obstruction rules targeted at these specific locations, as well as the idea of physically marking areas on the ground at designated locations for street performers to stay within bounds of.

Distancing requirements

Distancing requirements were one of the two most popular options in terms of helpfulness, with stakeholders reaching strong consensus on coexistence and vibrancy, and weak consensus on co-operative enforcement. This is likely due to frequent complaints about too many musical performers crowding together in too small an area, resulting in multiple songs clashing with each other to cacophonous effect. Requiring musicians to keep a certain distance from each other would address the problem. However, when asked about its suitability for Hong Kong, 54 per cent said it was suitable, and as many as 31 per cent said it was unsuitable. Therefore, when asked to think about the practicality of implementation in Hong Kong, nearly a third of the stakeholders had significant doubts.

Those who commented positively on distancing requirements thought that they would be effective in addressing the clashing noise issue, while those with negative feedback said that space was too limited in Hong Kong, e.g. “Difficult to implement due to limited spaces in the city, especially on narrow pavements and streets, which make it difficult to separate the performers.” Others also argued that it would be difficult to enforce.

Round 2 therefore attempted to address practicality concerns by asking stakeholders whether it would be acceptable to implement distancing in two situations: in parks and public spaces, by marking designated pitches on the ground approximately 25m apart, and on city streets by limiting performers to a maximum of 2 per block (the length of a street between two intersections).

Time limits

While time limits were, like most of the other measures, seen as feasible, stakeholders were divided on their helpfulness. There was a weak consensus on coexistence, and no consensus on co-operative enforcement and vibrancy. Of those who found them unhelpful, slightly less than half chose the “definitely unhelpful” response. On suitability, 54 per cent said they were suitable for Hong Kong, while 31 per cent said they were unsuitable.

Those who commented positively on the measure said that it would prevent a small number of performers from staking out exclusive claims to certain pitches. In preliminary interviews, one stakeholder also suggested time limits as a means of limiting the duration of poor quality performances, and preventing profit-seeking performers from commercialising public spaces. However, others thought that it would be impractical or require too much manpower to enforce, and provoke more conflict between performers. Some street performers also objected to it because their mode of operation was to stay in one location for several hours at a time, engaging with long-staying audiences rather than walk-by audiences. One stated, “As a performer, Hong Kong’s culture stays up late, and audiences tend to linger for a long time.”

In Round 2, stakeholders were asked whether time limits would be acceptable in specific situations, such as in parks with dedicated management staff, or whether designated performance zones could be given fixed time slots to remove ambiguity.

Furthermore, if performance zones are implemented (see below), there would be an issue of how to manage their finite space so as to prevent excessive noise and overcrowding. Stakeholders were therefore asked follow-up questions about the acceptability of different combinations of decibel limits, time limits, and distancing requirements. Would a decibel limit alone be sufficient? If there were a distancing requirement, this would limit the number of performers who could occupy a zone at the same time. How then should these limited spaces be fairly allocated? Should there be a time limit to promote turnover, or should it be first-come-first-served?

Donation restrictions

As a potential solution, donation restrictions gained the least support in helpfulness, feasibility and suitability. A majority, 52 per cent, considered them unsuitable for Hong Kong. Additionally, among those who considered them unhelpful, a majority chose the far end of the response scale ("very unhelpful"), showing that they provoke strong opposition.

When asked why they thought it unsuited to Hong Kong, seven people cited difficulties in monitoring and enforcement. One stakeholder wrote: "A problem of manpower, the department responsible is unclear, allocation of resources is a problem." Another said that it "might be difficult to implement and cause more conflict among performers, or between performers and law enforcement officers". Two thought it would result in excessive restrictions on street performers, with one commenting, "Difficult to regulate or enforce; it might become a tool for law enforcement to repress civil rights." Three mentioned the needs of street performers, saying that street performers needed to make a living and that donations were a legitimate way of showing support for performers. One person responded, "Without monetary donations, there would be no driving force behind street performance; even if some performers didn't accept money, in the long term they couldn't survive with no income and only expenses."

The stakeholders in support of restrictions on donations characterised the measure as necessary to prevent street performers from engaging in "illegal activities such as begging" and to separate cultural activities from begging. One replied, "Street performance is mainly for culture's sake and not a major source of income for performers, so there should be money restrictions for performers." Another stakeholder also saw monetary restrictions as a means of discouraging aggressive and nuisance-causing behaviour motivated by profit.

Given the polarising nature of this option, a ban on monetary donations will not be included in the policy recommendations. However, the second Delphi survey asks stakeholders to consider the acceptability of two milder regulations—allowing street performers to set out a box for donations but not to demand money from audiences, and requiring licences only for performers who wish to accept money, rather than all performers.

II-3.3 Stakeholder views on street performance management strategies

As discussed in Section II-2.4, the survey also asked for stakeholders' views on three main street performance management strategies, i.e. the frameworks under which specific rules are organised. These include licensing, performance area zoning, and voluntary agreements. Two substrategies are included under voluntary agreements: non-profit partnerships and voluntary codes of conduct.

II-3.3.1 Overview of results

As shown in Tables II-14 and II-15 below, zoning and non-profit partnerships received strong positive consensus on two of the three dimensions of helpfulness. Zoning received only weak consensus on vibrancy as zoning regulations may impose restrictions on street performers, while non-profit partnerships found a weaker consensus on co-operative enforcement, as some may not have seen non-profits as effective mediators between street performers and enforcement officials. Licensing received weak consensus on coexistence and co-operative enforcement, but strong consensus on vibrancy. The voluntary code of conduct received no consensus on any dimension of helpfulness. The IQR was low because most responses were clustered around the "probably helpful" and "probably unhelpful" responses, but only about half of the participants thought they would be beneficial.

Again, most stakeholders did not appear to perceive significant obstacles to feasibility for all of the strategies except the code of conduct, with both enforcement and implementation receiving strong consensus.

Regarding suitability, a majority of stakeholders (58 per cent) rejected voluntary codes of conduct as unsuitable. This was a polarising option as every stakeholder has an opinion on it, with none declining to mention it. However, stakeholders did not express a strong preference among the other three—licensing, zoning or voluntary partnerships. Each was recommended as suitable by 50-60 per cent of the stakeholders, and rejected as unsuitable by around a quarter to a fifth. However, licensing was somewhat more polarising as only 15 per cent of stakeholders declined to express an opinion on it, as opposed to 27 per cent for zoning or voluntary partnerships.

Table II-14: Street performance management strategies—consensus summary

		Decibel limits	Amplifier restrictions	Distancing requirements	Spatial occupation guidelines
Helpfulness:	IQR	2	1	1	1
Coexistence	% in agreement	65%	77%	77%	54%
	Consensus	Weak consensus	Strong consensus	Strong consensus	No consensus
Helpfulness: Co-operative enforcement	IQR	2	1	2	1
	% in agreement	65%	77%	65%	46%
	Consensus	Weak consensus	Strong consensus	Weak consensus	No consensus
Helpfulness: Vibrancy	IQR	0.25	1.25	1	1
	% in agreement	69%	69%	73%	58%
	Consensus	Strong consensus	Weak consensus	Strong consensus	No consensus
Feasibility: Enforcement	IQR	1	1	1	2
	% in agreement	77%	77%	77%	62%
	Consensus	Strong consensus	Strong consensus	Strong consensus	Weak consensus
Feasibility: Implementation	IQR	1	1	0	2
	% in agreement	77%	69%	77%	62%
	Consensus	Strong consensus	Strong consensus	Strong consensus	Weak consensus
# of criteria with consensus in favour (strong consensus = 1, weak consensus = 0.5)		4/5	4.5/5	4.5/5	1/5

Note: Percentages in brackets () have the majority of stakeholders on the negative side of the response scale (probably, definitely not helpful/feasible).

Table II-15: Suitability of street performance management strategies for Hong Kong

% of stakeholders	Licensing	Zoning	Voluntary: Partnership	Voluntary: code of conduct
Suitable	58%	54%	50%	42%
Unsuitable	27%	19%	23%	58%
No comment	15%	27%	27%	0%

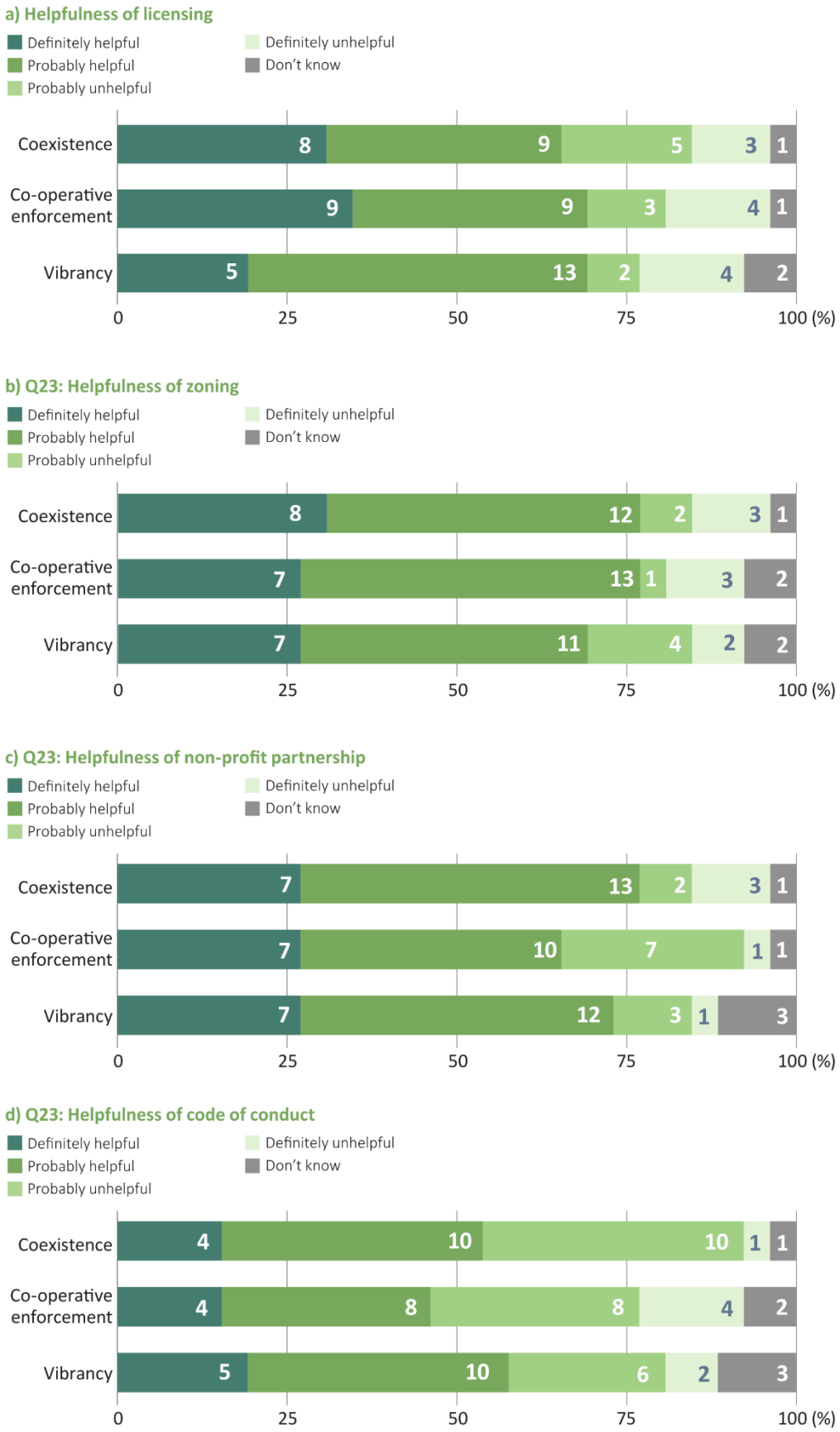


Figure II-17: Helpfulness of proposed street performance management strategies

II-3.3.2 Licensing—discussion and follow-up questions

As noted above, a majority of the stakeholders, 58 per cent, recommended licensing as suitable for Hong Kong, although there was a weaker consensus on its helpfulness than zoning or non-profit partnerships. Given that much of the public debate on street performance management so far has focused on the idea of licensing, people tended to have more developed opinions on the subject. In preliminary interviews, a few stakeholders were strong proponents of licensing with auditions, citing a need to weed out what they saw as bad performers, whereas a few others were strongly opposed to them on grounds of artistic subjectivity and artistic freedom. As discussed in Section II-3.1.3, many stakeholders held contradictory views, both agreeing that there is a need for quality control while being sceptical of the exclusionary potential of auditions.

The question on feasibility also included an item on "setting up a fair and transparent audition system". While a majority of stakeholders still found auditioning feasible, stakeholders showed less confidence in their feasibility than other measures as shown below in Figures II-18 and II-19. A much smaller percentage of stakeholders (12 per cent) thought that carrying out/enforcing a fair and transparent audition system was "very feasible" than licensing in general (42 per cent), performance zoning (31 per cent), non-profit partnerships or voluntary codes of conduct (27 per cent). Fewer stakeholders were also confident of the Government's ability to "set up and introduce" a fair and transparent audition system, with as many as 39 per cent saying it was probably or definitely infeasible.

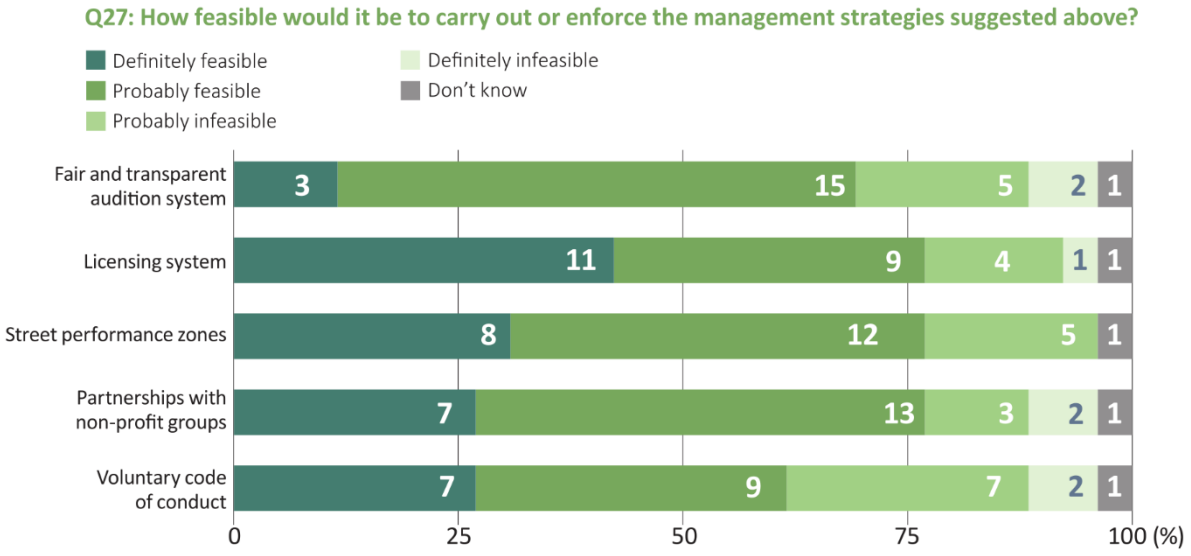


Figure II-18: Enforcement feasibility of auditioning and management strategies

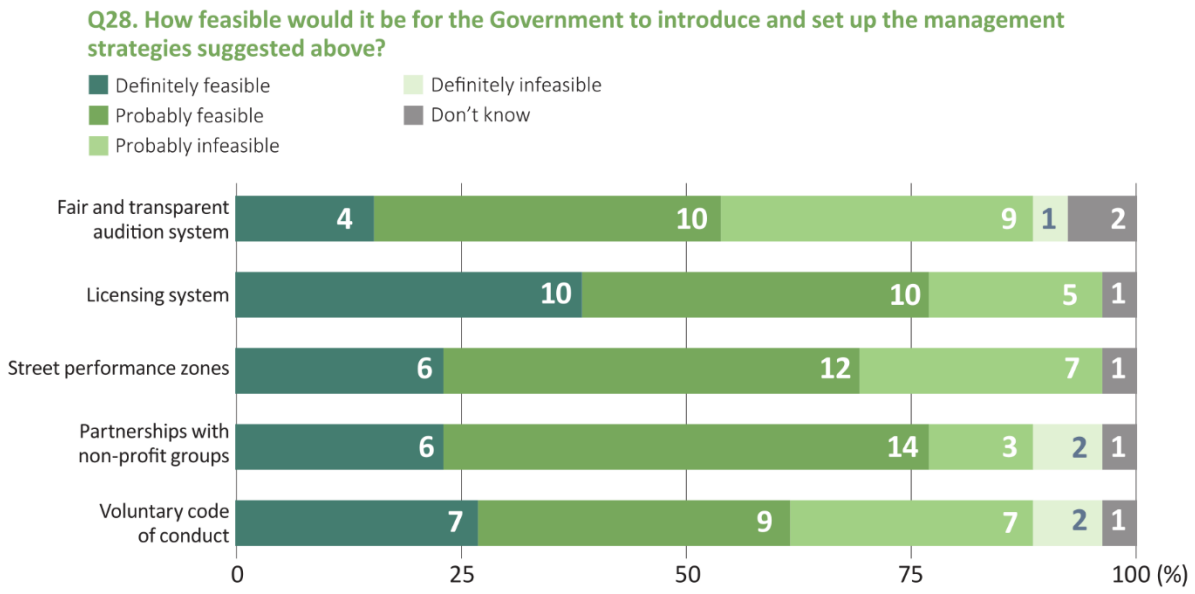


Figure II-19: Implementation feasibility of auditioning and management strategies

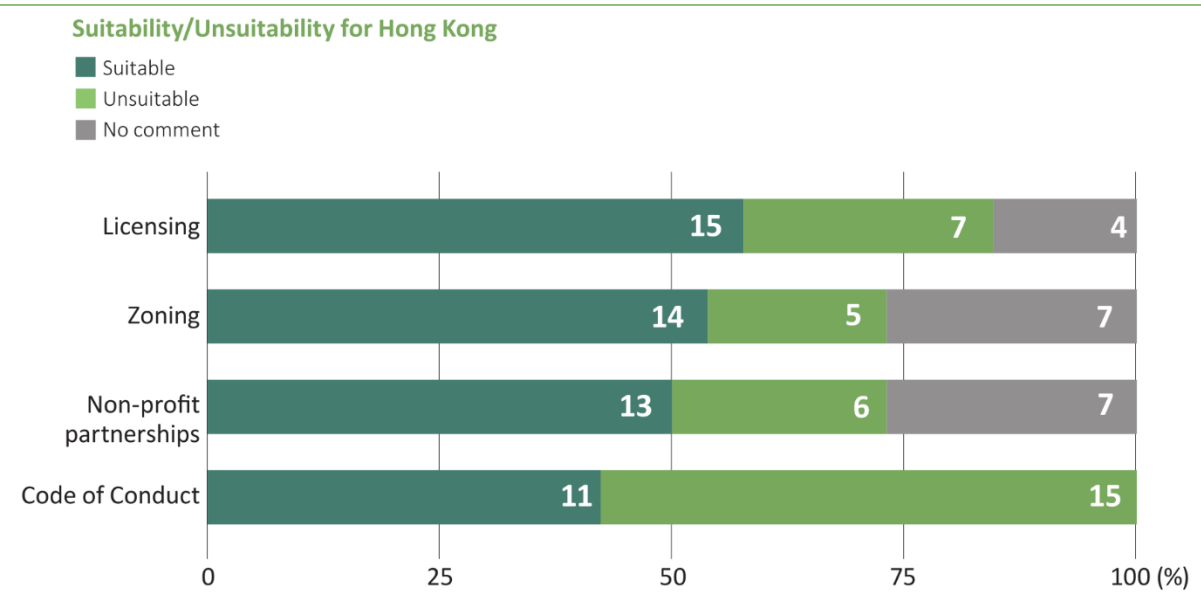


Figure II-20: Suitability of proposed street performance management strategies in Hong Kong

Stakeholders were then asked to rank their preference for four variations on a licensing system, from most to least restrictive, shown in Table II-16 below:

Table II-16: Ranked choice for licensing system variations

Restrictiveness	Variation	Rank 1	Rank 2	Rank 3	Rank 4
Most	A licensing system with auditions for all performers	6 25%	5 21%	7 29%	6 25%
	A licensing system that requires auditions to perform in certain high-profile locations but not others	8 33%	6 25%	6 25%	4 17%
	A licensing system where street performers are only assessed on safety and their likelihood of causing noise and nuisance at proposed performance locations	6 25%	10 42%	8 33%	0 0%
Least	No licensing system	4 17%	3 13%	3 13%	14 58%
	Total valid responses	24 100%	24 100%	24 100%	24 100%

Although a bare majority of 14 out of the 24 valid responses (58 per cent) placed "no licensing system" as their last choice, there was no clear first choice. Therefore, to try to determine which option may be acceptable to, if not preferred by the most people, the choices were weighted. 1st choices were given 4 points, 2nd choices 3 points, 3rd choices 2 points, and last choices 1 point. The total points were divided by the number of stakeholders to arrive at a ranking score out of 4. Additionally, the percentage of stakeholders who chose each variation as a first or second choice was calculated (see Table II-17).

Table II-17: Licensing system weighted ranking scores

Variation	Weighted ranking score out of 4	% of 1st and 2nd choices
1. A licensing system with auditions for all performers	2.5	46%
2. A licensing system that requires auditions to perform in certain high-profile locations but not others	2.8	58%
3. A licensing system where street performers are only assessed on safety and their likelihood of causing noise and nuisance at proposed performance locations	2.9	67%
4. No licensing system	1.9	29%

This shows option 3, a licensing system without auditions, but where the performers are assessed for safety and nuisance potential, received the highest weighted ranking score (2.9/4), followed by option 2, a location-specific audition scheme targeting high-profile areas (2.8/4). Option 3 was also the first or second choice of 67 per cent of the stakeholders who gave valid responses, while option 2 was the first or second choice of 58 per cent of stakeholders. Option 1, the most restrictive universal audition scheme, received less support, followed by no audition scheme at all.

This suggests that licensing without auditions may be acceptable to a broader range of stakeholders, even if not strongly preferred. Audition schemes may be more likely to find acceptability if they are limited in scope, such as the schemes currently in operation at Sha Tin Town Hall and the WKCD, applied to more heavily used locations.

Given the strong agreement that quality is an important problem, the Round 2 survey included follow-up questions asking what other types of measures might make audition systems more acceptable, for example, having non-profits oversee the auditions instead of the Government, or decentralising auditions into multiple district schemes. Additionally, it asked about the acceptability of using voluntary cultural and educational programmes to address the quality problem instead of auditions.

II-3.3.3 Zoning—discussion and follow-up questions

As noted above, the proposal to zone and regulate areas for the use of street performers received a strong positive consensus on 2 out of 3 dimensions of helpfulness and both dimensions of feasibility. It was suggested as suitable for Hong Kong by just over half the stakeholders, 54 per cent, but deemed unsuitable by nearly a fifth, 19 per cent. About a quarter, 27 per cent, did not say it was either suitable or unsuitable. Stakeholders generally had favourable views of zoning, but held less strong opinions on it than licensing. Regarding feasibility, strong majorities of stakeholders felt that zoning would be "definitely" or "probably" feasible. In preliminary interviews, two stakeholders expressed the view that it would be administratively easier to implement than licensing, because it would not necessarily require the establishment of new bureaucracies to administer.

Stakeholders supported zoning for different reasons. Some performers favoured it as a way of gaining access to approved performance spaces. One performer complained about the LCSD cracking down on performers on the Central waterfront in recent months, arguing that blanket bans on amplifiers and donations were being used to exclude performers from the waterfront instead of facilitating reasonable use through regulation: "Right now they're cutting us all off, there's no support for street performers, absolutely none, and no guidelines on where people can perform...by the Ferris wheel they say you can't use amplifiers or accept donations in any space the LCSD manages. But the pier is so big, there's no management...they're basically telling us not to perform at all. It's unreasonable."

Others saw zoning as a means of minimising conflict between performers and residents by geographically restricting the impact of the former. One residents' advocate commented that zoning "would provide residents in non-zoned areas a legitimate reason for complaint", assuming that performing outside of zoned performance spaces would not be allowed. Another stakeholder noted that "designated zones would provide a better environment and safety for the public." These different objectives are not necessarily incompatible, but whether they can be satisfactorily met will depend on the specifics of the scheme proposed. The locations of the proposed zones and the rules to be deployed within them will affect whether the outcomes are acceptable to both performers and nearby residents and business owners.

Two stakeholders expressed reservations about zoning, one saying that it might be criticised as limiting freedom of expression if performers were no longer free to choose their own locations but limited to a number of approved zones. Another felt it would be unworkable given Hong Kong's high density and its complicated land leasing, land use definitions, and land ownership situation. "Regulations would get entangled in land ownership issues. In the end, the regulations would either be too harsh, or useless." However, these problems may be avoided to a large extent if the regulatory zoning proposals are only concerned with government land.

As the international case studies discussed in *Part I* showed, zoning schemes can take different forms. Some can require performers to use only certain designated locations, as in Singapore, whereas others more commonly impose regulations on areas of high impact without prescribing where performers may locate, such as in London, New York City or Prague. Stakeholders were therefore asked to rank these variations in order of preference, as shown in Table II-18.

Table II-18: Ranked choice for zoning system prioritisation

Restrictiveness	Variation	Rank 1	Rank 2	Rank 3
Most	Street performers must use designated performance spaces	11 46%	5 21%	7 29%
	Performers are allowed to perform anywhere in the city but there are stricter rules at popular performance areas and in noise-sensitive locations.	10 42%	12 50%	2 8%
Least	No zoning	3 13%	7 29%	14 58%
	Total valid responses*	24	24	24

*2 participants declined to answer this question

As above, weighted ranking scores (out of 3) were calculated, along with the percentage of stakeholders who picked each option as either their first or second choice. The more liberal option of allowing performers to locate anywhere but imposing stricter rules at performance hot spots received a slightly higher weighted ranking score (2.3/3) than prescriptive zoning (2.1/3) and both received a much higher score than no zoning (1.5/3). However, this may give a misleading impression that the two zoning options are similarly preferred. In fact, prescriptive zoning appears more divisive, as it was the last choice of a third of the participants. Optional zoning was the first or second choice of 92 per cent of the stakeholders, compared to 67 per cent for prescriptive zoning, making it much more broadly acceptable. One stakeholder, a district councillor, commented that "Citizens are most concerned about street performance hot spots, so we should focus on solving problems in these areas."

Table II-19: Zoning system weighted ranking scores

Variation	Weighted ranking score out of 4	% of 1st and 2nd choices
Street performers must use designated performance spaces.	2.1	67%
Performers are allowed to perform anywhere in the city but there are stricter rules at popular performance areas and in noise-sensitive locations.	2.3	92%
No zoning.	1.5	42%

Given the competing concerns, it was anticipated that stakeholders may have different priorities about where to locate performance zones. For example, street performers might want to secure access to performance spaces in urban areas with high pedestrian traffic, whereas residents may wish to push street performers out to more remote public open spaces, further away from residential areas. Therefore, in Round 2, stakeholders were asked about the desirability of different approaches to designating performance zones.

II-3.3.4 Voluntary measures—discussion and follow-up questions

Stakeholders had a more positive reaction to the idea of non-profit partnerships, in which non-profit organisations would be given the responsibility of managing street performance spaces on behalf of the Government, than they did to a voluntary code of conduct, a set of guidelines intended to promote self-regulation and conflict resolution.

On measures of helpfulness and feasibility, non-profit partnerships performed comparably with zoning, as shown in Table II-14 above. In terms of suitability, 50 per cent of the stakeholders recommended this strategy, while just under a quarter (23 per cent) found it unsuitable. This is also comparable to the response to zoning.

Stakeholders who found the non-profit model appealing argued that it would be a more bottom-up approach than direct regulation by the Government, resulting in a more creative and vibrant artistic environment. “It would have a good impact,” said one stakeholder, “it would allow experienced people to deal with the issue and avoid the problems of top-down management.” Another wrote, “NGOs would be the best; would be more vibrant, and would address the noise and donation issues.” Some also saw non-profits as having the ability to mediate between different stakeholders so as to avoid direct conflict between performers and law enforcement officers, while one person suggested that they would be more effective in keeping the influence of organised crime out of street performance spaces.

However, as there has not been much precedent for this model of street management in Hong Kong, some stakeholders were sceptical of its practicality. One stakeholder thought that Hong Kong lacked enough non-profit organisations with the interest or capacity to take on this role, while another expressed some concerns that it would be administratively challenging for the Government to adequately vet such organisations to ensure that they were legitimate non-profits. Not all street performers were necessarily in favour of this idea, with one expressing the desire to remain independent of any organised groups. Management by non-profit organisations raises questions of accountability and inclusiveness. While some may see their potential to curate performances as a benefit for quality control, there is a risk of cliquishness.

On the other hand, the voluntary code of conduct received a more negative reaction, with roughly half the stakeholders saying that it would be helpful along all three dimensions, and a majority (58 per cent) saying that it was unsuitable for Hong Kong. While over 60 per cent still said it was feasible, this was lower than the number who found the other strategies feasible.

The main reason given for their scepticism was the belief that a voluntary code would be ineffective as it would not be legally enforceable. As one stakeholder put it, “If the guidelines were voluntary, that would be useless, nobody would be that co-operative. If there were regulations, people would not mess about.” Others were concerned that voluntary guidelines would be too vague to be useful, especially as there is not much common ground between different stakeholders in their understanding of street performance. Even among street performers, there is a lack of mutual understanding and shared goals. Hong Kong lacked the cohesion necessary to make voluntary guidelines effective.

However, a few stakeholders favoured voluntary guidelines over formal regulatory approaches in order to avoid overmanagement by the Government; “The degree of freedom would be relatively larger, with fewer limits on the development of art,” wrote one performer. Another stakeholder from the business sector felt that there was no need to introduce specific regulations targeted only at street performers when general regulations should suffice, as he saw street performance as only one kind of public space activity among many. He thought that a code of conduct would be beneficial in enabling different public space users to coexist with each other more smoothly. One stakeholder cited the ease of implementation from the perspective of the Government. As a purely administrative guideline, a

code of conduct would not require any new legislation, and would serve an educational purpose in informing street performers and other stakeholders about how to behave.

As the main objections to voluntary measures were based on concerns about their efficacy and practicality, Round 2 of the survey asked stakeholders whether the Government should try to implement them as pilot, interim, or supplementary measures, rather than on their own.

II-3.4 Summary

II-3.4.1 Agreed-upon principles

- Stakeholders had a strong consensus that residential areas should be protected from noise, but that purely commercial areas and public open spaces should have a moderate to high tolerance for noise, especially on weekends.
- Stakeholders universally agreed that poor quality performances were an important problem to address. There was also a strong consensus that street performance policy should ensure that performers meet a certain standard of artistic quality.
- Street obstruction was a lower priority issue than noise and quality, but stakeholders had a strong consensus on minimising obstructions at public transport hubs and in front of pedestrian crossings.
- Regarding aspirational policy objectives, three quarters of participants thought that promoting local artists should be an important priority.
- Stakeholders did not agree on the importance of providing better legal protections to street performers in the abstract, but when asked about the specifics of protecting performer rights, they reached strong consensus on providing clear rules, ensuring access to performance spaces, and preserving the spontaneous nature of street performance.

II-3.4.2 Significant areas of contention

- Although stakeholders felt that it was important to address the quality of street performance, there was not a clear consensus on auditions as a solution. Many stakeholders had mixed feelings about auditions, agreeing that they would improve performance quality, but also that they would unfairly exclude some performers.
- While stakeholders had a strong consensus on the feasibility of “carrying out and enforcing” a fair and transparent audition system, they did not reach consensus on the Government’s ability to “set up and introduce” such a system. External organisations, such as arts non-profits, may be seen as more trustworthy.
- As some form of licensing would be a prerequisite for an audition system, stakeholders would also have to agree on licensing. However, about a third of the stakeholders deemed licensing unsuitable for Hong Kong, and tended to express well-thought-out reasons as to why.
- Stakeholders lacked agreement on the importance of supporting street performers’ freedom of cultural expression, as only half of stakeholders chose this as one of their three policy priorities. However, some do care about it very strongly and expressed serious reservations about auditions in preliminary interviews and open-ended comments.

II-3.4.3 Most and least promising rules

Although none of the proposed policies received across-the-board consensus on helpfulness, feasibility and suitability, some appeared more broadly acceptable than others.

- Stakeholders had a strong consensus on the helpfulness of a decibel limit in reducing conflicts, but not for improving interactions with law enforcement or facilitating vibrancy. It was seen as feasible and 85 per cent of stakeholders described it as suitable for Hong Kong, with very few people registering any objection to the idea. It is therefore highly promising.
- Stakeholders similarly found location-specific amplifier restrictions helpful in reducing conflicts. This was the second most recommended policy, with about 60 per cent of the stakeholders saying it was suitable, and few objections. However, a few street performers did find this idea excessively restrictive. If implemented, it should be done in a carefully targeted way in order to avoid arousing controversy.
- Stakeholders were in stronger agreement about the overall helpfulness of distancing requirements and spatial occupation guidelines, but roughly 30-40 per cent of them said they were unsuitable for Hong Kong, mainly due to concerns about spatial limitations. However, due to their perceived effectiveness, stakeholders may be willing to implement them in certain contexts, especially if the alternatives are less appealing.
- Stakeholders were divided on the idea of time limits, with some seeing this as a useful way to prevent monopolisation and others seeing it as impractical and unenforceable. Some street performers also strongly objected to the idea, as their business model involves catering to audiences who linger for long periods of time. The idea may be accepted in some limited contexts, e.g. a designated performance zone with limited space available, but not as a general policy.
- Although several stakeholders expressed the opinion that financial motives encouraged antisocial behaviour in street performers during preliminary interviews, placing restrictions on donations was not seen as a practical measure. Stakeholders did not reach consensus on any measures of helpfulness or feasibility, and a majority found them unsuitable for Hong Kong.

II-3.4.4 Most and least promising strategies

None of the proposed strategies received across-the-board consensus, but licensing, zoning, and non-profit partnerships received more support than a voluntary code of conduct.

- The voluntary code of conduct was the least popular and most polarising of the four strategies, with 58 per cent of the stakeholders deeming it unsuitable for Hong Kong. Stakeholders also lacked consensus on its helpfulness, and had a weak consensus on its feasibility. While some stakeholders favoured this strategy as a means of avoiding overmanagement, the majority saw it as ineffective and impractical. Round 2 explored whether stakeholders are willing to consider a code of conduct as a transitional or supplementary measure.
- Zoning and non-profit partnerships performed somewhat better on measures of helpfulness than licensing, receiving strong consensus on 2 out of 3 measures as opposed to 1 out of 3. However, the percentage of stakeholders recommending all three as suitable for Hong Kong was around 50-60 per cent. There was no clear endorsement as seen in the case of decibel limits.
- More moderate, less restrictive versions of licensing and zoning received broader acceptance than the most restrictive versions, and a majority of stakeholders indicated that not

implementing them at all was their least favoured option. Detailed policy variations are further explored in Round 2.

- The main reasons for scepticism of non-profit partnerships appeared to be linked to the lack of precedent in Hong Kong (outside of the MTR's privately-run busking scheme). There were doubts about the capacity and willingness of non-profits to take up this role, and about whether such schemes would be run in an inclusive manner. Stakeholders may be willing to consider this strategy as an experimental pilot scheme.

II-3.4.5 Exceptions and outliers

A few of the stakeholders were unwilling or unable to answer most or all of the questions in the questionnaire for various reasons. A few representatives of government departments were not prepared to comment on hypothetical policy matters, and therefore returned mostly blank forms. The Police chose to submit a written statement explaining current policy, legislation and enforcement practices in lieu of completing the questionnaire. Regarding the policy suggestions, HKPF endorsed the general principle of implementing more objectively measurable and practicably enforceable rules without providing explicit feedback on specific policy proposals:

> *"From a law enforcement perspective, any suggestions incorporating reasonable and enforceable parameters for restricting and reducing the noise nuisance are welcomed. The overarching principle shall be improving the enforceability within the existing legal framework with regards to the detailed control criteria, practicable measurement procedures, and technical solutions.*
>
> *To enshrine a user-friendly regulatory regime on street performance, explicit guidelines, public education and interdepartmental co-ordination shall be in place to effect regulations of noise level, distancing, time limit, and any other restrictions. The implications to enforcement resources, including but not limited to manpower and sufficient equipment and trainings shall be taken into consideration in order to carry out enforcement 'there and then'. "*

A small number of other participants also responded "don't know" to many of the questions, but this was not due to lack of knowledge or opinion. One street performer had difficulty adhering to the multiple choice format of the questionnaire, providing long-form answers many of which could not be coded, but in which she expressed her dissatisfaction with current street performance management practices. She also was clear that she did not want a decibel level set below 100dB.

Another participant from the business sector rejected the premise of many of the questions as his understanding of the problem was different from most of the other stakeholders (including other business sector representatives), whose viewpoints informed the framing of the questionnaire. He did not see street performance as a matter of cultural policy, placemaking, or city marketing, and therefore found it unnecessary to articulate broad policy objectives such as promoting local artists, promoting urban vibrancy, or enhancing the city's image. Nor did he see a need for any particular rules, regulations, or policies specific to street performance as an activity. Rather, he viewed street performance simply as one among many activities which take place in public space, which should be managed under existing, general-purpose laws regulating the use of public space to ensure that various users do not infringe on one another's rights. He thought that street performance-specific regulations would be impractical and lead to overmanagement, especially when street performance is not clearly defined in the first place. Non-standard viewpoints such as this are difficult to incorporate into and are unlikely to be satisfied by a menu of compromise proposals as they do not share the same underlying assumptions or framing as the majority of stakeholders. Nevertheless, it is important to be aware of the diversity of perspectives that exist.

II-4. Phase 2 Round 2 Research Findings

This section will summarise the results of the Round 2 Delphi questionnaire, providing an overview of changes in stakeholders' views towards the proposed solutions presented in Round 1. A full tabulation of results can be found in Appendix II-2. As in Round 1, consensus levels in Round 2 results were analysed using the IQR and the percentage of stakeholders in agreement on each question, whereby over 60 per cent in agreement is defined as a weak consensus, and over 60 per cent in agreement with an IQR of 1 or less is defined as a strong consensus.

The 26 stakeholders who participated in the first round were recontacted, and 22 responded to the questionnaire. They comprised 8 street performers, 6 business sector representatives, 4 district councillors, 3 representatives of government departments, and 2 representatives of community or non-profit organisations.

II-4.1 Licensing

II-4.1.1 Validity of reasons for licensing being suitable or unsuitable for Hong Kong

In Round 1, we learnt that participants were fairly optimistic about the helpfulness and feasibility of the licensing approach but less so about its suitability in Hong Kong. Based on participants' comments and their feedback in interviews in Phase 1, we have summarised a list of reasons explaining people's views of its suitability. We therefore asked participants in Round 2 to rate how valid these reasons are.

In the last round, participants also did not reach a consensus on the importance of "ensuring anyone can perform". While stakeholder were less unified on concerns about freedom of expression than they were on the other statements, a majority (64 per cent) of them still shared this concern, and some may become very vocal if the proposed policies fail to respect these concerns.

Rather, participants feel more strongly towards the concerns about slow implementation process (statement D) and the creation of complicated new rules that would cause more disputes (statement E). In Round 1, 81 per cent of participants considered it "very/ probably important" to provide clearer guidelines for performers and enforcement officers. That participants reached a strong consensus on the impact of creating complicated new rules acts as a reminder to policy makers of the need to create a clear set of rules in order to reduce conflicts. The strong consensus on statement A further emphasises this reminder.

Interestingly, while statements E and A contradict each other, participants had a strong consensus on both. That demonstrates their awareness of the potential drawbacks of the licensing approach. Stakeholders' support for the licensing approach could be therefore swayed towards either side, depending on the specifics of the proposed scheme. A successful proposal must be perceived as creating clear rules in order to reduce conflicts (statement A) while avoiding overcomplicated rules that may generate disputes (statement E).

Respondents seemed more supportive of licensing in Round 2 than in Round 1. In Round 2, 91 per cent of participants agreed that licensing would reduce conflicts by providing clear rules, whereas during Round 1, 65 per cent of participants said that licensing would be helpful in reducing conflicts between performers and other stakeholders. Likewise, there appears to be a slight shift in attitudes towards granting performers legal protection through licensing. In Round 1, participants did not reach a consensus on the importance of legal protection for performers, with 58 per cent of them agreeing that it was important to protect performers through licensing. However, in Round 2, 86 per cent of participants agreed that licences would grant performers the legitimacy they need to perform with

more peace of mind. It should be noted that the comparison is not direct due to differences in the way the questions were framed—e.g. it is possible to agree that licensing would grant performers more peace of mind, yet think that it is not very important to do so—it appears that after considering each others' statements, participants have become more amenable to the merits of licensing. Section II-4.1.2 below deals with the acceptability of various licensing proposals.

Table II-20: Validity of statements about licensing

Statements/ % breakdown	Definitely or probably valid	Definitely or probably invalid	Don't Know	Total	IQR	Consensus
a. Licensing would reduce conflicts between street performers and other stakeholders by creating a clear set of rules for street performance.	91%	0	9%	100%	1	Strong consensus
b. Licensing would restrict freedom of expression and would be used to censor street performers.	64%	27%	9%	100%	2	Weak consensus
c. Licensing would grant street performers legal legitimacy and give them more peace of mind.	86%	9%	5%	100%	1	Strong consensus
d. Licensing may be difficult and slow to implement because the Government would have to pass new legislation and set up a new body, such as a Department of Culture, to run it.	91%	5%	5%	100%	1	Strong consensus
e. Licensing would create complicated new rules that would cause more disputes between street performers and enforcement officers.	82%	9%	9%	100%	0	Strong consensus

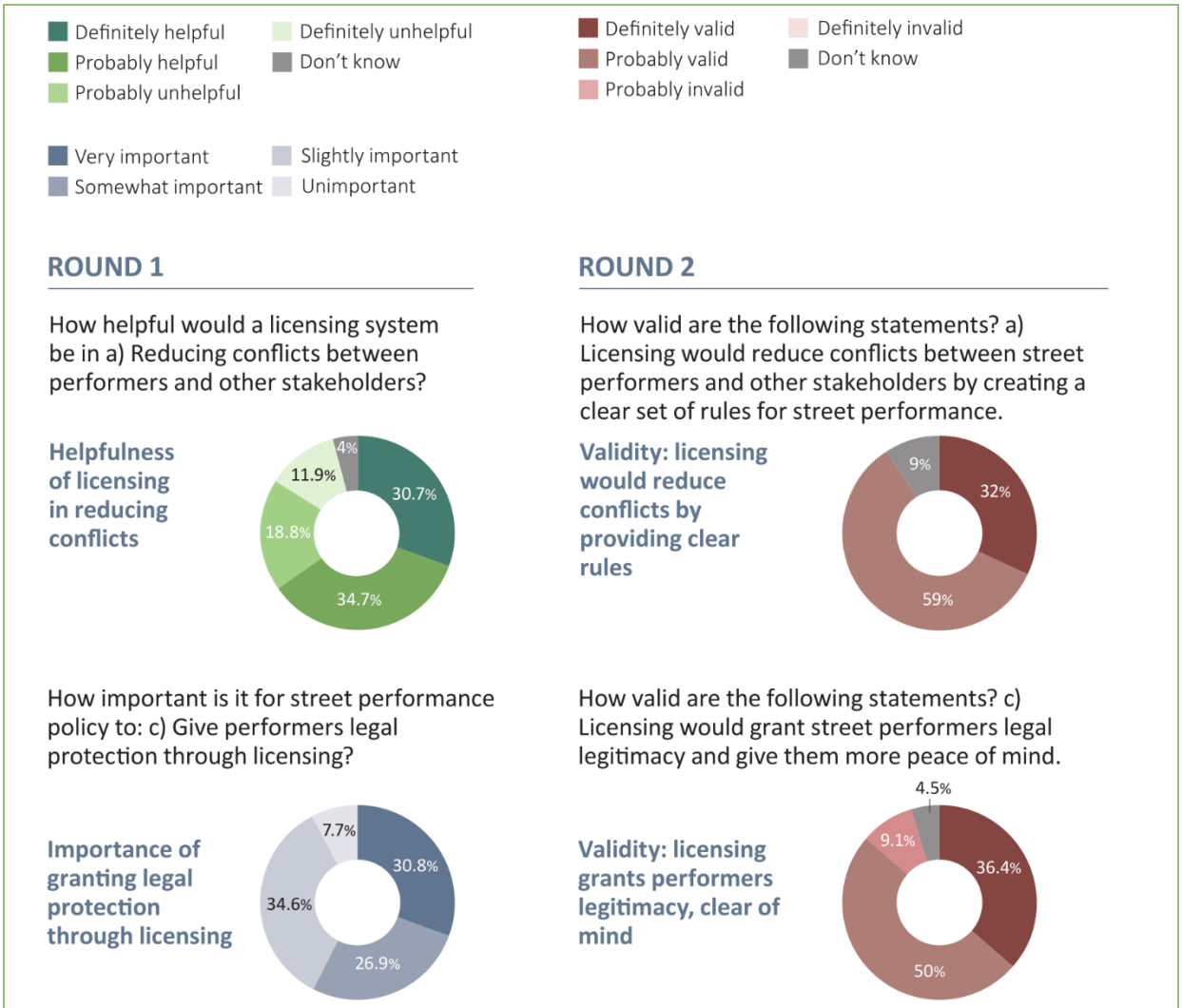


Figure II-21: Comparison between Round 1 and Round 2 views on licensing

Main takeaways:

- Stakeholders agreed on the benefits of adopting the licensing approach for its value in conflict reduction and granting performers legal protection.
- However, two conditions must be met to gain their full support 1) a clear and simple set of rules, and 2) a plausible administrative path to implementation within a reasonable time frame
- Policy makers should also proceed with caution to alleviate concerns about free cultural expression and inclusiveness, particularly in light of Hong Kong's exceptionally charged political environment. This is discussed below in Section II-4.1.2.

II-4.1.2 Quality control—auditions

In Round 1, stakeholders had mixed feelings about auditions. While 100 per cent of participants agreed on the importance of addressing poor performance quality, only 48 per cent selected "supporting people's right to cultural expression" as one of their top three policy objectives. While 77 per cent of

participants agreed that auditions would help to establish an artistic benchmark for performers, 69 per cent of participants were also worried that it would result in unfair exclusion. Therefore, in this round, participants were presented with a list of five proposals for auditions, and asked to rate the acceptability of each option.

Table II-21: Acceptability of various audition policies

Statements/ % breakdown	Very or fairly acceptable	Very or fairly unacceptable	Don't Know	Total	IQR	Consensus
a. The Government sets up a licensing scheme where auditions are only required for prime locations in high-footfall areas. Approved performers gain priority access to these locations. Other locations do not require an audition to get a license.	64%	27%	9%	100%	1	Strong consensus
b. Auditions are required for all performers, but the judging panel is chosen by arts organisations instead of by the Government.	77%	14%	9%	100%	1	Strong consensus
c. Instead of one city-wide audition scheme, the Government allows district councils to create separate audition schemes for different locations, each run by a different non-profit organisation.	59%	27%	14%	100%	2	No consensus
d. The Government does not implement any audition scheme and promotes better quality performance through voluntary cultural and educational programmes.	41%	45%	14%	100%	1	No consensus
e. The Government does not implement any audition scheme and focuses on addressing measurable problems such as noise and obstruction.	45%	50%	5%	100%	1	No consensus

Results showed that participants were divided over the two proposals that suggested not implementing an audition scheme, especially proposal E, which half of the participants found either "very" or "fairly unacceptable". There were more participants who found the lack of an audition scheme unacceptable than there were who found any of the three audition proposals unacceptable. Of the three audition proposals, participants reached strong consensus on A and B, with A receiving 10 per cent more support than B.

A similar proportion of participants in Round 1 said that auditions would unfairly exclude some performers (69 per cent) as the proportion in Round 2 who said that auditions would be used as a mechanism to censor performers (64 per cent). However, most participants seemed to accept proposals A—limiting audition requirements to certain areas, and B—recruiting non-profit arts groups to serve as the judges, as effective means of alleviating these concerns.

Six participants found proposal A fairly or very unacceptable. These stakeholders represented district councils, a government department, and the business sector. Based on their overall pattern of answers, two preferred to have no auditions at all, three preferred to have auditions but in a different format, and one was favourable towards some of the audition options but also to not having any auditions.

For B, the three participants who found it unacceptable included two from the business sector and one District Council member. Two of the three leaned towards preferring no auditions, and one wanted auditions but preferred a different scheme.

Surprisingly, performers, who would be personally affected by auditions, did not find either A or B particularly problematic.

However, participants felt less keen on proposal C, the decentralised scheme which avoids placing decision-making power into a single body, thereby offering more choice for performers. Only 59 per cent of participants found it "very/ fairly acceptable". Of the participants who were less willing to accept C, 2 were performers, and others from the public and private sectors. Given that participants elsewhere expressed support for "simple rules that require little manpower to enforce" (discussed in Section II-4.5), proposal C may have been less appealing due to the much higher level of complexity involved in enforcing and following the rules.

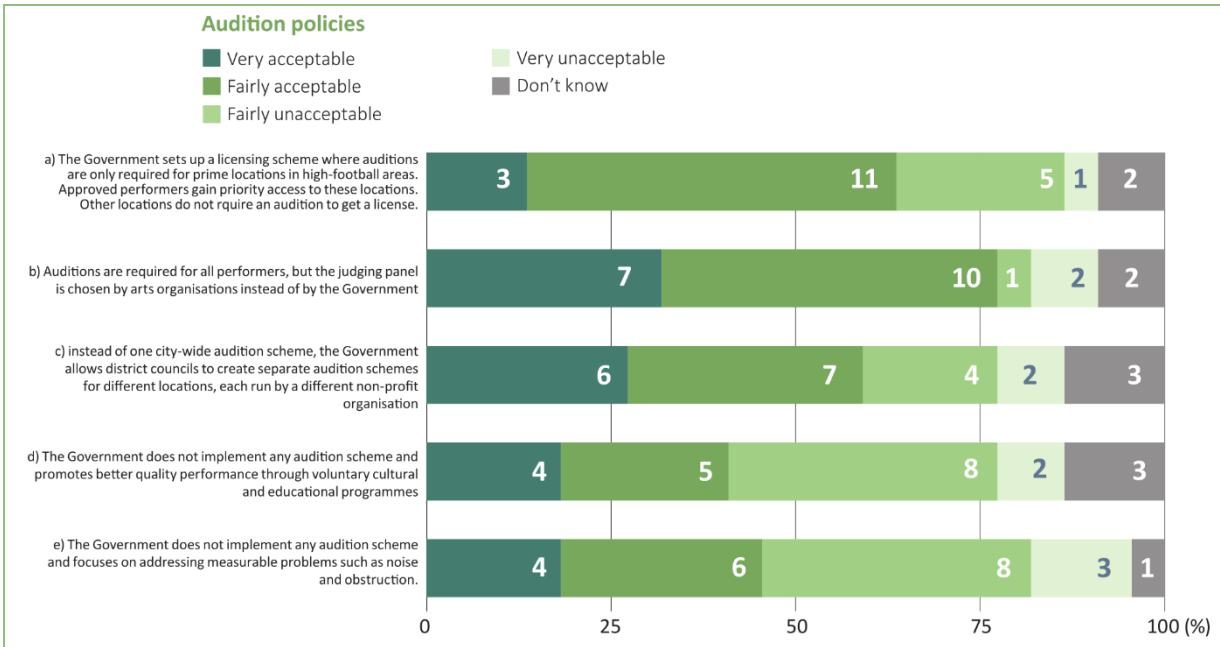


Figure II-22: Chart of acceptability of various audition policies

Main takeaways:

In order to strike a balance between raising quality and preserving freedom, participants showed willingness to accept audition schemes on the conditions that:

1. It is required only for prime locations—to find an appropriate level of quality management (proposal A) and…
2. The judging panel is chosen by arts organisations to make it as fair and inclusive as possible (proposal B). As discussed in Section II-3, in Round 1 participants failed to reach consensus on the feasibility of the Government setting up a "fair and transparent" audition system. Tapping arts non-profits to administer the auditions would be a way to increase the perceived feasibility of auditions and bolster public confidence in the policy.

II-4.1.3 Noise control measures—decibel limits

Participants were then asked about noise control measures in the context of licensing conditions. In Round 1, participants strongly agreed that noise issues needed to be addressed as the second highest priority after poor performance quality. One of the potential solutions suggested to participants was a decibel limit, which was not an unfamiliar measure as it is used in limited contexts such as the WKCD's busking scheme and outside the Hong Kong Cultural Centre.

As a large majority of stakeholders thought that it would be suitable for Hong Kong in Round 1, it will be included in this report's recommendations to the Government. Round 2 asked participants to further consider some policy details. One of the reasons given by the few participants who did not favour a decibel limit was that it would be inflexible. Therefore, participants were asked a follow-up question about whether they thought decibel limits should be uniform throughout Hong Kong, or context-dependent. The results show a clear preference for context-dependent decibel limits, which is consistent with comments given during Round 1 and in preliminary interviews.

Table II-22: Decibel limit preferences

Options/ % breakdown	Preference
a. It should be uniform through Hong Kong to avoid confusion and make it easier to enforce.	26%
b. It should vary depending on the location because a busy street needs a higher decibel limit than a park.	64%
c. I don't think there is a need for any decibel limit.	0
d. I don't know.	9%
Total	100%

In Round 1, stakeholders' tolerance of noise varied according to time and location, with broad agreement that residential areas should have less tolerance for noise than commercial areas (Section II-3.1.1). This demonstrates stakeholders' demand for a more flexible, context-sensitive noise control regulatory policy. However, how to balance context-sensitivity with straightforwardness in implementation remains a question.

II-4.1.4 Noise control measures—amplifier restrictions

Apart from decibel limits, amplifier restrictions were proposed as another noise control measure. In Round 1, most of the stakeholders supported amplifier restrictions. However, when we asked them to rate how helpful amplifier restrictions would be, participants agreed that it would be helpful in reducing conflicts, but not so in terms of improving interactions between performers and enforcement officers, nor facilitating street performance vibrancy. As noted in Section II-3, some performers were concerned about the impact this measure would have on the diversity of street performance as a whole.

In Round 2, we asked participants to review a list of proposals for amplifier restrictions and rate their acceptability. The options presented varied by different aspects such as time and location. Participants only reached a strong consensus on two out of the seven proposals listed. Respondents reached a strong consensus on two proposals, D and F, while they reached a weak consensus on A and G, and no consensus on the rest.

Table II-23: Acceptability of various amplifier restrictions

Statements/ % breakdown	Very or fairly acceptable	Very or fairly unacceptable	Don't Know	Total	IQR	Consensus
a. Allow the use of battery-powered amplifiers but not gas or mains powered amplifiers.	68%	23%	9%	100%	1.25	Weak consensus
b. Allow amplifiers near residential buildings or hotels, but with a lower decibel limit than in purely commercialstreets.	59%	32%	9%	100%	1.25	No consensus
c. Do not allow the use of amplifiers near residential buildings or hotels at any time.	50%	41%	9%	100%	2.25	No consensus
d. Do not allow the use of amplifiers near residential buildings or hotels after 9 p.m.	77%	14%	9%	100%	1	Strong consensus
e. Only allow street performers to use amplifiers in certain designated commercial streets or public open spaces.	59%	32%	9%	100%	2	No consensus
f. Within public parks or waterfront promenades, only allow amplifiers at designated locations so that other public space users can enjoy quiet areas	86%	5%	9%	100%	1	Strong consensus
g. Implement a decibel level instead of putting any restrictions on amplifiers.	64%	23%	14%	100%	1.5	Weak consensus

Proposals D and F allow performers to continue using amplifiers, but restrict them at certain times and locations. Proposal D, which prohibits amplifiers near residential buildings after 9 p.m. is consistent with stakeholder responses in Round 1, where over 50 per cent expressed a preference for performances to cease in residential areas after 9 p.m.

There is also consistency between previous responses and participants' reaction to option F, which suggests allowing amplifiers at designated locations within public parks and waterfront promenades in order to allow other users to enjoy quiet areas. 88 per cent of participants found this "very/ fairly acceptable". In Round 1, participants expressed a medium to high level of tolerance of noise in public parks and waterfront promenades both on weekdays and over weekends (Section II-3.1.2). However, some stakeholders did express concern in interviews about residents' quiet enjoyment of public

spaces. Designating certain areas for amplifier use, if adequately enforced, appears to be an acceptable compromise to most.

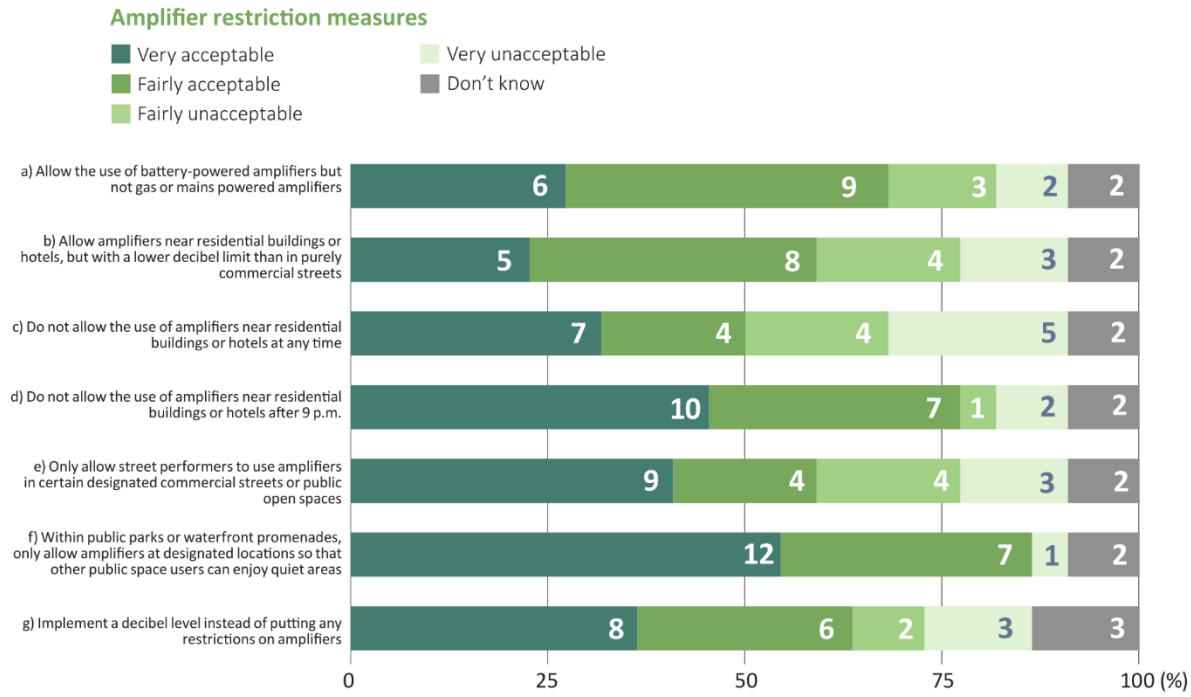


Figure II-23: Chart of acceptability of various amplifier restrictions

Respondents did not reach a strong consensus on options A or G, although 68 per cent and 64 per cent of participants found them "very/ fairly acceptable". Amongst the participants who did not agree with option A, the majority were performers, some of whom did use gas or mains-powered amplifiers. Participants who did not agree with option G were mostly from the Government, district councils and business sectors, indicating that they thought decibel limits alone would be insufficient. This was also expected based on previous comments about amplifier use.

The remaining proposals, option B, which permits amplifiers near residential buildings but with a lower decibel limit, option C, which prohibits amplifiers near residential buildings at any time, and option E, which restricts amplifier use to designated commercial streets and public open spaces, did not receive support from a clear majority of participants.

Comparing B, C and D which concern amplifier use near residential buildings, option D, which was accepted by strong consensus and bans amplifiers near residential buildings after 9 p.m., represents a middle point between the more permissive B and the restrictive C.

Comparing E and F, which are location-based rules, participants showed their preference for F, the less restrictive measure but which addresses other public space users' right to quiet enjoyment.

Additionally, given that performers are not the only amplifier users in Hong Kong, participants were also asked to weigh in on whether they thought that amplifier restrictions should be specific to street performers, or cover all users including commercial promoters and political campaign groups. On the one hand, stakeholders may prefer to treat all amplifier users equally, but on the other hand, some may wish to avoid impacts on activities unrelated to street performance. For example, market stall owners sometimes use amplifiers to advertise wares, shops use recorded messages or television

screens to attract passers-by, and charities, community groups and politicians may use loudspeakers during outdoor fundraising, advocacy or electioneering activities.

Table II-24: Preferred scope of amplifier restrictions

Options/ % breakdown	Preference
a. Only street performers	18%
b. Should cover all amplifiers	64%
c. There should not be restrictions on amplifiers.	0%
d. Don't know	18%
Total	100%

64 per cent of participants agreed that it should target all amplifiers, not just street performers. However, no one selected option C, which means that no one strongly objected to location-based amplifier restrictions in principle. Given that the strongest majorities supported relatively moderate restrictions (D and F), applying these rules to all amplifiers should not have too great an impact on other activities, and exemptions for special cases (e.g. polling days) may be built into the regulations.

Lastly, participants were asked to choose the noise control measures they preferred. In Round 1, decibel limits were more popular than amplifier restrictions. Here, results showed that over half of the participants thought that both decibel limits and amplifier restrictions should be implemented. 18 per cent favoured a decibel limit only, and 18 per cent favoured neither. However, no one supported using amplifier restrictions only.

Table II-25: Preferred noise control measures

Options/ % breakdown	Preference
a. Decibel limit only	18%
b. Amplifier restrictions only	0%
c. A combination of the two	55%
d. Neither	18%
e. Don't Know	9%
Total	100%

Main takeaways:

- Participants preferred a context-sensitive decibel limit which takes into account the location and perhaps the time of day. Participants favoured flexibility over simplicity in this case.
- The decibel limit should be given implementation priority over amplifier restrictions. Support for amplifier restrictions to be used as a stand-alone measure was low, but participants showed willingness to accept amplifier restrictions used in conjunction with a decibel limit.
- Participants favoured a moderate approach to amplifier restrictions that can address noise issues while respecting the needs of other public space users, including street performers.
- Both the implementation of decibel limit and amplifier restrictions should be context-sensitive in terms of time and location, rather than a blanket policy.

II-4.1.5 Monetary donation restrictions

In Round 1, participants did not reach a consensus on donation restrictions in terms of its helpfulness, feasibility and suitability. It was the most unpopular measure for street performance management, especially amongst performers which was understandable as some performers do depend partially on donations for their earnings. Stakeholder support for this measure was low enough to make a ban on donations infeasible as a recommendation. In Round 2, participants were asked about their willingness to accept various more moderate regulations on donations, shown below in Table II-26.

Table II-26: Acceptability of donation regulations

Statements/ % breakdown	Very or fairly acceptable	Very or fairly unacceptable	Don't Know	Total	IQR	Consensus
a. Street performers can set out a box for donations , but may not directly ask people for money.	68%	23%	9%	100%	1.25	Weak consensus
b. Instead of requiring a licence for all street performers, only require those who want to collect money to obtain a licence.	45%	45%	9%	100%	2	No consensus

Results showed that participants did not reach a strong consensus on either of the proposed measures for donation restrictions. However, there were still 68 per cent of participants who found option A "very/ fairly acceptable", while option B divided the participants equally, 45 per cent to 45 per cent, with the remainder responding "don't know". Figure II-24 below also shows that participants objected more intensely to option B, with most of those who opposed it finding it "very unacceptable".

Those who found both proposals unacceptable were roughly equally divided between those who supported donation restrictions and those who opposed them in Round 1, indicating that while some thought that these compromise options were too restrictive, others thought they did not go far enough. All in all, participants' opinions remained more or less constant—donation restrictions of any kind remain divisive.

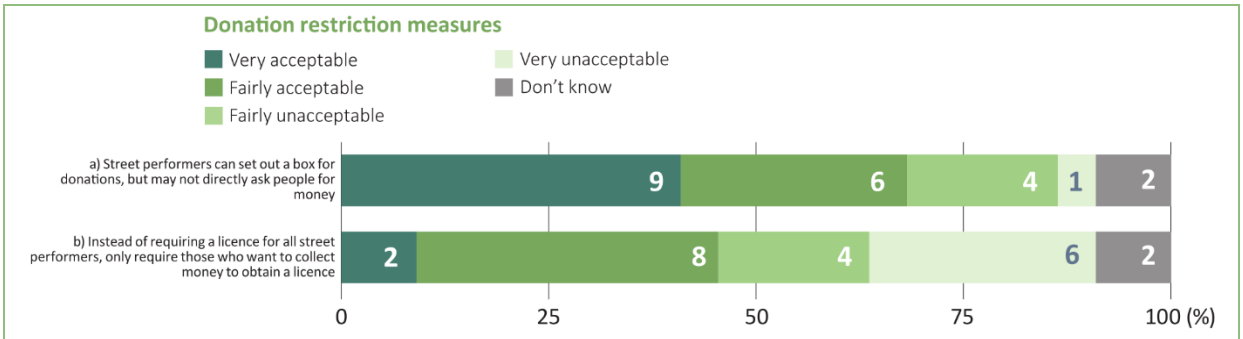


Figure II-24: Chart of acceptability of donation restrictions

II-4.1.6 Main takeaways—licensing approach

- While participants agreed that licensing could reduce conflict, create clearer rules, and grant performers legal legitimacy, they were also aware of its potential drawbacks. Therefore, for licensing to work, policies need to be carefully crafted to address or avoid the drawbacks.
- Respondents were open to licensing with audition requirements under certain conditions. Instead of a highly restrictive audition scheme for all performers, participants find it more acceptable to impose auditions on prime locations.
- In order to ensure fairness and transparency in audition schemes, participants also agreed that the judging panel should be chosen by arts organisations rather than the Government.
- Both decibel limits and amplifier restrictions in combination were favoured by a majority of the participants, but decibel limits are more widely accepted and should take higher priority. Participants wanted that noise control policies should be sensitive to time and place. Most favoured variable decibel limits that take into account background noise levels at different locations. More participants found highly targeted amplifier restrictions that focus on protecting sensitive receivers at particular times and places more acceptable than broad-based restrictions.
- Donation restrictions remained controversial and compromise measures did not gain consensus support from participants.

II-4.2 Zoning

II-4.2.1 Validity of statements about zoning

In Round 1, a majority of stakeholders supported zoning but some expressed concerns about its effectiveness, especially given the limited availability of space in Hong Kong. Therefore, in Round 2 participants were asked to rate the validity of various statements about the suitability of the zoning approach in Hong Kong.

Participants achieved strong consensus on statement A, that zoning would help performers by giving them access to authorised locations; B, that zoning would protect residents from noise nuisance; and F, that spatial limitations would make zoning difficult to implement. Amongst them, option B received the most agreement (86 per cent), followed by A (77 per cent), then F (66 per cent). Both options A and B are about the potential benefits of zoning, while option F presents a condition that would jeopardise its effectiveness. Participants also came within one percentage point of reaching consensus on statement D, that NIMBYism would be an obstacle to designating street performance zones. However, despite these concerns, a strong majority agreed on the benefits of zoning.

Surprisingly, all but one performer considered statement B valid, and 7 out of 9 agreed with statement A, indicating that most performers are willing to compromise by not performing near residential buildings in exchange for access to guaranteed performance spaces elsewhere. However, while the overall stakeholder pool did not come to agreement on statement E, that zoning would relegate street performers to undesirable areas, 7 out of 9 street performers considered this statement valid. This shows that while they are open to zoning as a viable approach, they are worried that the zoning decisions will be made without considering their needs.

Table II-27: Validity of statements about zoning

Statements/ % breakdown	Definitely or probably valid	Definitely or probably invalid	Don't Know	Total	IQR	Consensus
a. Zoning would guarantee performers access to authorised locations, enabling them to perform more easily.	77%	14%	9%	100%	1	Strong consensus
b. Zoning would protect residents from noise nuisance by separating performers from residential buildings and creating clear rules for street performance hot spots.	86%	5%	9%	100%	1	Strong consensus
c. Zoning would be easier to implement than licensing because the rules would be simpler and the Government won't need to establish a new Department of Culture to implement it.	55%	23%	23%	100%	1	No consensus
d. Zoning would be hard to implement because district councils and residents are unlikely to agree to locate street performance zones in their districts.	59%	27%	14%	100%	1	No consensus
e. Zoning would lead to overmanagement of street performers and is likely to result in them being required to use inconvenient locations.	45%	41%	14%	100%	1	No consensus
f. There is too little usable space in Hong Kong for zoning to be effective.	64%	32%	5%	100%	1	Strong consensus

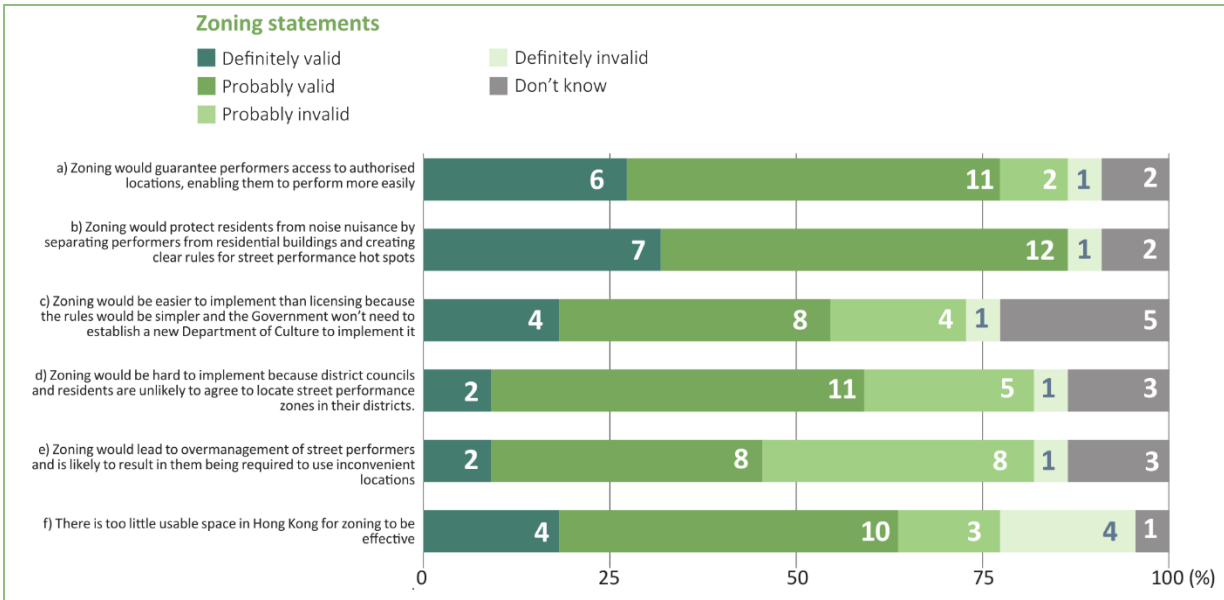


Figure II-25: Chart of validity of statements about zoning

II-4.2.2 Zoning proposals

Participants were then asked to rate the desirability of various approaches to locating performance zones to further probe their preferences and willingness to compromise. A list of four options was provided, with some building on the existing situation, and others suggesting major relocation. Results indicate that stakeholders would mostly prefer to see gradual changes being made to the status quo, rather than disruptive measures.

Respondents reached strong consensus on options A, C and D. However, option C could be interpreted in two ways. Respondents who found this measure desirable could either interpret this as a new measure, or as an addition to existing performance spaces. If they found it desirable because they preferred a large performance zone that is guaranteed to smaller zones scattered across Hong Kong that are not guaranteed, then it would mean that they would be willing to compromise on a moderately drastic change to the status quo, for a better guarantee of performance space. However, if participants found it desirable because it would mean having a large performance space as an addition to what they already have, that would mean they would prefer the approach of adding more to what they already have. Given their responses to the rest of the proposed measures, we are confident that it is more likely to be the latter—general preference for *adding* more guaranteed spaces to the existing ones. Respondents' reaction to option B, which suggested a total relocation from the existing performance spaces already in use, further confirms this point.

Table II-28: Desirability of various zoning approaches

Statements/ % breakdown	Very or fairly desirable	Not very or not at all desirable	Don't Know	Total	IQR	Consensus
a. The Government should allow existing performance hot spots such as the Tsim Sha Tsui and Central ferry piers to remain in place but introduce zone-based regulations to address noise and overcrowding.	73%	18%	9%	100%	1	Strong consensus
b. The Government should try to relocate street performers away from urban streets to parks and waterfront promenades that are not close to residents and businesses.	59%	32%	9%	100%	2	No consensus
c. The Government should designate one or two large performance zones similar to Dai Dat Dei in the 1970s, far away from residential buildings, as long as there are convenient public transport links. Other activities like hawker stalls can be included to attract visitors and the Government can promote it as a tourist destination.	77%	5%	18%	100%	1	Strong consensus
d. The Government should try to spread performers out across Hong Kong by designating multiple small performance spots in each district, for example, outside major public transport hubs, cultural centres, pedestrianised shopping streets, or malls.	73%	18%	9%	100%	1	Strong consensus

II-4.2.3 Spatial occupation guidelines

In Round 1, participants indicated that street obstruction was not the most important issue to address. When we asked participants to rate the importance of minimising obstruction at a list of locations, they thought spaces "in front of MTR stations, bus and ferry terminals" and those "near pedestrian crossings" are the most critical locations where obstructions should be minimised. Bearing that in mind, we asked participants in Round 2 to rate how acceptable each proposal for spatial occupation guidelines was.

Results find that all but option E were acceptable to participants. Respondents found option A the most acceptable measure which "prohibits street performers from setting up directly in front of pedestrian crossings". This is consistent with participants' response to the question on critical locations in Round 1.

Option E, retaining the status quo, is the only one that did not gain support from most participants, with 50 per cent finding it unacceptable. Figure II-26 furthermore shows that more than half of those who found the status quo unacceptable found it "very unacceptable". This shows that while stakeholders did not consider pavement obstruction the highest-priority problem, many of them did not accept taking no action on it.

Table II-29: Acceptability of various obstruction guidelines

Statements/ % breakdown	Very or fairly acceptable	Very or fairly unacceptable	Don't Know	Total	IQR	Consensus
a. Prohibit street performers from setting up directly in front of pedestrian crossings for safety reasons.	82%	9%	9%	100%	1	Strong consensus
b. Prohibit street performers from setting up in front of the entrances of public transport hubs.	77%	9%	14%	100%	1	Strong consensus
c. Designate spots for a limited number of performers in front of suitable public transport hubs where the pavement is wide enough.	77%	14%	9%	100%	1	Strong consensus
d. At designated performance zones, mark locations for performers by drawing areas on the ground to make enforcement simpler.	73%	14%	14%	100%	0	Strong consensus
e. Keep existing regulation on obstruction unchanged as there is no need for special guidelines for street performers.	41%	50%	9%	100%	2	No consensus

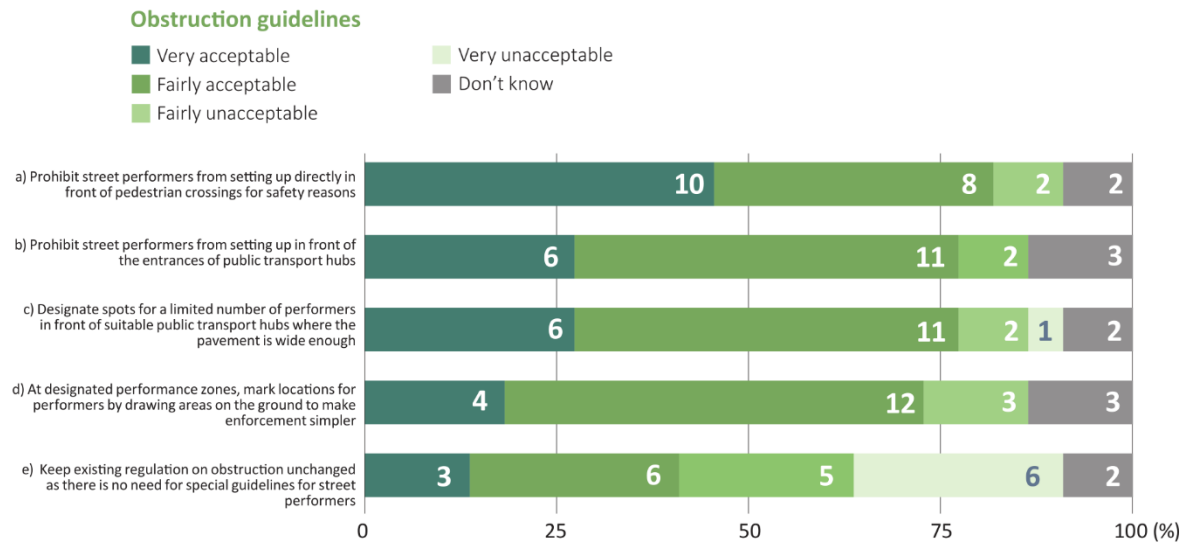


Figure II-26: Chart of acceptability of various zoning guidelines

II-4.2.4 Distancing requirements

In Round 1, most participants were supportive of the suggestion to introduce distancing requirements in order to avoid each others' sounds from clashing. Over 80 per cent of stakeholders thought it would be helpful and feasible but were less optimistic about its suitability in Hong Kong due to space constraints. From the in-depth interviews with stakeholders in Phase 1, we learnt that one of the major reasons for complaints from residents in Mong Kok was the high number of performance groups concentrating in the former pedestrianised street, resulting in their competing to be heard over each other. Stakeholders also questioned how a distancing requirement could be implemented and enforced. With these concerns in mind, stakeholders were asked to review two specific measures for distancing and rate the acceptability of each one.

Table II-30: Acceptability of various distancing requirements

Statements/ % breakdown	Very or fairly acceptable	Very or fairly unacceptable	Don't Know	Total	IQR	Consensus
a. In parks or waterfront promenades where performers are allowed, the Government draws performance spots on the ground about 25m apart.	73%	9%	18%	100%	1	Strong consensus
b. On city streets, a limit is set for 2 amplified performers per street block. (1 city block is about 50-100m long.)	73%	14%	14%	100%	0.5	Strong consensus

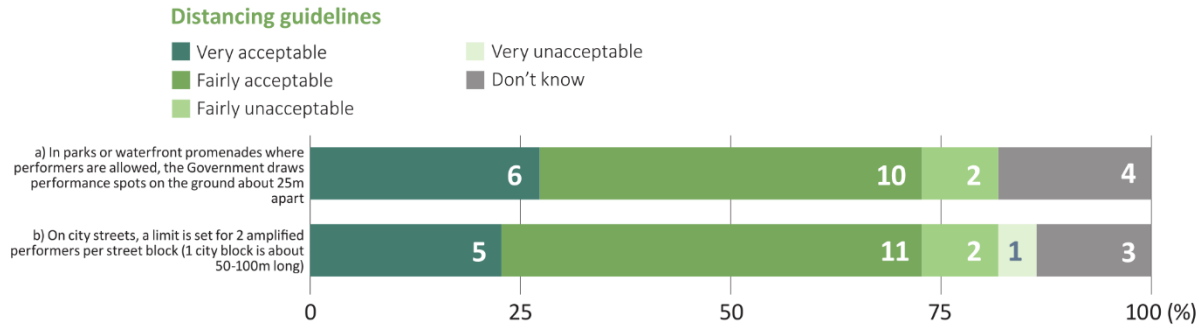


Figure II-27: Chart of acceptability of various distancing requirements

Respondents reached strong consensus on both proposed measures—keeping performers 25m apart in parks and waterfront promenades (option A), and allowing two amplified performers or groups per street block that is around 50-100m long (option B). Both suggestions received 73 per cent support from participants. Overall, participants' views of distancing rules remained positive through both rounds of the questionnaire, but providing examples of how they might work appears to have alleviated their concerns about their practicality. In fact, no one found option A very unacceptable, and only one person found option B very unacceptable.

II-4.2.5 Time limits

In Round 1, a time limit on the duration of performances was one of the less popular proposals as just over half of the stakeholders said it would be helpful and suitable in Hong Kong, and over 70 per cent of them thought it feasible. The main reasons for supporting a time limit were to prevent some performers from taking over spaces for long periods, and to reduce the duration of potential nuisance from each performer or group. However, many stakeholders were concerned about its practicality, and several street performers opposed it as it would seriously inconvenience them. In Round 2, participants were asked to rate the acceptability of several specific proposals for time limits.

Table II-31: Acceptability of various time limits

Statements/ % breakdown	Very or fairly acceptable	Very or fairly unacceptable	Don't Know	Total	IQR	Consensus
a. If time limits are only implemented in public spaces with a specific management body such as LCSD-managed parks, where there are staff to monitor the space?	73%	18%	9%	100%	0	Strong consensus
b. If at designated performance zones, the day is divided into multiple time slots so that it will be clear when performers are supposed to start and finish?	64%	27%	9%	100%	1	Strong consensus
c. If the time limit was longer than 1 hour? (1 hour was suggested in the previous survey.)	50%	32%	18%	100%	1	No consensus

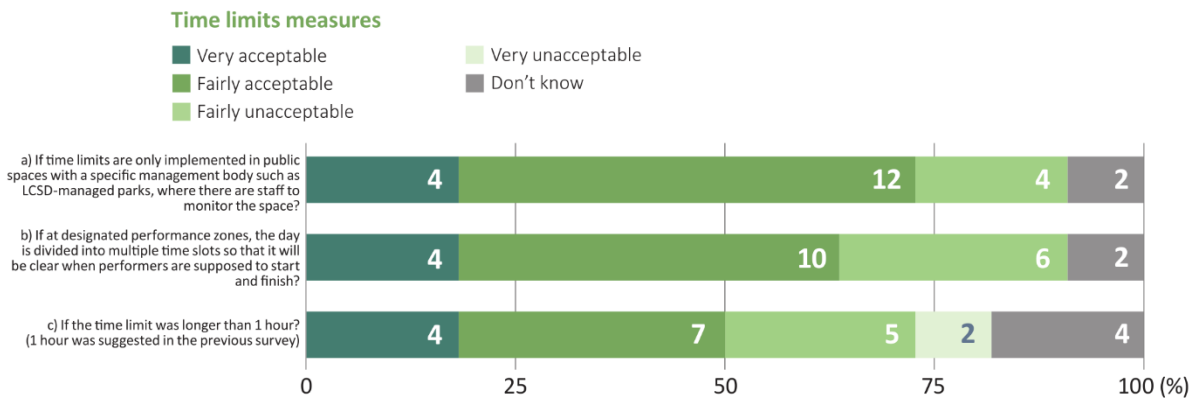


Figure II-28: Chart of acceptability of various time limits

From the results above, we have learnt that participants had a change of opinion about time limits, given that option A addresses the issue of manpower for enforcement, and B provides clarity to make adherence to the rules more practical. It also appears that participants are more willing to accept time limits as an add-on measure to a larger management scheme (e.g. for parks), rather than a stand-alone measure itself.

However, when stakeholders were asked how long the time limit should be, their preferences varied from 1 hour (23 per cent) to 3 hours (27 per cent). Some even preferred no time limit at all (23 per cent). This explains why participants did not reach a consensus on option C, which suggested a time limit that was longer than 1 hour. For some, anything longer than 1 hour was not acceptable, while for others, any time limit was not acceptable.

Therefore, while most stakeholders are prepared to accept a time limit in the context of park management, there is no agreement on a preferred duration.

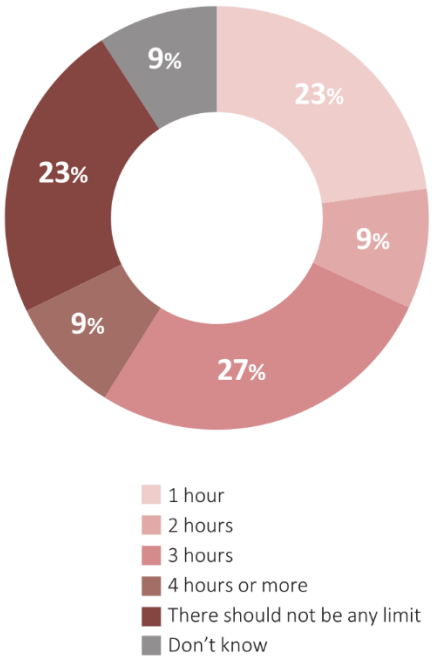


Figure II-29: Preferred length of time limit

II-4.2.6 Combinations of rules for zoning

In Round 2, stakeholders were not just asked to give views on various policy measures in isolation, but to consider how they might work together within the context. Assuming the existence of a performance zone where multiple performers may wish to share a limited amount of space, what measures should be put in place to manage externalities and to ensure that everyone has a fair chance to perform? Stakeholders were asked to review different combinations of three rules: a decibel limit, a distancing requirement, and a time limit.

Option A, the least restrictive option, involves only a decibel limit. The lack of a distancing requirement means that there is no limit to the number of performers who can use the zone at the same time, no time limit means they can stay for as long as they like. Any pitch sharing would be entirely voluntary.

Option B is the most restrictive, as it includes all three rules. As the distancing requirement would limit the number of performance spaces available, this raised the question of how that space should be distributed between performers. The time limit would require pitch swapping, with spaces allocated by queuing or by lottery. This would involve the most active management of street performance zones.

Options C and D involve the decibel limit and either the distancing requirement or the time limit, but not both. Under option C, the distancing requirement would limit the number of performance spots, but performers are essentially left to work out space sharing on their own as they would be able to claim spaces on a first-come-first-served basis. Under option D, the time limit would promote pitch turnover, but there is nothing to stop performers from crowding together at peak times (or by choice).

Participants only reached a strong consensus on Option B, which was the only option that offered a close-to-comprehensive solution to the issues of noise and public space monopolisation. This shows that when prompted to consider the overall operation of performance zones, rules that were not initially viewed so favourably, such as time limits, seemed preferable to not having them in place. Of the four people who found option B unacceptable, two were street performers, one was a District Council member, and the fourth was from the business sector. The other performers found it acceptable. This appears to indicate that if such a system were implemented in street performance hot spots, performers may not necessarily react by moving *en masse* to a less regulated location, provided that the spot remained an attractive place to reach audiences.

Table II-32: Acceptability of various rule combinations in street performance zones

Statements/ % breakdown	Very or fairly acceptable	Very or fairly unacceptable	Don't Know	Total	IQR	Consensus
a. Decibel limit, no distancing requirement or time limit: the zone may become overcrowded with performers, who can claim spaces on a first-come-first-served basis; performers need to keep within decibel guidelines, but sounds from different performers may still clash.	32%	55%	14%	100%	1	No consensus
b. Decibel limit, distancing requirement, and time limit: the distancing requirement and decibel limit would prevent sounds from clashing, but there would be limited spots available; there is a time limit to promote turnover of performers; time slots are allocated by queueing or by drawing lots.	73%	18%	9%	100%	0	Strong consensus
c. Decibel limit and distancing requirement, no time limit: the distancing requirement and decibel limit would prevent sound clashing, but the limited spots are allocated on a first-come-first-served basis and performers would not be required to take turns.	50%	41%	9%	100%	1	No consensus
d. Decibel limit and time limit, no distancing requirement: there would be a decibel limit but no distancing requirement, so sounds from different performers may still clash. A time limit would promote turnover of performers, but the zone may become overcrowded at peak times.	50%	41%	9%	100%	1	No consensus



Figure II-30: Chart of acceptability of various rule combinations in street performance zones

II-4.2.7 Main takeaways—zoning approach

- Stakeholders showed a preference for more comprehensive rules under a zoning system. They would be more willing to accept a combination of rules at designated performance zones in order to mitigate noise nuisance and promote pitch turnover.
- Due to general concerns about the lack of usable spaces remaining, participants preferred to see new rules and regulations applied to the existing performance spaces, rather than being relocated altogether to just parks and waterfront promenades.
- Participants maintained their support for spatial occupation guidelines and distancing requirements, but they had a change of views on the implementation of time limits. Participants would accept a time limit as long as there is a body accountable for its enforcement and that it is used as a part of a comprehensive management system.

II-4.3 Voluntary agreements

II-4.3.1 Non-profit partnerships

In Round 1, participants were asked to rate their support for partnerships between Government and non-profit organisations to manage street performance areas. Over 70 per cent of participants thought this would be helpful and feasible, but only 50 per cent recommended it as suitable for Hong Kong. In general, stakeholders showed limited confidence in the effectiveness of voluntary agreements as a means of managing street performance. In Round 2, a list of reasons for and against non-profit partnerships was compiled from the stakeholders' open-ended comments, shown below. Stakeholders were asked to rate the validity of each statement.

In the list of reasons (Table II-33), statements A, C and D give positive aspects of non-profits partnering with the Government. Option F states a drawback, while options B and E suggest limiting factors for the effectiveness of such an approach. Out of all the statements listed, participants reached strong consensus on options A, B, C, and E, weak consensus on option D and no consensus on option F. That means that while stakeholders were aware of the benefits of the partnership approach, they remained concerned about the limiting factors that would jeopardise its effectiveness. Addressing these limiting factors would strengthen support for this approach. However, it should be noted that while stakeholders did not reach consensus on statement F, a majority of them (59 per cent) still agreed there was a risk that non-profit partnerships would diminish the inclusiveness of street performance. This concern should therefore be addressed through policy design and the structuring of any future agreements.

Table II-33: Validity of statements about non-profit partnerships

Statements/ % breakdown	Definitely or probably valid	Definitely or probably invalid	Don't Know	Total	IQR	Consensus
a. Allowing non-profits to manage designated street performance zones is a bottom-up approach that would promote a more vibrant environment by avoiding overmanagement by the Government.	73%	18%	9%	100%	1	Strong consensus
b. There are too few non-profits in Hong Kong that have the interest or capability to partner with the Government to manage street performance zones.	64%	23%	14%	100%	0.5	Strong consensus
c. Allowing non-profits to manage street performance zones would reduce the influence of profit-seekers and triads in public spaces.	73%	18%	9%	100%	1	Strong consensus
d. Non-profits would be able to use their professional knowledge and networks to recruit suitable performers for public spaces.	68%	23%	18%	100%	1.25	Weak consensus
e. It would be difficult for non-profits to manage street performance zones effectively as they lack legal enforcement power, and the Police would still be needed to handle disputes.	77%	18%	5%	100%	1	Strong consensus
f. Non-profits would make street performance less inclusive by giving performance spaces to people in their own networks and ignoring the needs of other performers.	59%	27%	14%	100%	1	No consensus

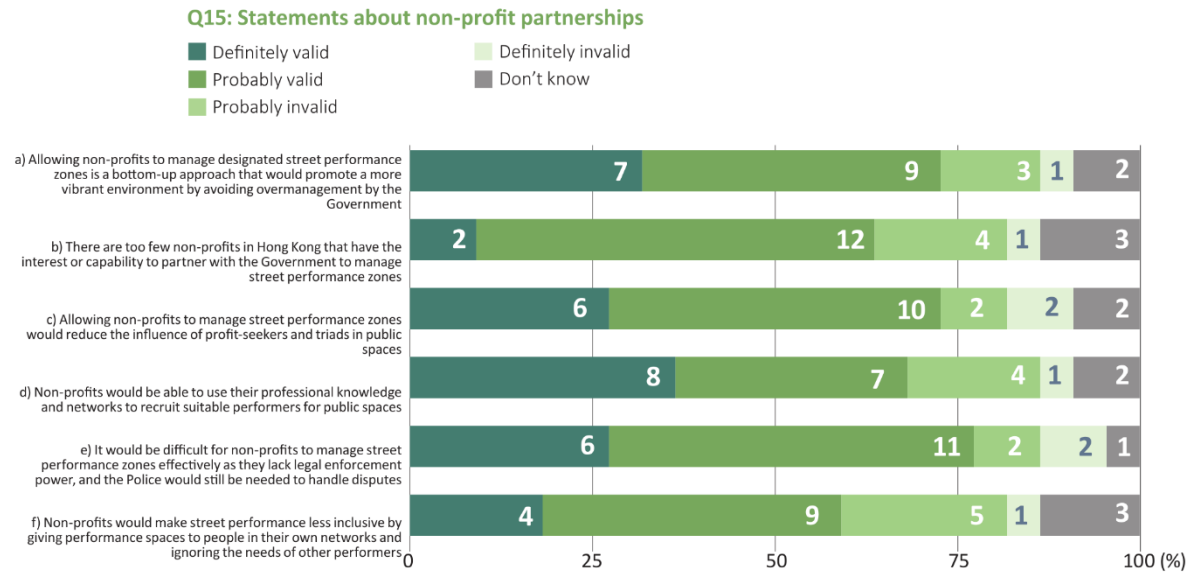


Figure II-31: Chart of validity of statements about non-profit partnerships

II-4.3.2 Code of conduct

In comparison to the partnership approach, stakeholders showed much less confidence in the voluntary code of conduct. Just over half of the stakeholders thought it would be helpful, but only 42 per cent thought it would be suitable for Hong Kong. One of the main reasons was the lack of confidence in performers' ability to self-regulate, which stakeholders expressed during preliminary interviews and in Round 1 of the questionnaire. In Round 2, stakeholders were asked to review a list of statements about codes of conduct and to rate their validity.

Statements A and B were negative aspects of codes of conduct, while options C and D were positive ones. Respondents reached a consensus on all statements, with statement A receiving the highest degree of agreement at 82 per cent. Similar to their responses to the partnership approach, enforceability was a major concern. Nevertheless, respondents still agreed with the validity of C and D, meaning that participants acknowledged the value of codes of conduct despite their limited enforceability. Among performers, all but one agreed that C and D were "definitely/ probably valid". The rest of the participants who found them invalid were from the Government or business sectors.

Overall, the Round 2 results indicate a more positive attitude towards codes of conduct being a useful educational tool to improve overall street performance culture. It is also clear that stakeholders would be more willing to accept this approach as long as it is introduced as a supplement to other, more enforceable policies rather than relying on it alone.

Table II-34: Validity of statements about code of conduct

Statements/ % breakdown	Definitely or probably valid	Definitely or probably invalid	Don't Know	Total	IQR	Consensus
a. A code of conduct would be ineffective because since it is voluntary, many performers would ignore it.	82%	9%	9%	100%	1	Strong consensus
b. A code of conduct would be too vague and broad to be useful as guidelines for resolving conflicts between stakeholders.	73%	18%	9%	100%	1	Strong consensus
c. A code of conduct would be useful in changing behaviour by educating both performers and residents about street performance etiquette.	73%	14%	14%	100%	0.5	Strong consensus
d. A code of conduct would be relatively easy for the Government to implement as it does not require any new laws or new bodies of Government to be created.	68%	23%	9%	100%	0.25	Strong consensus

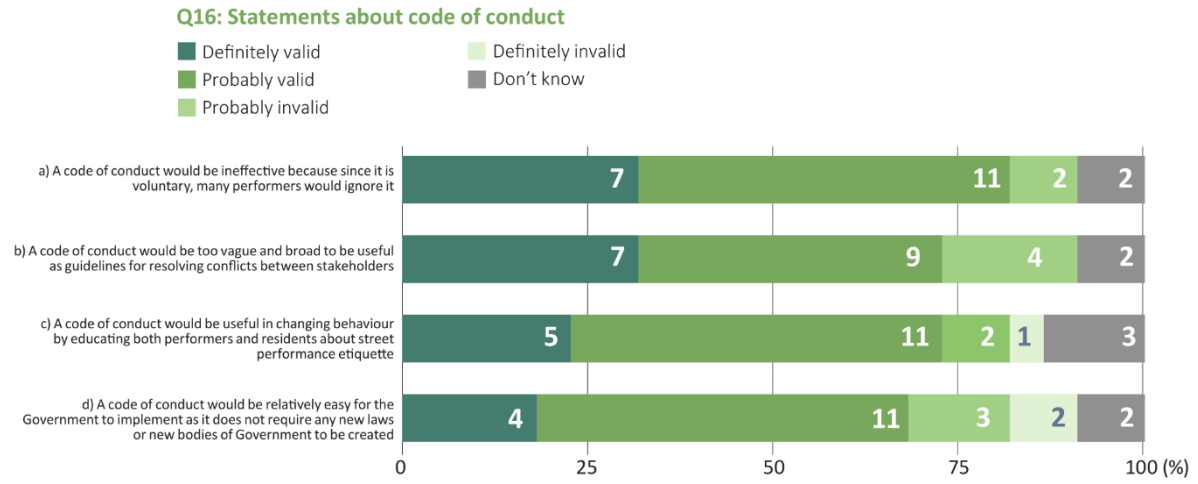


Figure II-32: Chart of validity of statements about code of conduct

II-4.3.3 Implementation of voluntary measures

Stakeholders were then presented with a list of voluntary policy measures and asked to what extent they thought the Government should try to implement them. This was a test of how worthwhile stakeholders thought it would be to pursue a voluntary approach given their misgivings about its effectiveness. It was expected that some ideas would receive more support than others, and that the more ideas that were supported, the more they favoured the voluntary approach overall.

Table II-35: Government actions on voluntary measures

Statements/ % breakdown	Definitely or probably should	Definitely or probably should not	Don't Know	Total	IQR	Consensus
a. Establish a programme for a non-profit arts organisation to partner with developers to arrange for street performers to perform in privately managed public open spaces.	73%	18%	9%	100%	1	Strong consensus
b. As a pilot project, set up non-profit partnerships to manage street performers on one or two streets.	82%	9%	9%	100%	1	Strong consensus
c. Combine a code of conduct with non-profit management of street performance hot spots.	77%	14%	9%	100%	1	Strong consensus
d. Create a code of conduct as a first step to promote better self-regulation among street performers, and promise to introduce formal regulations later if this does not lead to improvement.	73%	18%	9%	100%	1	Strong consensus
e. In addition to formal regulations to handle problems like excessive noise, promote a code of conduct to educate performers and the public about performance etiquette, crowd management techniques, and space sharing.	86%	9%	5%	100%	1	Strong consensus

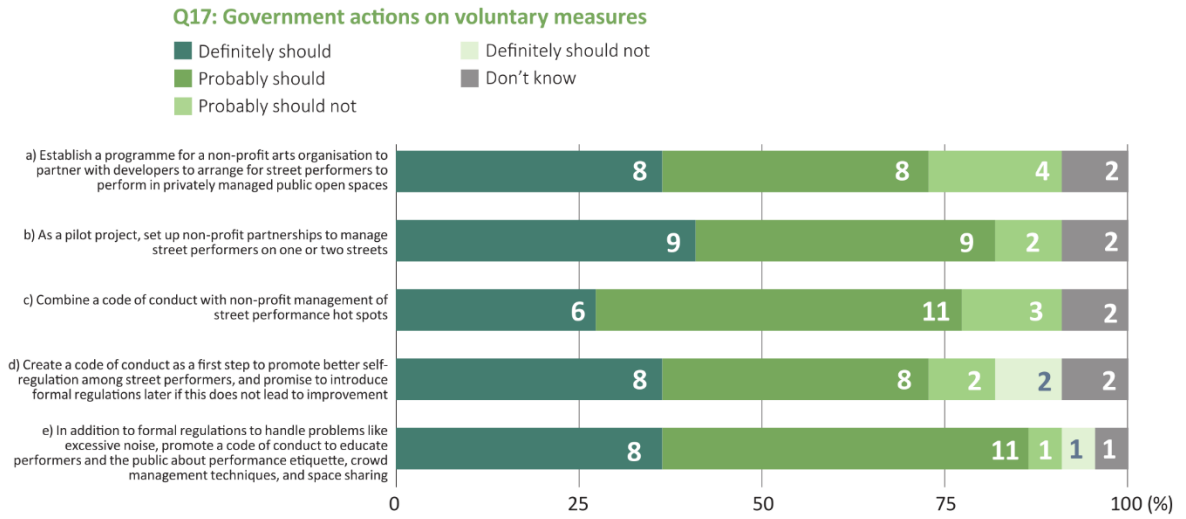


Figure II-33: Chart of government actions on voluntary measures

II-4.3.4 Main takeaways—voluntary approach

- Although participants held positive opinions about the partnership approach, two main limiting conditions would jeopardise its implementation in Hong Kong. One condition is the lack of sufficient civil society groups with the capacity to partner with the Government. The other is the lack of enforcement power for these groups.
- Upon further probing, stakeholders became willing to reconsider the use of a code of conduct as an educational tool and within the context of a broader regulatory scheme.

II-4.4 Support measures for local artists

In Round 1, participants gave seemingly contradictory responses on questions to do with cultural policy. For example, all the stakeholders thought poor quality performances were an important problem, but did not think that "providing support and training for performers to improve their skills" was a high priority. Yet, when we asked participants to choose the top three most important policy objectives, 76 per cent of participants chose "support local artists" as one of their three choices. Round 2 therefore delved more deeply into what type of measures stakeholders felt were needed to support local artists.

Participants were asked how useful it would be to adopt a range of suggested measures. Eight measures were proposed covering partnerships, collaborations, direct financial support, and information distribution.

Table II-36: Support measures for local artists

Statements/ % breakdown	Very or probably useful	Slightly or not useful	Don't Know	Total	IQR	Consensus
a. Feature street performers on an official website and in tourism promotion materials.	77%	18%	5%	100%	1	Strong consensus
b. Create a "one-stop shop" website for street performance in Hong Kong to provide information on rules, application processes, and designated performance locations.	77%	14%	9%	100%	1	Strong consensus
c. Create a platform to link street performers up with private venue managers such as shopping malls.	68%	27%	5%	100%	2	Weak consensus
d. Work with performing arts schools or arts non-profits to organise training workshops for beginner street performers.	77%	14%	9%	100%	0.25	Strong consensus
e. Organise and promote street performance competitions and festivals.	77%	14%	9%	100%	1	Strong consensus
f. Provide more funding support to arts organisations.	77%	18%	5%	100%	1	Strong consensus
g. Create an official definition of street performance to differentiate street performers from illegal hawkers or beggars.	77%	18%	5%	100%	1	Strong consensus
h. Create a bureau of culture in Hong Kong to make cultural policy.	59%	32%	9%	100%	1.25	No consensus

Out of all suggestions, options C and H were the only two on which participants did not reach a strong consensus. Amongst the participants who did not find C useful, which suggested creating a platform to link performers and private venue managers, 6 were from business and government sectors (except for 1 performer). Likewise, the 7 participants who did not find H useful were not performers but came from business, the non-profit sector, and government. This may reflect a reluctance to implement these measures, thus limiting the scope of support for artists that can be expected to go forward.

The suggestions that received a strong consensus were all deemed "very" or "somewhat" useful by 77 per cent of the participants, although "creating an official definition of street performance" received the strongest support as fully 50 per cent said it was "very useful" (see Figure II-34). This reflects concerns about the vagueness of the existing regulatory framework, which tolerates but does not endorse street performance, which is then frequently conflated with illegal hawking or begging.

Option D, which suggests creating training workshops for beginner street performers, was received more positively than the idea that performers needed more training presented in the Round 1 questionnaire, probably because of the different framing. Whereas in Round 1, training was presented as a solution to poor quality performance, in this case it was presented as a form of support for performers. Overall, the stakeholders were open to a wide range of support for artists.

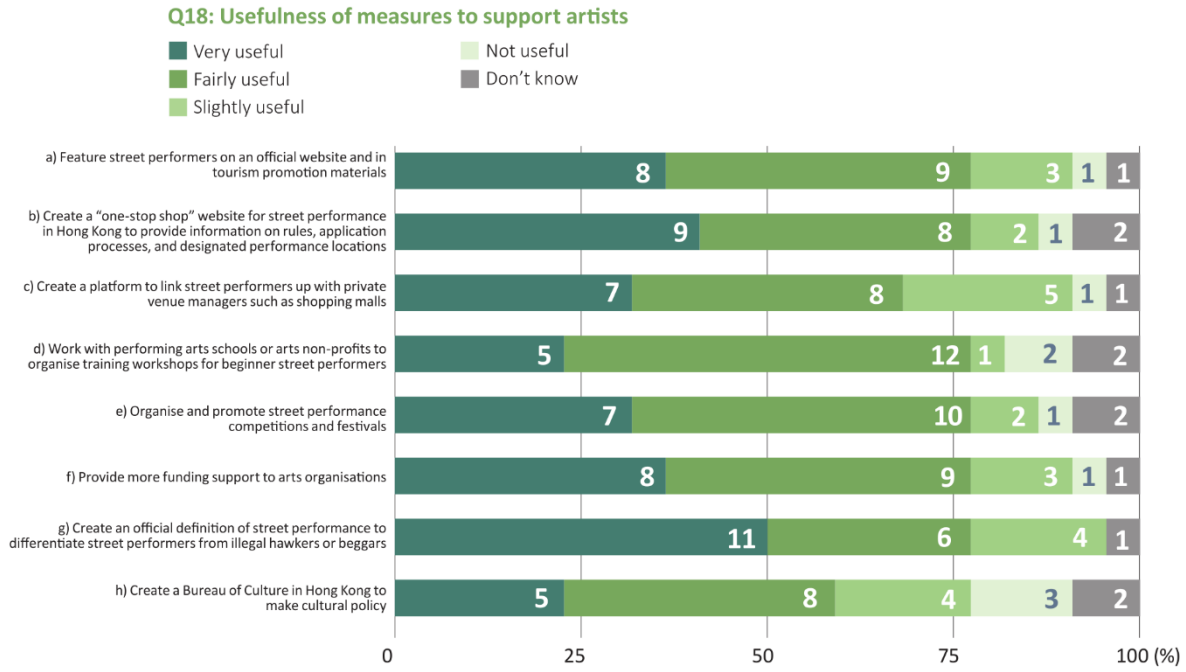


Figure II-34: Chart of support measures for local artists

II-4.5 Policy features

To get a better sense of stakeholders' priorities in policy design and implementation, stakeholders were presented with a list of 10 policy features (Table II-37) based on comments from the preliminary interviews and the Round 1 Delphi survey, and asked to rate the importance of each one.

In Round 1, when participants were asked to choose their top three policy objectives, besides "supporting local artists", the second and third most popular choices were "promoting a vibrant urban environment" and "reducing the level of nuisance". However, in this round, participants were asked explicitly to weigh the trade-offs between nuisance reduction even at the expense of street performers' freedom (option H), and promoting vibrancy even if this means tolerating some nuisance (option J). The result was that the order of priority was reversed, with option J being deemed "very" or "somewhat" important by 68 per cent of participants, compared to 86 per cent for option H. In other words, while vibrancy remains an important aspiration, fewer stakeholders were willing to tolerate nuisance for its sake.

The most popular policy feature was option B, "simple rules that require relatively little manpower to enforce". More than half of the participants considered this "very important". This is consistent with government and business stakeholders' previous comments about manpower requirements, enforceability, and clear delegation of responsibility.

Options F and G also received significant support from participants, both at 91 per cent, with only 5 per cent of the participants saying that they were important features. Both options F and G promote greater engagement and consultation between policy makers and the communities affected by the policies.

Table II-37: Importance of various policy features

Statements/ % breakdown	Very or fairly important	Slightly or not important	Don't Know	Total	IQR	Consensus
a. Can be implemented without the Government having to pass any new legislation.	68%	18%	14%	100%	1	Strong consensus
b. Simple rules that require relatively little manpower to enforce.	95%	0	5%	100%	1	Strong consensus
c. Based on measurable standards and avoids judgements about subjective matters such as quality.	86%	9%	5%	100%	1	Strong consensus
d. Based on legally enforceable rules.	86%	5%	9%	100%	1	Strong consensus
e. Based on co-operation with civil society groups and the arts sector.	86%	5%	9%	100%	1	Strong consensus
f. Consults with street performers periodically to make adjustments based on their needs.	91%	5%	5%	100%	1	Strong consensus
g. Consults with district councils periodically to make sure local communities are satisfied with thearrangements.	91%	5%	5%	100%	1	Strong consensus
h. Protects residents from noise and nuisance even if this introduces more restrictions on street performance.	86%	9%	5%	100%	1	Strong consensus
i. Allows casual performers to use public spaces for self-entertainment and social activity without a complicated application process.	73%	14%	14%	100%	0.5	Strong consensus
j. Promotes urban vibrancy even if this means tolerating some complaints about nuisance.	68%	23%	9%	100%	1.25	Weak consensus

Support for option E, which promotes co-operation with civil society groups and the arts sector, reached 86 per cent. This also promotes stronger communication but more importantly, this is a strong indication of support for the partnership approach. It is important for government to engage with multiple stakeholders not only during the policy formulation stage, but continuously throughout the implementation cycle to ensure that the policies are responsive, locally relevant and technically feasible on the ground.

However, option C, "based on measurable standards and avoids judgements about subjective matters such as quality" was also deemed important by the vast majority of participants (86 per cent) despite this contradicting their previous support for audition schemes and their lack of enthusiasm for the suggestion, "The Government does not implement any audition scheme and focuses on addressing measurable problems such as noise and obstruction," (45 per cent deemed this acceptable—see Section II-4.1.2). This suggests that views on auditions remain malleable, depending on how the issue is presented. While most of the stakeholders would be willing to accept an audition scheme (especially if run by non-profits), this final question indicates that they may also be satisfied by policies that do not include quality controls if they are successful in addressing noise and nuisance.

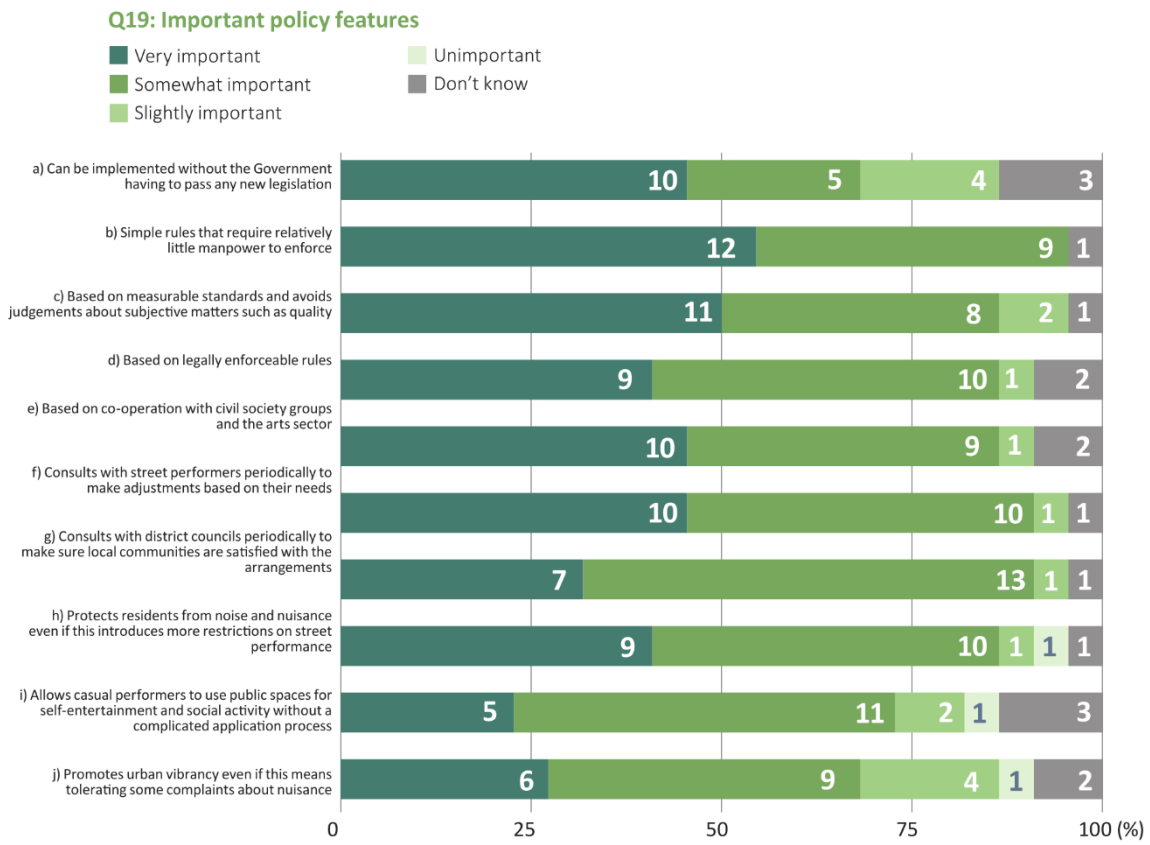


Figure II-35: Chart of importance of various policy features

II-5. Final Policy Implications and Recommendations

II-5.1 Policy rationale and supported measures

Based on stakeholders' choice of the top three most important policy objectives (Section II-3.1.1), and their respective positions along the regulation spectrum (restrictive vs. permissive) and culture spectrum (professionalised vs. informal) (Section II-2.1), we found that stakeholders' preferences lean towards policy objectives that are relatively permissive, professionalised and restrictive. (Being permissive and restrictive may seem contradictory but they manifest differently in policy measures.)

To summarise, stakeholders indicated that they would like to see a policy package that does the following:

1. Introduces a management system that utilises professional knowledge and services to cultivate a street performance culture, wherein…
2. Moderately restrictive and clearly articulated rules equipped with objective references are introduced to tackle issues such as noise and obstruction, without…
3. Compromising the fundamental needs of street performers for accessible time and space and a certain level of spontaneity.

The measures on which stakeholders reached positive consensus also fit into the above-mentioned rationale.

Stakeholders' preferences for measures that address nuisance issues (e.g. noise and obstruction) are reflected consistently by their responses to both questionnaires. Therefore, policy recommendations must focus on addressing relatively objective problems to bring about an overall reduction in the nuisance that has caused many complaints. As noted in Section II-4.5, 86 per cent agreed that it was important to "protect residents from noise and nuisance even if this introduces more restrictions on street performance" (Table II-36). Even all but one street performer agreed, showing that most were willing to accept some level of restriction to reduce the negative impact of street performance on residents and other stakeholders. This would help improve the relationship between performers and other stakeholders.

Most stakeholders are willing to accept restrictions with the following qualities: they are context sensitive, simple and easy to follow/enforce; are based on objective measurable standards; and are legally enforceable.

In terms of policy measures, most of the stakeholders showed consistent and growing support for the following rules:

- Decibel limits
- Amplifier restrictions
- Distancing requirements
- Spatial occupation guidelines

These are compatible with the licensing, zoning and non-profit partnership strategies, as shown in Table II-3, Section II-2.4.

Decibel limits and amplifier restrictions are two measures that directly tackle noise issues at their source. Between Round 1 and Round 2, stakeholders became more supportive of certain amplifier restrictions, and most preferred a combination of both measures applied in a context-dependent manner. Stakeholders, including street performers, accepted some level of restriction but wanted the rules to be flexible and suited to the time and place. Hence, most favoured a variable decibel limit

suited to the area's background noise level, amplifier restrictions that protected residents after 9 p.m. and set aside areas of quiet within public open spaces.

Stakeholders were also concerned about the practicality and enforceability of the proposed measures. While in Round 1, a large majority of stakeholders saw the benefit of distancing requirements, many were sceptical of their suitability for Hong Kong until presented with concrete examples in Round 2 which enabled them to envision how they could be implemented in real life.

Stakeholders also initially had concerns about the practicality of spatial occupation guidelines for street performers given Hong Kong's urban density and space constraints. However, Round 2 found that most stakeholders still found it unacceptable to retain the status quo and managed to agree on a number of basic guidelines to protect pedestrian safety at key locations as well as to carve out some authorised performance spaces outside the entrances to public transport hubs.

In terms of management strategies, most stakeholders found the licensing, zoning and non-profit partnerships strategies acceptable. In particular, they showed consistent support for the zoning approach, which is less formal (on the four-point compass in Figure II-3) compared to other strategies. However, stakeholders also thought it was important for policies to be "based on co-operation with civil society groups and the arts sector" (see Section II-4.5), agreed that non-profits would provide a more bottom-up approach (see Section II-4.3), and found it acceptable for non-profits to run an audition system (Section II-4.1.2). This creates an opportunity for non-profit organisations to take the management of performance zones in a more professionalised direction, exercising some quality control and promoting a greater diversity of acts. However, stakeholders' concerns about the capacity of non-profit organisations to fulfil such a role first need to be addressed.

II-5.2 Measures with qualified support

A few of the proposed measures received qualified support from the stakeholders. While they initially had doubts about the helpfulness or suitability of these measures, Round 2 saw some positive shifts in attitude or clarified the circumstances under which stakeholders would find them acceptable. These measures included:

- Auditions
- Time limits
- Voluntary code of conduct

These measures were either not seen as sufficiently effective on their own (voluntary agreements), or elicited divided opinions (time limits and auditions). However, stakeholders demonstrated a level of flexibility in accepting them as viable measures in certain situations or as supplementary to other policies that were considered more productive and fruitful.

In Round 1, stakeholders showed contradictory views on auditions—they said that it was important to address performance quality, but a large majority agreed with statements about both the benefits and drawbacks of auditions. Round 2 clarified these views to some extent, showing that about half the stakeholders rejected licensing options that did not include auditions, but that a majority were willing to accept auditions that were limited to performance hot spots, or which were administered by non-profit arts groups instead of the Government. Geographic specificity allows street performers the leeway to choose whether to audition, while non-profit management appears to boost stakeholders' confidence in the artistic expertise and impartiality of the audition process. These options also meet the demands of those who wish to see poor quality performances filtered out, at least in high-profile locations. If implemented with these conditions, while there would still be a vocal

minority opposed, an audition scheme would be accepted by most of the stakeholders, including performers. However, should these conditions fail to be met, the balance of opinion would likely shift against the audition scheme.

Another policy measure that received conditional support was a time limit on the duration of individual performances. This was initially proposed as a means of preventing a small number of performers from monopolising performance spaces. Although stakeholders thought it would be fairly feasible to implement and enforce a time limit in Round 1, it was not considered helpful or suitable in Hong Kong (see Section II-3.2.2).

Round 2 found that stakeholders became less negative about time limits when concerns about practicality were addressed by placing it into a context where there would be a clear body responsible for enforcement, and simpler rules (i.e. time slots with fixed start and end times).

Stakeholders were also more willing to accept the time limit when presented in a setting where this rule would interact with other measures instead of in isolation, and where site constraints would be at play. When asked to choose between different permutations of rules including decibel limits, time limits, and distancing requirements at designated performance zones, the only option that received a strong consensus was the most restrictive one, involving all three rules. In this context, the time limit was viewed as a means of more equitably sharing a limited amount of performance space. The alternatives—tolerating venue overcrowding, or allowing performers who arrive first to monopolise the space—were less attractive in comparison.

However, stakeholders still failed to come to any agreement about the preferred duration of the time limit, with about a quarter of the participants each choosing one hour, three hours, or no time limit at all. A compromise of two hours might be adopted, but would fail to satisfy stakeholders. It is therefore suggested that time limits only be adopted at actively managed street performance hot spots with limited space and high demand.

Finally, the voluntary code of conduct received the lowest support of all the strategies in Round 1 as many stakeholders believed it would be ineffective. In Round 2, stakeholders were asked if they would be willing to consider it as a supplementary or a transitional measure, instead of a stand-alone policy. When presented this way, stakeholders considered it potentially useful as an educational tool worth trying (see Section II-4.3.3).

II-5.3 Measures with unresolvable disagreements

Of all the measures put forward, restrictions on monetary donations was the only one where stakeholders consistently remained divided. This idea was originally proposed on the grounds that it would discourage antisocial behaviour and distinguish street performance from illegal hawking or begging.

In Round 1, it was the only measure where stakeholders reached no consensus on any dimension of helpfulness or feasibility. Nor did it receive majority support for its suitability for Hong Kong despite the fact that the suggestion arose out of stakeholder comments. While some stakeholders did believe that money motivated street performers to behave more poorly, many thought that banning donations would end up causing more disputes and be impossible to enforce, in addition to threatening the livelihood of some performers. In Round 2, stakeholders further failed to reach a strong consensus on either of the more moderate proposed regulations. In the end, stakeholders continued to disagree about the legitimate scope of street performance, with some believing that genuine art should not be for money, and others believing street performance to be a legitimate full-

time occupation. However, they did agree that the antisocial behaviour that some believed to be exacerbated by money could be more effectively addressed through other means.

Table II-38: Summary of proposals with consensus in favour

Round	Strategy/Rule	Proposal	% 1st or 2nd choice, ranking question
1	Strategy: Licensing	A licensing system where street performers are only assessed on safety and their likelihood of causing noise and nuisance at proposed performance locations.	67%
1	Strategy: Zoning	Performers are allowed to perform anywhere in the city but there are stricter rules at popular performance areas and in noise-sensitive locations.	92%
		Street performers must use designated performance spaces	67%
Round	**Strategy/Rule**	**Proposal**	**% acceptance**
2	Licensing	The Government sets up a licensing scheme where auditions are only required for prime locations in high-footfall areas. Approved performers gain priority access to these locations. Other locations do not require an audition to get a licence.	64%
		Auditions are required for all performers, but the judging panel is chosen by arts organisations instead of by the Government.	77%
2	Decibel limits	It should vary depending on the location because a busy street needs a higher decibel limit than a park.	64%
2	Amplifier restrictions	Do not allow the use of amplifiers near residential buildings or hotels after 9 p.m.	77%
		Within public parks or waterfront promenades, only allow amplifiers at designated locations so that other public space users can enjoy quiet areas.	86%
		Should cover all amplifiers (not just performers).	64%
2	Zoning	The Government should allow existing performance hot spots such as the Tsim Sha Tsui and Central ferry piers to remain in place but introduce zone-based regulations to address noise and overcrowding.	73%
		The Government should designate one or two large performance zones similar to Dai Dat Dei in the 1970s, far away from urban streets to parks and waterfront promenades that are not close to residents and businesses.	77%
		The Government should try to spread performers out across Hong Kong by designating multiple small performance spots in each district for example outside major public transport hubs, cultural centres, pedestrianised shopping streets, or malls.	73%
		Decibel limit, distancing requirement, and time limit. The distancing requirement and decibel limit would prevent sounds from clashing, but there would be limited spots available. There is a time limit to promote turnover of performers. Time slots are allocated by queuing or by drawing lots.	73%
2		Prohibit street performers from setting up directly in front of pedestrian crossings for safety reasons.	82%

	Space occupation guidelines	Prohibit street performers from setting up in front of the entrances of public transport hubs.	77%
		Designate spots for a limited number of performers in front of suitable public transport hubs where the pavement is wide enough.	77%
		At designated performance zones, mark locations for performers by drawing areas on the ground to make enforcement simpler.	73%
2	Distancing requirements	In parks or waterfront promenades where performers are allowed, the Government draws performance spots on the ground about 25m apart.	73%
		On city streets, a limit is set for 2 amplified performers per street block. (1 city block is about 50-100m long).	73%
2	Time limit	Only implement time limits in public spaces with a specific management body such as LCSD-managed parks, where there are staff to monitor the space.	73%
		At designated performance zones, the day is divided into multiple time slots so that it will be clear when performers are supposed to start and finish.	64%
2	Voluntary programmes	Establish a programme for a non-profit arts organisation to partner with developers to arrange for street performers to perform in privately managed public open spaces.	73%
		As a pilot project, set up non-profit partnerships to manage street performers on one or two streets.	82%
		Combine a code of conduct with non-profit management of street performance hot spots.	77%
		Create a code of conduct as a first step to promote better self-regulation among street performers, and promise to introduce formal regulations later if this does not lead to improvement.	73%
		In addition to formal regulations to handle problems like excessive noise, promote a code of conduct to educate performers and the public about performance etiquette, crowd management techniques, and space sharing.	86%
2	Support for local artists	Feature street performers on an official website and in tourism promotion materials.	77%
		Create a “one-stop shop” website for street performance in Hong Kong to provide information on rules, application processes, and designated performance locations.	77%
		Create a platform to link street performers up with private venue managers such as shopping malls.	68%
		Work with performing arts schools or arts non-profits to organise training workshops for beginner street performers	77%
		Organise and promote street performance competitions and festivals	77%
		Provide more funding support to arts organisations	77%
		Create an official definition of street performance to differentiate street performers from illegal hawkers or beggars.	77%

II-5.4 Implementing the recommendations: short-term measures and quick fixes

Having summarised the recommendations which have received consensus support from a large majority of stakeholders, the discussion will now turn to the timing and mechanisms for the implementation of said measures. This subsection focuses on "quick fix" policy measures which can be implemented without major changes to legislation or to the Government's administrative structures. However, they will require adequate support, co-ordination and resources. This subsection also prioritises the more urgent problems. Addressing these quickly and in a targeted way will hopefully create the space and momentum to introduce more holistic measures.

II-5.4.1 Noise control measures

According to stakeholders, noise was one of the most significant sources of complaint, but it is also one of the more straightforward problems to address. While doing so would involve some amendments to the Noise Control Ordinance, these would be minor and could be implemented within a relatively short time frame.

There is broad support among different stakeholder groups for decibel limits as these would provide objective guidance to street performers and law enforcement officers. It is therefore recommended that Hong Kong adopt a decibel level for street performers.

As most of the stakeholders involved preferred a context-sensitive approach, the Environmental Protection Department's (EPD) current Noise Control Guidelines for Music, Singing and Instrument Performing Activities[302] provides some useful reference. These guidelines recommend that the decibel level should not be more than 10dB(A) above the prevailing background noise level measured at 1 metre from the exterior wall of the nearest noise-sensitive building. Given that building occupants are not the only sensitive receivers in a street performance context, this can be modified to a certain distance from the noise source. For example, the current WKCD's guideline for street performers specifies that sound should not exceed 85dB(A) measured at 2 metres from the source. [303] This was also the guideline used by District Councillor Yu Tak-po in his 2018 busking management experiment in Mong Kok. [304] Technical experts should be consulted for further guidance. District councils could also advise on locally acceptable noise guidelines, which the Police could then refer to when conducting enforcement.

To implement decibel guidelines, the Government will need to make a minor amendment to the Noise Control Ordinance (Cap.400). Sections 9 and 10 of the Noise Control Ordinance allow the Secretary for the Environment to issue technical memoranda for noise from construction sites, and places other than domestic premises, public places or construction sites. As street performance is an activity in public places, it cannot be covered by technical memoranda. Therefore, a small change to the wording of Section 10 carving out an exemption for street performance activities will enable the EPD to issue guidelines, to which law enforcement officers could then make reference. The Police would remain responsible for enforcement against noise violations, but would make reference to the EPD guidelines when gathering evidence, and would need to be equipped with decibel meters.

However, for venues run by the LCSD, there is no need to wait for a legislative amendment to the Noise Control Ordinance. The LCSD could set its own decibel guidelines under the recently amended Pleasure Grounds Regulation (Cap. 132BC), which allows LCSD to post rules governing performance activities on their premises (see below for discussion of LCSD-managed premises).

Regarding restrictions on the use of amplification, stakeholders generally agreed that amplifiers should be limited to certain areas in parks and public open spaces, and that they should not be used near residential buildings after 9 p.m. As noted above, the LCSD has the leeway to implement the former suggestion at its discretion. However, implementing the latter would require some

amendment to Sections 4 and 5 of the Noise Control Ordinance, which govern noise from domestic premises and public places "which is a source of annoyance to any person" between the hours of 11 p.m. and 7 a.m. and on general holidays, and at any time, respectively. While Section 5 already makes it illegal to "[use] any loud-speaker, megaphone, or other device or instrument for magnifying sound" to the annoyance of any person at any time of day, in practice, enforcement focuses more heavily on noise complaints after 11 p.m. A clause may be added specifying that amplification devices may not be used in public places "to the annoyance of any person" within a certain distance of any domestic premises after 9 p.m.

II-5.4.2 Voluntary measures

Non-profit partnerships

In the short term, the Government could implement a non-profit partnership pilot project, where a non-profit would be given responsibility for managing, scheduling, and recruiting/auditioning performers within a defined public space. This is similar to the management model of Covent Garden in London.

Doing so in conjunction with new decibel and amplifier regulations would be beneficial because even though non-profits cannot enforce the law, having new noise control guidelines in place would better equip law enforcement officers to provide support.

The space outside Star Ferry in Tsim Sha Tsui would be an ideal location for this experiment as it is a high-traffic area that is not under the management of LCSD. To help alleviate concerns that non-profits would act in a cliquish manner, the group should be required to run an open recruitment process, and its performance should be reviewed after 3-6 months.

The TPPE license mechanism could be used to authorise a non-profit organisation to manage the designated location as an event space on a temporary basis, without the need for any additional legislation. To implement this, the Government needs to support and streamline the TPPE approval process through co-ordination with the FEHD and other relevant government departments such as the Fire Services Department and the Transport Department (TD). The Government should also provide support for the project's publicity and outreach in order to inform the public about the project and to facilitate participation. Programme staff and volunteers on the ground would also need co-ordination and assistance from the relevant district's law enforcement officers in the HKPF and FEHD.

If successful, the programme could be expanded to more locations. District councils, working together with district offices of the Home Affairs Department, should advise on potential locations and co-ordinate with law enforcement agencies to provide on-the-ground support. This would be one way to create street performance zones without having to pass new legislation. As this is a non-restrictive form of zoning, it would focus on high-footfall locations and would need to be managed in a way that is still attractive to performers despite the rules. It would not be suitable or effective as a method of relocating street performers to more remote or less desirable locations. However, if successful in managing street performance hot spots, it may provide a channel to obtain community and district council support for pedestrian zone expansion. Having a variety of non-profits managing different areas would allow for more diversity and responsiveness to local preferences.

Code of conduct

A voluntary code of conduct could also be introduced in the short term. However, as noted above, it is unlikely to succeed without supporting measures. It should at minimum be implemented in conjunction with new decibel guidelines and amplifier regulations. Moreover, as discussed in *Part I* and the "Managing Vibrant Streets 2: Street Performance Policy in Hong Kong (Interim Report)", [305] successful codes of conduct cannot be unilaterally imposed from above, but need to be developed through consultation with local stakeholders including street performers themselves. This is needed to ensure that the rules are seen as reasonable by all major stakeholders and to secure community buy-in. Only then would it be useful as an educational and norm-formation tool. The Government also must support its rollout with public education and publicity campaigns.

II-5.4.3 LCSD-managed venues

As noted above, parks and other venues managed by the LCSD have the greatest degree of flexibility in introducing street performance management measures without the need for new legislation or amendment of existing legislation. These measures can therefore be introduced quickly and refined incrementally.

In July 2020, the Pleasure Grounds Regulation (Cap 132BC) was amended to ban musical performers from taking monetary rewards on their premises without written permission from the Director of the LCSD and to enable the LCSD to post any rules or requirements pertaining to musical activities. [306]

Since these regulatory changes have been adopted, the LCSD has posted notices in areas such as the Central waterfront warning that taking monetary rewards or conducting musical activities "to the annoyance of any other person" is punishable by a $10,000 fine. However, this has pushed street performers into an evasive relationship with LCSD staff and encouraged performers to relocate to public pavements just outside of the LCSD's jurisdiction.

There is an opportunity for the LCSD to manage street performance activities much more holistically so that street performers are facilitated in using the waterfront area in a reasonable manner. Accommodating performers in public open space can spread out performers and relieve their impact on built-up areas with residential buildings.

There is a need for a significantly larger-scale and more streamlined version of Sha Tin Town Hall's Open Stage Scheme. The LCSD could implement most of the measures suggested above in Section II-5.1, including designating pitches 25-30m from one another, implementing decibel limits, designating areas for amplifier use and quiet zones, and implementing a queuing or lottery system to enforce pitch swapping. To give performers an incentive to participate in this system instead of simply moving to a less regulated area, there also needs to be an application system in place for performers to obtain permission to receive donations while using the designated pitches. This permit would serve as a strong incentive for performers to abide by noise control and other rules.

This could be run in a very similar way to the WKCD's existing scheme, which allows performers to apply (audition) for a permit which is valid for a year. This dispenses with the need to submit a separate application several weeks in advance of every performance, a major bureaucratic hurdle which deters participation. Until the WKCD is more fully developed, the Central waterfront will continue to be a more desirable place for street performers. A comprehensive performance scheme is therefore needed in the places where street performers currently congregate.

To implement this, the Government needs to provide leadership at the bureau level to co-ordinate greater co-operation between the Culture and Leisure branches of the LCSD, and co-operation between the LCSD and WKCDA. Appropriate resources must also be provided for administration and enforcement, as inadequate supervision and enforcement would render any scheme ineffective.

Designated performance zones need to be actively monitored with at least one or two staff members on site during active hours. The staff need to be trained and supported to enforce the rules, but also to conduct outreach, education, and to de-escalate and mediate disputes before they get to the point where formal penalties are needed.

In the medium to longer term, LCSD could set aside additional parks and public spaces to designate and manage for the use of street performers. Areas of future waterfront promenade, especially in commercial areas with few residential buildings or hotels nearby, could be turned into a street performance weekend attraction similar to the *Dai Dat Dei* of the 1970s. While low pedestrian flow has hampered similar efforts in the past, a more streamlined application process, ensuring that the site has convenient public transport access, organising complementary activities besides street performance, and more extensive promotion can encourage participation. Larger sites such as this would meet the needs of performers who sing classic songs catering to older audiences as they do not necessarily need high pedestrian flow, but do need easy accessibility.

II-5.4.4 Jurisdictional agreements

As noted in *Part I*, existing street performance hot spots on the Central and Tsim Sha Tsui waterfronts have complicated jurisdictional lines with different areas under the management of different government departments and private owners. This results in different rules and enforcement regimes in different areas. The Government could bring the government-owned parcels under more unified management by drafting memoranda of understanding between the LCSD, TD, and the Highways Department (HYD) to enable LCSD staff to manage street performance activities on adjacent pavements and entrances to ferry terminals and other public transport facilities on TD's and HYD's behalf. This should not be done to exclude street performers from the entire waterfront, but to incorporate the whole area into a unified street performance management scheme.

II-5.4.5 Support for street performers

In the short term, the Government should also implement some of the support measures for street performers discussed above in Section II-4.4. First and foremost, the Government should create an official definition of street performance. This can be based on the WKCD's existing definition: "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." [307] The list of art forms should be descriptive, not prescriptive. While some cities such as Melbourne and Prague try to prescribe what types of performance are accepted as a means of curation, these distinctions are often arbitrary, disputed, and subject to frequent change. Hence this approach is not recommended. However, for the purposes of licensing (see Section II-5.5.2 below), it may be useful to define broad categories of performer, e.g. music, other performing arts, and visual art/handicrafts for regulatory convenience.

It would be useful to specify that street performance is intended for public enjoyment especially in exchange for voluntary donations. Those who engage in cultural activities for their own recreation in public (e.g. dance practice, religious singing) need not be defined or regulated as street performers. Additionally, drawing a line between freely given voluntary contributions and contributions solicited by harassment would draw a reasonable distinction between street performance and begging. While some cities further try to distinguish between street performance and begging by stating that the purpose of a performance should not be to elicit pity from the audience, this definition is vague as it is difficult to determine intent, and may reinforce prejudices against the disabled.

Secondly, at the same time as new street performance policies are introduced, the Government should provide an easily navigable website for all street performance related information, no matter which department may be responsible for any particular policy. At present, information regarding the WKCD scheme, the LCSD's Open Stage scheme, the one-off Police performance permit, and all relevant legislation are all scattered. This makes it more difficult for the public to know what is legal and for performers to comply with legal requirements even if they wanted. If new measures such as decibel limits or non-profit partnerships are introduced, there would be an even greater need for easily accessible information.

Other measures, such as featuring street performers in tourism promotion materials, organising street performance events, and organising training workshops for beginner performers could be implemented in the short to medium term after the COVID-19 pandemic has subsided and public events may be held again.

II-5.5 Implementing medium- to long-term measures

The following measures are more complex in implementation, and are therefore recommended as medium- to long-term policies. These policies will require the drafting of more complicated legislation, as well as some changes to the Government's administrative structure. As stakeholders did not show a definitive preference for either zoning or licensing, both options are presented below.

II-5.5.1 Zoning

A combination of the LCSD-specific recommendations and the non-profit partnerships described above could make up a rudimentary form of street performance zoning. However, these measures have significant limitations. Street performers range beyond LCSD-managed spaces, and non-profits managing street performance zones in other areas would lack legal enforcement power. Their ability to control activities within their designated areas would depend on reputation, physical presence, and social influence. While these methods might be as or more effective than intermittently present legal enforcement officers, there is a limit to the number of sites that artistic non-profits could realistically manage. The size of the sites they can manage would likely be relatively small.

A more extensive zoning policy would require supporting legislation to enable enforceable rules on pitch designation, spatial occupation, and distancing between performers to be put into place. A zoning system, if implemented without any licensing requirements (see below), would be a medium-term project. The Government would need to draft and pass a Street Performance Activity Bill granting the Secretary of Home Affairs or the Commissioner for Transport the ability to designate certain streets or public spaces "street performance activity zones" and to set regulations therein. This would allow rules to be tailored to site considerations, and may include some combination of decibel limits and amplifier restrictions (if they need to be more site-specific than what is described in the proposed amendments to the Noise Control Ordinance above), a limit of 2 performers per city block, and a prohibition on street performers obstructing pedestrian crossings, bus stops, MTR station exits and other public transport facilities. In especially crowded areas, the Government may wish to actually designate pitches in specific locations to prevent obstruction of narrow pavements. TD, Police, FEHD and district offices under the Home Affairs Department would need to co-operate with one another to establish and implement these regulations (see discussion of interdepartmental co-operation below). District councils, with their detailed local knowledge, should work with district offices to advise on where to designate zones and individual performance pitches.

To obtain broader acceptance from stakeholders, this type of zoning would not prevent performers from legally performing outside the designated zones, but is intended to target high-footfall areas that attract many performers, such as Mong Kok or Causeway Bay. Suburban and new town transport nodes which tend to only attract one or two performers at a time do not necessarily need to be regulated in this manner. Street performers should be consulted on designated zones, to ensure that the proposed locations are viable and attractive to street performers and to make sure that the rules are reasonable from their perspective. It is essential to include performers in decision making so that the zones are well utilised and do not simply push performers to move elsewhere.

II-5.5.2 Licensing

Licensing would be the most complex policy to enact, as it needs new legislation, a dedicated government body for its administration, and various support measures. Hence, this would be a longer-term project that should be implemented if smaller-scale measures are not effective. If licensing were implemented, a separate zoning bill would not be necessary as zoning would be incorporated into the licensing scheme. The Government would need to draft and pass a licensing bill. The bill would need to empower the Director of Home Affairs to designate street performance zones and set out licensing conditions and requirements for said zones. This would enable the Government to create large general purpose zones as well as smaller zones which may have more specialised requirements. The authority to issue and revoke licences would be delegated to a licensing or audition committee, the composition of which will be discussed below. To prevent redundancy and inefficiency, street performance licences should be recognised by the WKCDA and the LCSD.

It is recommended that similar to Melbourne's practice, there should be two tiers of licence. The first would be a general purpose licence that is valid in the majority of urban Hong Kong. To obtain this licence, performers do not have to audition, but should be required to undergo a safety, volume control, crowd management and equipment check. They should also be required to attend an educational briefing session on street performance rules and best practices.

Meanwhile, selected high-profile, high-footfall, tourism-intensive areas should be designated as auditioned zones. Performers who wish to perform in these highly desirable areas should have to undergo an audition.

To promote public confidence in the audition process, the judging committee should be composed of representatives from artistic non-profits. It could potentially be formed in a similar manner to the Harbourfront Commission, whose members are nominated by various business and environmental groups. The committee should include representatives of street performers' associations and advocacy groups, and not just organisations working in the formal arts scene. Judging criteria must be made clear and transparent.

The Government may also consider issuing different licence categories with different conditions to musicians, performing and visual artists, as their modes of operation, needs, and impact on their surroundings are different.

To administer the licensing scheme, the Government would need to set up a street performance licensing office under the Home Affairs Bureau (or a broader Street Activity Office—see Section II-5.5.4) to process and approve applications, organise auditions, safety checks and briefing sessions, provide information, and serve as public liaison for the scheme by soliciting public input and feedback. It would also have the authority to revoke licences in case of serious violations of requirements. It would need to employ experts from the cultural sector, including experienced street performers.

This government-endorsed audition scheme may also serve as a platform for connecting street performers with commercial property owners. The Government may negotiate with commercial

property owners to allow auditioned licensed performers to perform in outdoor commercial premises on a regular basis. The property owners would have the assurance that the performers meet a certain artistic standard, while the street performers would gain additional space to perform.

II-5.5.3 Enforcement

Unlike the short-term recommendations, which do not require any major realignments in enforcement responsibilities within Government, implementing zoning or licensing strategies would require more significant changes.

If enforcement responsibilities are retained mostly along existing lines, the Police would be responsible for enforcement against noise and amplifier use offences, while the FEHD would take the main responsibility for obstruction-related issues. Either department could potentially be responsible for distancing requirements. However, this fragmented approach would not be optimal since it would perpetuate existing enforcement problems.

In the medium term, highly utilised street performance areas/zones should have standing joint enforcement teams each consisting of a few officers who maintain a presence and provide active monitoring and mediation. This would require deeper interdepartmental co-operation. This joint enforcement approach could also be used under either a zoning or a licensing strategy.

In the longer term, there is a need for the Government to rethink the role of the FEHD in street management more broadly. With the long-term decline of hawking in Hong Kong, there is no longer as much need for enforcement teams dedicated exclusively to hawker control. As discussed in Civic Exchange's 2018 report "Managing Vibrant Streets", there are a wide range of street activities from street performance to myriad forms of commercial promotion, most of which are currently handled by overburdened street cleaning teams with inadequate legal tools.[308] There is a need to form street management enforcement teams with a broader mandate to deal with these issues in a more integrated way. This will necessarily involve some rethinking of the FEHD's mission beyond its focus on food safety and public hygiene.

Alternatively, the Government could take an approach similar to Taipei's and create a dedicated enforcement team under the aforementioned street performance licensing office. This would also be similar to the Office of Tobacco Control (HKOTC) under the Health Department. While this approach also can have significant shortcomings if it is not given adequate resources or manpower, street performance enforcement should be relatively feasible under this model as street performers are concentrated in relatively few geographical areas.

II-5.5.4 Administrative reorganisation

As discussed in *Part I* and Civic Exchange's Interim Report,[309] part of the difficulty in making and implementing street performance policy in Hong Kong is that there is no single government department whose responsibilities this would logically fall under. While there is a Culture Branch under the Home Affairs Bureau, the departments and bodies under it—the LCSD, WKCDA, Arts Development Council and Academy of Performing Arts—are not positioned to administer a territory-wide street performance policy. In the long run, the Government may consider establishing a Department of Culture to bring together the different areas of cultural policy implementation and to fill jurisdictional gaps. In the 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.

The lack of a Department of Culture is why it would be necessary to establish a dedicated street performance office to administer a future licensing scheme. A broader-reaching alternative would be to set up a Street Activity Office that would bring together expertise from the urban design, cultural development, and tourism sectors to co ordinate various street activities from a placemaking perspective. This would be beneficial even if the Government ultimately decided not to implement a street performance licensing scheme. It would manage activities, including street performance, commercial promotion, and special events, that do not fall under the definition of hawking, as well as serve as a community liaison to individuals and groups that seek to organise street activities. The TPPE licence process may be transferred over from the FEHD to streamline it and to provide more assistance to applicants.

II-5.6 Engagement

Over 90 per cent of stakeholders felt it was important for the Government to engage with district councils, local stakeholders and street performers. Examples from other cities also show that a major determining factor in the success or failure of street performance policies is ongoing engagement with the community. Therefore, it is strongly recommended that the Government engage with stakeholders during the policy formulation, implementation, and evaluation phases. The Government should not expect to be able to satisfy all parties or to avoid all complaints, but to craft compromise measures that meet the basic needs of most stakeholders. Ongoing engagement is also necessary to ensure that policies are practical and reasonable.

Engagement with street performers is especially important. This is not an easy group to engage, as most of them are not formally organised and many lack familiarity with or confidence in standard consultation processes (see *Part I* for further discussion). Some of the interviewees in this study were experiencing engagement fatigue, having already been interviewed by the media, academics and students without any positive results. Policy makers therefore need to make special outreach efforts and listen to their inputs.

The most successful street performance policies worldwide have the buy-in of street performers. Regulatory approaches that depend entirely on legal enforcement and punitive fines tend to either generate more conflict or suppress street performance activities to the point where they are no longer viable. This research exercise has shown far from being opposed to regulation, most of the street performers interviewed were willing to embrace rules and guidelines as long as they serve a useful purpose in moderating conflicts and facilitating their activities in a reasonable manner.

Conclusion

With more effective management policies, street performance has the potential to be an asset to Hong Kong's urban environment, socially, culturally, and economically. This would contribute towards the Government's efforts in facilitating placemaking, as set out in the "Hong Kong 2030+" development strategy by reshaping public space and thereby enhancing walkability and improving urban liveability. In Hong Kong's highly dense urban environment, recognizing the wider role of streets in creating attractive, liveable, and social places beyond their primary transportation function is a crucial step.

Effective public space management means ensuring that public space can fulfill its legitimate roles while balancing the interactions between its functions in a way that is acceptable to its users, a requirement that is not being fulfilled under current street performance policies and practices. According to the Government, one of the obstacles to progress on this issue has been uncertainty over whether there is public consensus. This engagement-oriented research project shows that not only are there points of mutual or compatible interest among different stakeholder groups, but that they were also able to agree on several practical and beneficial policy measures. While the methodological constraints of this study imply that this group of stakeholders may not necessarily reflect the views of the general public, it demonstrates the possibility of achieving consensus through systematic deliberation and consideration.

Street performance is a challenging problem to address not because any major stakeholder group benefits from or has a strong interest in maintaining the status quo, but because of institutional inertia as it does not fall neatly under the portfolio of any single government department or bureau. While the quick wins proposed in this study are implementable without major changes to the existing administrative structure, there is clear need for leadership at the bureau level to coordinate multiple government departments, to engage with stakeholders in a multidisciplinary fashion, and to proactively collaborate with the private and non-profit sectors.

The policy recommendations in this report may not fully satisfy all stakeholders, however they consist of practicable compromises that have been shown to be broadly accepted by a large majority of those who engaged in this exercise, and which are realistic and feasible within Hong Kong's urban and institutional context. Their implementation would bring about tangible improvements in street performance conditions, thereby opening up more political space for the Government to expand pedestrianized streets and engage in more ambitious pedestrian-friendly urban design throughout Hong Kong.

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Appendices

Details of Public Dissemination

Over the course of the study, Civic Exchange publicized objectives and research progress through its social media channels and website. An interim report covering the first part of research (Phase 1) was launched in a virtual press conference (webinar) in September 2020. Subsequent study findings (Phase 2) and the concluding policy recommendations were published in a follow-up report in April 2021, accompanied by a virtual press conference (webinar) which included a panel discussion. The webinar events were open to the public and can be replayed through Civic Exchange's website and social media channels. Announcements were made through the same channels to the general public. Further, participating stakeholders as well as members of the public and private sector with specific interest in this topic were directly invited to join the webinar.

Both reports (Phase 1 interim & Phase 2 final report) are publicly available from Civic Exchange's website and in printed form upon request. Their technical content is identical to Part I and Part II of this final project report with minor modifications to accommodate for the different layout and minor organizational amendments to introductory and concluding sections. A summary of the dissemination activities as held up to the time of writing of this report are tabulated below.

Beyond the end of this study, Civic Exchange will continue to publicize study outcomes through different channels including news coverage, social media, distributing copies of the report to relevant government departments and stakeholders and providing talks to interested parties.

Table of Dissemination Activities

Date	Activity	Type	Link
22-May-2020	Blogpost & newsletter	Website Article	https://civic-exchange.org/59597/
22-July-2020	Social media post	Social media feature	https://www.facebook.com/civicexchange/posts/3616361115044715
30-July-2020	Social media Post	Social media feature	https://www.facebook.com/civicexchange/posts/3638676326146527
21-Sept-2020	Run-up to Part I (interim) report press conference	Social media announcement	https://www.facebook.com/civicexchange/posts/3804167286264096
24-Sept-2020	Press conference & release of Part I (interim) report	Webinar	https://www.youtube.com/watch?time_continue=5&v=I5tf5PRT8UY&feature=emb_title https://www.facebook.com/watch/live/?v=2135931483210748&ref=watch_permalink
		Social media announcement	https://www.facebook.com/civicexchange/posts/3814440308570127
		Interim Report, bilingual executive summary, information pack, press release	https://civic-exchange.org/report/managing-vibrant-streets-2-interim-report/
29-Sept-2020	Newsletter feature of interim report	Newsletter (Mailing list and website)	https://mailchi.mp/civic-exchange/10immediateclimateactions
20-Mar-2021	Opinion editorial	Media feature	https://www.scmp.com/comment/letters/article/3125905/how-hong-kongs-streets-can-be-harmoniously-brought-back-life

20-Apr-2021	Press conference, panel discussion & release of Part II (final) report	Webinar	https://www.facebook.com/watch/live/?v=378088455869601 8&ref=watch_permalink
		Social media announcement	https://www.facebook.com/events/1910194975816181
		Phase 2 (final) report, bilingual executive summary information pack, press release, English summary of panel discussion	https://civic-exchange.org/report/managing-vibrant-streets-2-final-report/

For Part I

Appendix I-1

Table of Interviewees

Name	Job/role	Organisation/affiliation	Sector
Jay Lee	Street performer/musician	City Echo (Founder)	Civic/ Social
Pong Yat-ming	Street performer	Let's Start (Founder)	Civic/ Social
Heyman	Street performer/musician		Civic
Gustavo	Street performer/stencil artist		Civic
Anna	Street performer/travelling artist		Civic
Mr. Kong	Street performer		Civic
Mong Kok Roman	Street performer		Civic
Yan-yan	Street performer		Civic
K.K.	Street performer		Civic
Arrvin	Street performer/musician		Civic
Ah Sun	Street performer		Civic
Yu Tak-po	DC Member	Civic Party	Public
Cheng Lai-king	DC Member (Central & Western District)	Democratic Party	Public
June Ng	Civil servant	Walkability Task Force, Transport Department	Public
Ms. Y	Civil servant	Leisure and Cultural Services Department, Cultural Services Branch	Public
Mr. Y	Civil servant	Food and Environmental Hygiene Department (Mong Kok)	Public
Ms. H	Civil Servant	Food and Environmental Hygiene Department (Yau Tsim)	Public
Mr. H	Civil Servant	Food and Environmental Hygiene Department (Yau Tsim)	Public
Mr. S	Legislative Council Member's aide	Ma Fung-kwok's Office, New Century Forum	Public
Ms. A	Representative of business association	A non-profit business chamber	Private
Cherry Wong	DC Member (Central & Western District)	Civic Party	Public
Michelle Ho, representative of HKFYG	Non-profit organisation staffer	Hong Kong Federation of Youth Groups	Social
Dorothy Lau	Manager – Corporate Responsibility	MTR Corporation Limited	Semi-Private
Simpson Lo	Senior Manager - Corporate Responsibility	MTR Corporation Limited	Semi-Private
Mr. C	Spokesperson	Private Developer A	Private
Mr. L	Spokesperson	Private Developer A	Private
-	Public Affairs Office	Private Developer B	Private
Mary Melville	Resident, spokesperson for neighbourhood concern group	Tsim Sha Tsui Residents' Concern Group	Civic
Ms. L	Resident, representative of neighbourhood concern group	A community concern group	Social/ Civic

***Remark:** Interviewees who are named fully gave their consent to be identified and to be quoted by their name.*

Appendix I-2

Interest/power/legitimacy stakeholder categorisations

Stakeholders	Interests	Power	Legitimacy	Category
Street performers	**HIGH** • Survival/Income • Exposure • Recreational entertainment • Reputation • Self-discipline • Public education	**LOW** • Divided • Resource-poor • Lack of access to information on relevant laws; usually learned through trial and error • Can sometimes successfully evade or disregard law enforcement efforts • Some have the ability to bully other performers	**LOW-MODERATE** • Inconsistent recognition of street performers' rights by other stakeholders • Sometimes appreciated but suffer reputational damage due to minority of bad actors • Sometimes portrayed as misusers of public space	Vulnerable (IL)/ Marginal (I)/ Forceful (PI)
Residents (individuals)	**HIGH** • Prevention of noise and nuisance disturbance • Concern for neighbourhood image • Favour stricter regulation or even suppression of street performance	**LOW-MODERATE** • Disorganised • Resource-limited: complaints only	**HIGH** • Right to a livable environment widely recognised by other stakeholders	Vulnerable (IL)
Artistic concern groups (e.g. City Echo & Let's Start busker groups)	**HIGH** • Solidarity focused • Support and education • Survival • Promotion of street culture • Professionalisation of street performance (raise standards)	**LOW** • Limited resources • Donation and volunteer dependent • Limited social and political connections	**MODERATE** • Seen as representing good quality artists, but views not well understood or appreciated by wider public • Influential mostly within a subset of (mostly younger) street performers and artistic community • Limited impact on society and the overall street performance culture	Vulnerable (IL), but with potential for partnerships with better-established NGOs or private sector

Neighbour-hood concern groups	**LOW-MODERATE** • Do not see street performance as high priority issue unless neighbourhood disruption is serious • Main focus on improving livability for residents (urban planning, public space, public facilities) • Prevention of nuisances and disruptions to daily life • Upholding standards of social acceptability and good taste • Mixed feelings towards the impact of pedestrianisation	**MODERATE** • Deep knowledge of government administration and public consultation mechanisms • Moderate lobbying power – can make views known but inconsistent ability to sway decision-makers • Active relations with DC members, NGOs, or other political actors	**HIGH** • Widely recognised rights to maintaining a livable environment • Generally well-regarded	Influential (PL)
Business associations	**HIGH** • Prevent unauthorised/ unplanned street performers from appearing in front of shops • Strongly opposed to *dai ma* groups • May welcome planned and curated street events featuring invited street performers • In favour of a regulatory system to impose order on street performance • Image-centric attitudes towards building a tourist attraction	**MODERATE/HIGH** • Work closely with relevant governmental departments regarding street management, event planning, public safety • Government departments usually responsive to complaints • Relatively strong lobbying power • Moderate financial resources	**HIGH** • Well respected by other stakeholders • Right to friendly business environment recognised by most stakeholders, especially decision-makers	Dominant (PIL)
Property developers	**LOW-MODERATE** • Not currently heavily affected by street performances in district • Prevent disturbance to tenants & customers; only invited performers welcome on premises • Interest in placemaking and sustainable development as part of corporate image building & corporate social responsibility • Would benefit from policies that promote orderly, quality-controlled street performance	**HIGH** • Financially and politically resourceful • Sufficient manpower to manage their POPS • Cooperative working relations with governmental enforcement officers	**LOW-MODERATE** • General right to business-friendly environment recognised by most stakeholders • However, viewed with suspicion by public regarding their influence over public space. Eager to avoid provoking accusation of government-business collusion	Dormant (P)

HKPF	**MODERATE** • Strong interest in keeping noise complaints about street performers low • Interest in minimizing manpower and paperwork spent on enforcement against petty offences • Otherwise tolerant attitude towards street performers • Managing street performance not seen as a core responsibility unless public safety is concerned	**MODERATE/HIGH** • Power to enforce relevant laws by warning, moving, or issuing summons against performers • Potentially fast deployment of enforcement officers	**HIGH** • The first go-to governmental body to file complaints • Well recognised responsibilities	Dominant (PIL)
FEHD	**LOW** • Limited interests in street performance activities which are outside their core priorities (food safety and hygiene) • No enforcement against street performers unless they are engaged in illegal hawking or street obstruction	**MODERATE/HIGH** • Authority to enforce relevant laws by warning or issuing summons against street performers; May seize the goods those engaged in illegal hawking • Regular patrols of Central footbridges and TST waterfront	**MODERATE** • Well recognised responsibilities • Staff is generally well informed of the relevant laws and regulations regarding to street management • Enforcement actions sometimes perceived as confusing, arbitrary or unfair by street performers (esp. visual artists)	Influential (PL)

LCSD	**HIGH** • Strong interest in balancing interests of various public space users in LCSD-managed parks and outdoor areas of civic centres • Strong interest in controlling or excluding street performance behaviour that attracts complaints on LCSD premises	**MODERATE** • Has authority enforce Pleasure Grounds Regulation and Civic Centres Regulation by issuing summons or removing offenders from the space • Can create discretionary house rules at Cultural Centre • Fairly well-resourced – security staff & public space managers present during hours of operation in major public spaces • Mixed success in controlling street performance activity – Cultural Centre much more effectively controlled than Tuen Mun Park • Authority is only applicable to LCSD property; street performers take advantage of boundary lines on complex waterfront spaces	**MODERATE** • Relatively well-recognised responsibilities in managing performers on their premises • Some stakeholders see LCSD rules as excessively restrictive	Dominant (PIL)
TD (Walkability)	**MODERATE/HIGH** • Sees unresolved street management issues as a significant cause of community objection to its pedestrianisation projects and hence an obstacle to implementing its walkability objectives • Considers street performance activities as potential place-making tool (in promoting walkability and livability)	**MODERATE-LOW** • Enough influence within Government force to set up an interdepartmental policy steering group at the senior management level • No legal authority to directly manage street activities in pedestrianised precincts • Suggests need for Government to set up a dedicated office to coordinate street management issues including street performance	**MODERATE-LOW** • Limited legitimacy in this area – efforts in advocating for pedestrian improvement schemes face major objections from some residents and DCs for the fear of another Mong Kok	Marginal (I)

MTRC	**LOW-MODERATE** • Supporting performances within MTR stations could help meet their CSR objectives and boost the reputation of the company • Currently runs their own busking programmes at Hong Kong Station but would appreciate if Government set up a working group or office to provide a one-stop service for street performer license applications • However, maintaining the smooth and operation of the MTR system and complying with safety regulations is a higher priority. This limits their ability or interest to allow performers to use other locations	**HIGH** • Well-resourced financially and in manpower • Resourceful in supporting events to boosting company image • Able to form partnerships with NGOs	**MODERATE-HIGH** • Responsibilities well recognised • Have discretion to run their own busking schemes • Established partnerships with NGOs places their CSR efforts in a good position	Influential (PL)
NGO (HKFYG)	**LOW-MODERATE** • Some interest in promoting cultural and recreational activities for target groups (youth, in this case) • However, supporting street performance is only one of many ways to achieve their goals	**MODERATE-HIGH** • Well established status enables them to collaborate with the private sector. • Socially sustained relations with youth groups including young street performers	**HIGH** • Well respected and trusted rights and responsibilities • Non-profits are generally viewed as good actors by other stakeholders	Influential (PL)
DCs	**MODERATE** • Despite some interest in promoting or suppressing street performance activities, the priority remains lowers than some other more pressing issues on their agenda • Street performance only becomes a priority if it is the cause of a large volume of complaints	**MODERATE** • Socially and politically well connected • Some lobbying power and ability to ask for services & assistance from Government departments at district level • Little formal decision or policymaking authority within district	**MODERATE** • Generally respected as legitimate representatives of the public to communicate opinions upwards to the Government • However, legitimacy suffered to some extent due to low election turnout in past years • Relatively low public confidence in the ability of DCs to make an impact due to limited formal authority	Dominant (PIL)

Appendix I-3

Summaries of selected overseas examples of street performance policies

Licensing approaches: Taipei, Singapore and Melbourne

Taipei	
License required?	Yes. Under the "Provisions for the Licensing of Arts Activities by Street Artists in Taipei City", street performers must obtain a license to engage in any "live arts activity" in any public space. Three categories of street performers are recognised: a. performing arts: live performance of music, theatre, acrobatics, puppetry, etc.; b. visual arts: on-site creation of images, portraits, photos, videos, pavement art etc.; c. and creative arts: on-site creation of handicrafts for sale.
Cost	The initial application costs NT$5,000 (approx. HK$143) for individuals and NT$1,000 (approx. HK$264) for groups, while renewals cost NT$200 (approx. HK$53) for both individuals and groups.[1] (Groups can have a maximum of 10 members).
Validity period	2 years. Once a license is acquired, performers do not have to re-audition. Licenses are renewed by submitting evidence, i.e. performance logs, that they have used their license for the intended purpose.
Auditions required?	Yes. Auditions are judged by a panel of judges composed of government officials, arts experts and street performers' representatives. The public may watch the auditions and vote whether they like or dislike each performer. Receiving more than 10% of "dislikes" is grounds for rejection.[2] Auditions are held once a year in May, and each performer is given two minutes to perform.[3] Those who are rejected may submit one request for appeal. The pass rate is below 15%.
Noise limits	As a condition of their licenses, performers should not produce "excessive volume affecting the surrounding environment" or refuse to cooperate when asked to turn the volume down. No objective decibel level is specified. Some individual locations have objective decibel limits.[4]
Spatial rules	Street performers may only perform at the 66 designated pitches by the Department of Cultural Affairs. They must obtain permission from the venue manager (either government agencies or private managers) before using the space. License conditions impose rules on how much space street performers may take up and how far they must stand from one another. - "Performing Arts" buskers must stand at least 4 metres distant from each other, which may be increased to 6 metres at the discretion of public space managing bodies. - "Visual arts" and "creative arts" buskers may occupy a space of 1m by 2m. The amount of space that "environmental artists", i.e. pavement chalk artists, may occupy is granted at the discretion of venue managers.
Time limits	- Performers may normally perform between the hours of 10 a.m. and 10 p.m., although some specific pitches may have different time limits. - There are no general regulations governing the duration of performances, although there may be location-specific rules.
Other rules	- Performers have to display their licenses prominently. - Performers may not obstruct pedestrian or vehicular traffic, block the entrances of buildings, disabled access routes, or firefighting equipment. They must leave at least 3m of space for pedestrian passage. - Street performers are required to clean up after themselves and must compensate any damage incurred. - Religious and political content are not permitted. - Street performers must not engage in "behaviour that has a major impact on the rights and interests of consumers, or that damages or adversely impacts the overall image of street artists". - Performers have to abide by all laws and any regulations specific to performance locations.
Penalties	- Those performing without permission in a roadway can be ordered to stop immediately and fined between NT$1,200 and 2,400 (approx. HK$318-635) under the Road Traffic Management and Penalty Act (national legislation). Property damage, endangerment of public safety, and noise nuisance can also be penalised under the Social Order and Maintenance Act, and the Noise Control Act, respectively. - License conditions are enforced using demerit points. 1 to 5 points may be deducted if performers are found in breach of rules listed in the "Inspection Criteria for Street Performances in Taipei City".[5] If a license holder accumulates nine demerits, their license will be revoked, and they may not reapply for another for 12 months. - The Government can temporarily suspend permission to perform in public spaces or in any events

	organised by the Taipei City Government if a performer breaches the rules twice or is involved in a "major violation". - The Department of Cultural Affairs also reserves the right to revoke licenses if they are found to have been obtained under false pretences (i.e. misrepresenting themselves during audition), if the performer does anything that "adversely impacts the image of street performers to a substantial degree", or for "failure to genuinely undertake street performance without presenting a legitimate reason".
Benefits for perform-ers	The Department of Cultural Affairs provides some support[6] to street performers by: - Promoting street performance in city marketing materials - Inviting street artists to perform at civic events - Providing information and news updates - Engaging street performers (i.e. through surveys) to address public space management issues

Singapore[7]	
License required?	Yes. Licensed street performance is permitted under an exemption to the Public Entertainments Act, which regulates public entertainments in all venues in Singapore. There are three recognised types of street performances: Musical, Movement/Street Theatre, and Visual Arts.
Cost	Free
Validity period	Licenses are valid for 2 years, after which performers are required to re-audition.
Auditions required?	Yes. To obtain a license, performers are required to audition before a panel assembled by the National Arts Council, either individually or as a group. Auditions are held 4 times a year and each performer is given about 5 minutes. The pass rate is around 80-85%. Performers may not appeal the NAC's decisions. Performers are also required to attend a briefing session at which the terms and conditions of the license are explained.
Noise restrictions	Performers should not exceed 65 dBA. Only battery-powered amplifiers are allowed. Generator or mains powered amplifiers are not allowed.
Spatial restrictions	There are 112 designated pitches throughout Singapore. Performers may only perform at the pitches specified on their license. Performers can choose 8 locations on their application forms, of which they will be assigned 5. License holders are allowed to apply once to change pitches within the validity period. Singapore's authorities do not manage time slots for the designated pitches but expect performers to work out pitch sharing arrangements among themselves. Performers are advised to keep a reasonable distance from each other. Performers may not cause obstruction to vehicular or pedestrian traffic.
Time limits	- Performers may perform between the hours of 10 a.m. and 10 p.m. unless otherwise stated. - There are no rules governing the duration of performances.
Other rules	Performers may not display price tags on their artwork, sell any merchandise, or actively solicit donations There are a number of restrictions on the content of performances. Performances cannot be: - Offensive or obscene - Derogatory of defamatory to any third party - Bring the National Arts Council into disrepute - Advocate for lifestyles "seen as objectionable by the general public" - Denigrate any persons on the basis of race or religion or create religious or racial conflict - Undermine the authority of the Government or public institutions, or threaten the nation's security and stability - Have any political or religious agenda, "save in accordance with the law".
Penalties	- Licenses may be revoked by the NAC if performers are found in breach of license conditions. - Unlicensed performers may be fined SG$10,000 (approx. HK$56,828) under the Public Entertainments Act.
Benefits for performers	The NAC is engaged in the following: - Promotion in city marketing materials - Negotiating with venue managers (i.e. shopping mall owners) to open up more pitches - Developing an app to help performers and audiences track popular busking pitches - Engagement with street performers and cooperating with them to set up a Busker's Association -

Melbourne[8]	
License required?	Yes. Under the Activities Local Law, street performers are required to obtain a license. There are three types of license available. a) General area busking permit. For general performers who do not use dangerous equipment (e.g. fire) or require audience participation. Applies to most locations except premium sites, circle act pitches, and restricted areas. b) Pavement art busking permit: For to visual artists drawing on the pavement with chalk or on other surfaces like canvas or paper. c) Circle act busking permit: For performances that require audiences to stop for longer periods or participate, i.e. magic shows. May involve dangerous materials, e.g. fire. Can only take place at designated pitches. Requires public liability insurance. d) Premium busking permit: Intended for professional-level buskers to perform at high-traffic locations such as Bourke Street Mall.
Cost	For Melbourne residents, premium permits cost AU$70 (approx. HK$395), and other types cost AU$30 (approx. HK$169). Temporary permits for visiting performers cost AU$50 (approx. HK$282) for premium permits and AU$25 (approx. HK$141) for other types. An additional AU$100 (approx. HK$565) must be paid by those seeking to sell CDs, DVDs, or original artwork produced while busking.
Validity period	Permits are valid for 12 months. Temporary permits are valid for 3 months.
Auditions required?	Only for premium permits. Since April 2019, auditions have been required for performers seeking permits for premium locations.[9] Other performers have to undergo a Safety and Amenity Review, which reviews factors like safety of equipment set-up, awareness of pedestrian access, suitability of the performance for proposed performance sites, presentation and neatness, sound management, and whether the performance meets the official definition of busking. Performers using dangerous materials must meet fire safety standards undergo a safety review conducted by an experienced peer.
Noise limits	There are set decibel limits for general and circle act performers. Compliance officers use handheld decibel meters or mobile phone apps to measure volume levels. In general, the decibel limits are: 1 metre sound level 81 dB LAeq 1 min 3 metre sound level 72 dB LAeq 1 min 6 metre sound level 66 dB LAeq 1 min[10] A somewhat higher decibel limit is applied to the Bourke Street Mall premium sites.
Amplifiers	Battery-powered amplifiers are generally allowed between 8 a.m. and 10 p.m. on Sundays to Thursdays and 8 a.m. to 11 p.m. on Fridays and Saturdays. Different hours may apply to selected locations. Generator- and mains-powered amplifiers are not allowed.
Spatial rules	Melbourne only has designated pitches for its premium locations and for circle acts. Only premium permit holders can use the premium pitches, and circle act permit holders have priority at designated circle pitches. Other street performers can perform anywhere, except in restricted areas. Residential zones and certain other locations are designated as no-go zones for street performers, while other select locations are designated as non-amplification busking zones. In the latter areas, performers may perform acoustically. Designated pitches and restricted areas are shown on a map available on Melbourne City Council's website.[11]
Time limits	In most locations, street performances can take place from 8 a.m. to 10 p.m. from Sunday to Thursday and 8 a.m. to 11 p.m. on Fridays, Saturdays, and the eve of public holidays. Street performers are required to move regularly to avoid disturbing nearby building occupants for too long. General performers can stay in one place for 2 hours, after which they have to move to a different location at least 50m away, and not perform in the same place more than once a day. Circle performers are allowed to stay in one location for 1 hour, and premium performers are only allowed to occupy a pitch for 30 minutes, with a 30-minute break. Visual artists can stay in place for up to 8 hours.
Other rules	- No live animal acts - No hawking, advertising or touting. - Performers engaging in activities like face painting, portraiture or selling handicrafts must apply for a street vendor's license or a street entertainment license. - No charging for photographs while dressed in cosplay - No political rallying or religious preaching.
Penalties	Under the Activities Local Law of 2019, performers can be issued spot fines of AU$826.10 (5 penalty units) (approx. HK$4,666) for performing without a permit, AU$164.22 (1 penalty unit) (approx. HK$ 928) for breaching their permit conditions, and AU$1,652.20 (10 penalty units) (approx. HK$ 9,332) for failing to comply with a "notice to comply".[12] If prosecuted in court (as opposed to being fined on the

	spot), busking without a permit could be punishable by a maximum penalty of AU$3,304.40 (approx. HK$18,662).
Benefits for performers	- Melbourne's authorities regard street performance as part of its cultural capital and promote it in city branding - Responsibility for the safety assessments has been delegated to a street performer's association (ACAPTA), giving street performers direct participation in regulation. - Street performers are invited to participate in decision-making processes. - The city employs a busking coordinator responsible for supporting the busking community.

Spatial regulation approaches: New York City, Prague

New York City	
License required?	There is no general licensing scheme for street performance in New York City (NYC) as this would be unconstitutional on freedom of expression grounds in the United States. NYC does require performers to purchase one-off permits for selected locations, including the Staten Island Ferry Terminals, public parks, and for using amplification. The NYC Mass Transit Authority (MTA) runs "Music Under New York", a voluntary scheme giving approved performers access to premium pitches in the New York subway system. However, participation in the scheme is not required to perform in subway stations.
Auditions required?	Auditions are only required to participate in the voluntary MUNY scheme.
Noise restrictions	In subway system, performers must not play during station announcements or use amplifiers on subway platforms. There is a decibel limit of: - 85 dBA at a distance of 5 feet (1.5m), or - 70 dBA at two feet (0.6m) from a station booth.[13] Outside of the subway system, the New York Code – Regulation of Sound Devices or Apparatus prohibits the use of amplifiers: - Between 10 p.m. and 9 a.m. anywhere - Between 8 p.m. or sunset, whichever is later, and 9 a.m. within 50 feet of a residential building on weekdays. - Between 8 p.m. or sunset, whichever is later, and 10 a.m. within 50 feet of a residential building on weekends and public holidays.[14] More generally, the Noise Code prohibits the use of any "sound reproduction devices" (including musical instruments) "in such a manner as to create unreasonable noise." Additionally, "Personal audio devices", i.e. stereo systems, should be played on "any public right of way" so as to be "plainly audible" at a distance of 25 feet.[15]
Spatial restrictions	In 2016, the New York City Council empowered the Department of Transportation (DoT) to designate pedestrian plazas and to implement activity zoning within them. To manage conflicts between pedestrians, street performers and hawkers in Times Square, the DoT established three types of micro-zones: - Activity Zones – green boxes painted on the ground where street performers and hawkers are required to stay - Civic Zones – Areas designated for special events - Flow Zones – Areas designated for pedestrian circulation.
Time restrictions	There are no regulations pertaining specifically to the hours when street performers may perform or the duration of their performances. There are time restrictions on the use of amplifiers (see above)
Penalties	Times Square: US$500 (approx. HK$3,875) fine for failing to comply with pedestrian plaza rules regarding designated activity zones etc.[16] Unauthorised use of amplification: US$100 fine (approx. HK$775) or 30 days' imprisonment for using amplification without a permit or doing so outside of permitted hours, as well as civil penalties to the police commissioner or the commissioner of environmental protection of US$50 (approx. HK$388) for the first violation, US$500 for the second (approx. HK$3,875), US$750 (approx. HK$5,813) for the third and subsequent violation. Persistent violators who commit four or more violations within six months will have to pay a civil penalty of US$1,000 for each violation (approx. HK$7,750).[17]

	Unreasonable noise from a sound reproduction device: Minimum/maximum penalties of US$440/1,750 (approx. HK$3,410/13,563) for the first offence, US$880/3,500 (approx. HK$6,820/27,126) for the second offence, and US$1,320/5,250 (approx. HK$10,230/40689) for the third offence.[18] Noisy performances in subway stations: US$25 (approx. HK$194) for exceeding decibel limits in subway stations or performing or using an amplifier in a prohibited area.[19] Unauthorised performances in parks: US$250 (approx. HK$1,938) fine increased to US$500 (approx. HK$3,875) if it "significantly interferes with ordinary park use".[20]
Benefits for street performers[21]	In general, New York City treats street performance as a nuisance issue and does not provide overall cultural or promotional support to street performers, aside from the voluntary MUNY scheme. MUNY is a voluntary audition scheme run by the MTA the New York Subway system which grants approved performers priority access to high foot traffic pitches and promotional support. MUNY has been criticised for giving the public the impression that participation is mandatory in order to discourage non-approved performers.[22]

Prague[23]	
License required?	No.
Noise restrictions	There is a ban on amplifiers and musical instruments deemed loud, high-pitched, or ethnic (non-European) throughout the historic city centre. In 2019 some musical instruments like oboes, piccolos and saxophones were re-legalised. There is no decibel limit.
Spatial restrictions	- "Acoustic busking", i.e. any performance involving the production of sound, is not allowed in certain streets. - Specified city squares as well as children's playgrounds, places of worship during religious services, schools on weekdays, health care facilities, and boarding platforms for public transport are off-limits to any kind of street performance - Individual performers can take up 2 m^2 of space, and groups can occupy 12 m^2. Street performers cannot obstruct building entrances.
Time restrictions	- Street performance is allowed between the hours of 10 a.m. and 9 p.m. - Acoustic performances are alternately allowed on the left and right bank of the Vltava river by the hour; i.e. they may play on the left bank during odd numbered hours (9-10 a.m., 11 a.m.-12 p.m., 1-2 p.m. etc.) and on the right bank during even numbered hours (10-11 a.m., 12-1 p.m., 2-3 p.m. etc.)
Other rules	Since 2019: - No costumed characters or living statues as these do not meet the official definition of "artistic performance". - No soap bubbles, spray painting, or other performances that may produce pollutants, residues or odours.
Penalties	Breaking any of the above regulations is punishable by maximum penalty of Kč100,000 (approx. HK$34,800), along with a "prohibition of stay" (i.e. being banned from a certain location for a period of time).
Benefits for street performers	- The city defines street performance as a problem of public order. - In 2012, the City Council liberalised restrictions on busking in the city centre after engagement with a street performance advocacy group. However, since 2016, residents' complaints have taken political priority.

Voluntary approaches: Bath

Bath[24]	
License	No. Bath operates under a voluntary code of conduct for street performers, the "The Guide to Busking

required?	and Street Performance in Bath"
Auditions required?	No.
Noise guidelines	Street performers are advised that noise from instruments or performers "should not be above street ambient noise".
Amplifiers	The guidelines advise that "loud inconsiderate amplification is not welcome".
Spatial rules	The guidelines advise performers to be mindful of street traders and other public space users, and to avoid setting up in front of shop windows, doorways and fire exits without permission from the building owner. There are specific guidelines about performing near Bath Abbey, a site of religious importance. There is a traffic light system outside the Abbey which is red during religious services and green when there are none in progress. Performers are advised not to perform nearby when the red light is on.
Time limits	Street performers are advised to stay for a maximum of one hour at each pitch. The guidelines encourage pitch swapping in order to prevent spaces from being dominated by certain people in the long term. Performance times in Bath City Centre are between 10 a.m. and 8 p.m.
Other rules	As the Code of Conduct is voluntary, there are no specific penalties for breaking it. However, it guides law enforcement priorities under existing legislation. Members of the public are advised to speak to performers directly if they feel that they are not following the code. If attempts at negotiation are unsuccessful, members of the public are advised to call the Council. Enforcement officers will make a judgement as to whether the performance is unreasonable and issue a verbal warning. If ignored, performers may be served with a written warning. If this is also ignored, performers may be served a Community Protection Notice under the Antisocial Behaviour, Crime and Policing Act. Community Protection Notices are civil notices used to prohibit individuals from engaging in certain behaviour or entering certain areas.
Benefits for street performers	- Performers are advised to clean up after themselves if using fire or other chemicals during performances. - Performers are advised not to actively solicit money although they can passively receive donations. - Performers may not sell CDs or merchandise without a street trading permit. - Performers are asked to avoid being repetitive - Performers are advised to be courteous to members of the public if there is a complaint or conflict. - Code of Conduct was developed in collaboration with street performers and other stakeholders - Voluntary code avoids use of formal regulations

Mixed approaches: London (boroughs of Camden, Kensington & Chelsea, and Westminster)

London	
Note on administrative structure	London is made up of 32 boroughs, each of which is responsible for setting its own policy on street performance. There are two main mechanisms that boroughs employ to regulate street performance: - Under the London Local Authorities Act (2000), boroughs are authorised to designate certain streets as "license streets" and to require licenses to perform on them. - The Antisocial Behaviour, Crime and Policing Act (2014) also authorises local authorities to prohibit or require any activities in a designated area in order to prevent antisocial behaviour. This enables them to impose specific rules on street performance in specific locations regarding time, volume, type of performance, etc. The Greater London Authority provided some guidance and support Busk in London scheme, launched in 2015. This self-financing programme was intended to mediate between stakeholders and through consultation developed a voluntary code of conduct "the Busker's Code" to encourage self-regulation and serve as guidance to local councils.[25] Busk in London initially provided an online map showing where major pitches and area-specific busking schemes were located, but this was discontinued when it inadvertently encouraged overcrowding of popular unregulated pitches.[26] Over time the emphasis of the programme has shifted away from providing local guidance and towards linking performers with private venues.[27]
License	Currently, three boroughs Camden, Hillingdon and Westminster have licensing schemes for street

required?	performers. The City of London (the financial district) requires licenses to collect money on the street, rather than for performing.
Auditions required?	None of the council-run licensing schemes require auditions. However, auditions are required by the busking scheme run by Transport for London (TFL). Privately-managed venues such as the Southbank Centre and Covent Garden also have audition schemes.
Spatial rules	The boroughs of Kensington and Chelsea, and Hammersmith and Fulham currently have PSPOs placing restrictions and requirements on street performance in geographically defined areas.
Time restrictions	Generally speaking, operating amplifiers after 9 p.m. may be prosecuted under the Control of Pollution Act (1974). The voluntary Busker's Code advises performers to move pitches around once an hour at popular pitches, and to avoid playing the same music in the same location for long periods. Boroughs with licensing schemes or PSPOs have more specific rules regarding the times of day when performers may play and how long they are allowed to occupy a pitch.
Other rules	Obstructing the street can be prosecuted under the Highways Act (1980). Performers cannot sell items including CDs without a street trading license. Performers who cause persistent nuisances may be served a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act (2014), a type of restraining order requiring them to cease the behaviour.
Penalties	Performing without a license in a licensed area can be penalised by a fine of £1,000 (approx. HK$9,978) and the seizure of the performer's equipment. Violating a noise abatement notice under the Environmental Protection Act carries the same penalty. Violating a Public Space Protection Order (PSPO) can be penalised by a spot fine of £100 (approx. HK$998).
Benefits for street performers	As London does not have a unified street performance policy, there are few benefits for street performers. However, those participating in the Busk in London scheme are promoted and obtain access to opportunities to perform at private venues.

Camden, London	
Scheme type	Licensing
Auditions required?	No. Applications are evaluated on the basis of the applicant's past behaviour, sufficient space for performance at the proposed location without causing undue inconvenience or safety risk to pedestrians, and likelihood of nuisance to nearby building occupants
Cost	Variable - £19 (approx. HK$190) - standard license - £47 (approx. HK$469) - performances with amplifiers, drums, wind instruments, dangerous materials, groups of 3 or more, before 10 a.m. or after 9 p.m. - No license required – non-musical, unamplified performances e.g. magic shows, puppet shows etc.
Validity period	2 years
License conditions	- Licenses must be displayed while performing - Performers should not cause obstructions, or be located in front of pedestrian crossings, entrances to buildings, or public transport stops - Performers should not perform at a volume that causes a public nuisance or annoyance to any business or resident - Performers should not act in a way that causes offence to a member of the public - Performers move locations once an hour - Performers should not locate themselves within 50m of another performer
Penalties	Busking without a license, violating license conditions, or making statements on license applications are punishable by a fine of up to £1,000 (approx. HK$9,978).

Kensington and Chelsea, London	
Scheme type	PSPO Major tourist locations in the borough have been designated as "purple zones" and "red zones".

	In purple zones, street performers are required to follow a code of conduct: - Performers should move to a new location at least 100m away every 45 minutes, and not occupy the same location more than once a day. - Performances should take place only between 10 a.m. and 7 p.m. - Performers should not use any amplifiers - Performances should not be at an unreasonable volume, defined as hindering conversation at a distance of 10m - Performers should have a full and varied repertoire to avoid being repetitive - Performers must carry public liability indemnity insurance of up to £2 million (approx. HK$20 million) - Performers should not obstruct the road or pavement - Performers may not sell any CDs or other merchandise without permission from the Council - Performers should follow all reasonable instructions from authorised Council officers or the police. In red zones, which have been identified as the "areas of highest detrimental impact", only the following types of performance are allowed, excluding the use of any musical or percussive devices or instruments. - Mime, living statues etc. - Clowning - Theatrical or other spoken word performances (excluding singing) - Magic tricks - Juggling (excluding dangerous materials)
Penalties	Violation of PSPOs are punishable by fixed penalty fines of £100 (approx.HK$998).

Westminster, London[28]	=
Scheme type	Combination of licensing, self-regulation and voluntary measures
Licensing of selected locations	Leicester Square, Chinatown, Piccadilly Circus and Oxford Street. Trafalgar Square will not require a license. - There will be a fixed number of pitches at each location to prevent them from becoming overcrowded. - No audition is required - Applications are free - Applicants will be approved on the basis of whether the size and type of performance is likely to cause a nuisance at the proposed location, and whether the performer is "fit and proper" to perform based on previous record. - Performers are required to have public liability insurance
Self-regulation	Self-regulation through SPAs - Performers are strongly encouraged to join the Covent Garden Street Performer Association and the Westminster Street Performer Association in order to perform in Covent Garden, Trafalgar Square and Leicester Square (the latter also requires a license). Joining the Covent Garden SPA involves an audition. SPA members monitor each other to prevent performers from causing nuisances and manage pitch allocation/scheduling systems within their areas.
Voluntary code of conduct	While the Code of Conduct is voluntary in the sense that it is not legally binding, performers who fail to follow it may have their license applications denied. The Code of Conduct advises performers to: - Hold public liability insurance - Adhere to safety standards – ensure that people do not trip over equipment, avoid using fire or sharp objects, no unlicensed animals - Perform between the hours of 10 a.m. and 9 p.m. - Avoid causing a nuisance – keep volume at "just above ambient noise level", no external power sources on amplifiers, avoid repetitive performances, maintain a distance of 50 feet (15 m) from other performers, perform for no more than 40 minutes with a 20-minute break before the next performer, abide by queueing systems established by other street performers - Avoid causing obstructions – do not block building entrances, control audiences to prevent them from blocking the pavement - Cooperate with enforcement officers and follow instructions if told to adjust the performance or to move to another location - Do not sell merchandise without a street trading license - Communicate with local residents and businesses, participate in Westminster Council's online Busking Street Entertainment and Forum.

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For Part II

Appendix II-1

Delphi Survey Round 1—Tabulated Results

Q1: How important is it to address the following problems with street performance in Hong Kong?

	Very important	Somewhat important	Slightly important	Unimportant	Don't know	Total	IQR	% in agreement	Consensus level
Noise	13 50%	8 31%	4 15%	1 4%	0 0%	**26** **100%**	1	81%	Strong
Poor quality performances	12 46%	14 54%	0 0%	0 0%	0 0%	**26** **100%**	1	100%	Strong
Street obstruction	8 31%	10 38%	5 19%	3 12%	0 0%	**26** **100%**	2	69%	Weak
Lack legal protection for street performers	10 38%	3 12%	10 38%	2 8%	1 4%	**26** **100%**	2	50%	None

Q2: Out of these problems, which is the most important to address?

	Number	%
Noise	8	31%
Poor quality performances	9	35%
Street obstruction	3	12%
Lack of legal protection for street performers	4	15%
Refuse to answer	2	8%
Total	**26**	**100%**

Q3: Below is a list of potential objectives for Hong Kong's future street performance policy. Please choose the three most important objectives and rank them from 1 to 3 with 1 being the most important.

	1st choice	2nd choice	3rd choice	Total times chosen (% of participants)	Average weighted ranking score (out of 3)
1. Promoting a vibrant urban environment	6 23%	6 23%	2 8%	14 56%	1.3
2. Supporting local artists	11 42%	4 15%	4 15%	19 76%	1.8
3. Reducing the level of nuisance	4 15%	3 12%	6 23%	13 52%	1.0
4. Supporting people's right to cultural expression	0 0%	9 35%	3 12%	12 48%	0.8
5. Meeting people's needs for accessible entertainment and social life	4 15%	3 12%	6 23%	13 52%	1.0
6. Enhancing Hong Kong's international image	0 0%	0 0%	4 15%	4 16%	0.2
Total participants*	**25** **100%**	**25** **100%**	**25** **100%**	- -	-

Average weighted ranking score is calculated by weighting 1st choices with 3 points, 2nd choices with 2 points, and 3rd choices with 1 point. Total scores are divided by the number of participants (26).

* 1 participant refused to answer this question.

Q4: Now we would like to ask some questions about noise at different times and locations. How much tolerance for street performance noise should the following locations have on weekdays? High tolerance, medium tolerance, low tolerance or no tolerance?

Q4	High tolerance	Medium tolerance	Low tolerance	No tolerance	Don't know	Total	IQR	% in agreement	Consensus level
Areas with upstairs residential units	1	4	12	9	0	**26**	1	(81%)**	Strong negative
	4%	15%	46%	35%	0%	**100%**			
Pure commercial areas	4	13	8	0	1	**26**	1	65%	Strong
	15%	50%	31%	0%	4%	**100%**			
Public open spaces such as parks and the waterfront	15	5	4*	1	1	**26**	1	75%	Strong
	56%	19%	15%	4%	4%	**100%**			

*One participant specified that he thought that parks should have a low tolerance for noise, but that waterfront promenades should have a higher tolerance.

** Figures in brackets () indicate that the majority of participants fall on the lower or negative half of the response scale.

Q5: How about on weekends?

Q4	High tolerance	Medium tolerance	Low tolerance	No tolerance	Don't know	Total	IQR	% in agreement	Consensus level
Areas with upstairs residential units	2 8%	6 23%	4 15%	14 54%	0 0%	**26** **100%**	2	(69%)	Weak negative
Pure commercial areas	13 50%	12 46%	1 4%	0 0%	0 0%	**26** **100%**	1	94%	Strong
Public open spaces such as parks and the waterfront	14 54%	7 27%	4 15%	1 4%	0 0%	**26** **100%**	1	81%	Strong

Q6: It is currently illegal to cause noise disturbances in public places after 11 p.m. Ideally, at what time should street performances involving musical instruments or amplifiers in these locations stop at night?

Q4	By 9:00 p.m. or earlier	By 10:00 p.m.	By 11 p.m.	By 12 p.m.	By 1 a.m. or later	Don't know	Total	IQR
Areas with upstairs residential units	14 54%	5 19%	6 23%	1 4%	0 0%	0 0%	**26** 100%	1.75
Pure commercial areas	1 4%	9 36%	7 28%	6 24%	2 8%	1 4%	**26** 100%	2
Public open spaces such as parks and the waterfront	8 31%	5 19%	7 27%	3 12%	3 12%	0 0%	**26** 100%	2

Note: Participants who gave a time between whole hours, e.g. 10:30 p.m., were counted in the next category, e.g. "by 11:00 p.m.". Participants who gave a range of times, e.g. "9 or 10 p.m." were counted in the later time category, e.g. "by 10:00 p.m.".

Q7. Now we would like to ask about street obstruction at different locations. How important is it to minimize obstructions to pedestrians by street performers at the following locations? Very important, somewhat important, slightly important, or unimportant?

	Very important	Somewhat important	Slightly important	Unimportant	Don't know	Total	IQR	% in agreement	Consensus level
In front of MTR stations, bus and ferry terminuses	12 46%	11 42%	0 0%	2 8%	1 4%	**26** **100%**	1	88%	Strong
In front of shops	9 35%	9 35%	3 12%	3 12%	2 8%	**26** **100%**	1.25	70%	Weak
On footbridges and underpasses	5 19%	8 31%	5 19%	7 27%	1 4%	**26** **100%**	2	50%	None
Near pedestrian crossings	16 62%	3 12%	4 15%	2 8%	1 4%	**26** **100%**	1	74%	Strong
In public open spaces such as parks	4 15%	2 8%	6 23%	12 46%	2 8%	**26** **100%**	1.25	(69%)	Weak negative
Near residential buildings	9 35%	8 31%	2 8%	6 23%	1 4%	**26** **100%**	2	66%	Weak

Q8. Now we would like to ask about street performance quality. How important is it for street performance policy to meet the following quality objectives? Very important, somewhat important, slightly important, or unimportant?

	Very important	Somewhat important	Slightly important	Unimportant	Don't know	Total	IQR	% in agreement	Consensus level
Ensure that street performers meet a standard of artistic quality	13 50%	8 31%	2 8%	1 4%	2 8%	**26** **100%**	1	81%	Strong
Ensure that street performances are not offensive to the public	14 54%	4 15%	5 19%	2 8%	1 4%	**26** **100%**	2	69%	Weak
Provide support and training for performers to improve their skills	4 15%	8 31%	7 27%	4 15%	3 12%	**26** **100%**	1	46%	None
Ensure that performances are compatible with the location's image	5 19%	9 35%	2 8%	7 27%	3 12%	**26** **100%**	2	54%	None
Promote greater diversity of performance types	9 35%	9 35%	3 12%	3 12%	2 8%	**26** **100%**	1.25	70%	Weak

Q9. Now we would like to ask about improving legal protections for street performers. How important is it for street performance policy to:

	Very important	Somewhat important	Slightly important	Unimportant	Don't know	Total	IQR	% in agreement	Consensus level
Provide clearer guidelines for both performers and enforcement officers?	17 65%	4 15%	3 12%	1 4%	1 4%	**26** **100%**	1	80%	Strong
Preserve the spontaneous nature of street performance?	8 31%	12 46%	4 15%	0 0%	2 8%	**26** **100%**	1	77%	Strong
Give performers legal protection through licensing?	8 31%	7 27%	9 35%	0 0%	2 8%	**26** **100%**	2	58%	None
Ensure access to spaces for street performers?	16 62%	6 23%	2 8%	1 4%	1 4%	**26** **100%**	1	85%	Strong
Ensure that anyone can perform?	7 27%	5 19%	7 27%	5 19%	2 8%	**26** **100%**	2	46%	None

Q10. Currently, there is no objective decibel limit for street performers in Hong Kong. How helpful would introducing a decibel level for street performers be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	12 46%	6 23%	3 12%	2 8%	3 12%	**26** **100%**	1	69%	Strong
Improving interactions between street performers and enforcement officers	12 46%	5 19%	4 15%	2 8%	3 12%	**26** **100%**	1.5	65%	Weak
Facilitating vibrant street performance	8 31%	7 27%	6 23%	2 8%	3 12%	**26** **100%**	2	58%	None

Q11. Some cities ban the use of amplifiers in certain places such as residential areas. If amplifiers were restricted in certain locations in Hong Kong, how helpful would this be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	11 42%	10 38%	1 4%	2 8%	2 8%	**26** **100%**	1	81%	Strong
Improving interactions between street performers and enforcement officers	11 42%	4 15%	6 23%	2 8%	3 12%	**26** **100%**	2	58%	None
Facilitating vibrant street performance	6 23%	9 35%	7 27%	1 4%	3 12%	**26** **100%**	1.5	58%	None

Q12: In some cities, performers who use amplifiers are required to space themselves roughly 30m apart to prevent different sound systems from clashing with each other. If a similar distance requirement were adopted in Hong Kong, how helpful would this be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	15 58%	8 31%	1 4%	0 0%	2 8%	**26** **100%**	1	88%	Strong
Improving interactions between street performers and enforcement officers	9 35%	9 35%	4 15%	2 8%	2 8%	**26** **100%**	1.25	69%	Weak
Facilitating vibrant street performance	12 46%	10 38%	2 8%	0 0%	2 8%	**26** **100%**	1	85%	Strong

Q13. In some cities, there are guidelines about how many square metres of space street performers may occupy and how much space they have to leave clear for pedestrians to pass. How helpful would introducing similar guidelines in Hong Kong be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	11 42%	13 50%	1 4%	0 0%	1 4%	**26** **100%**	1	92%	Strong
Improving interactions between street performers and enforcement officers	10 38%	10 38%	2 8%	2 8%	2 8%	**26** **100%**	1	77%	Strong
Facilitating vibrant street performance	10 38%	6 23%	7 27%	1 4%	2 8%	**26** **100%**	2	62%	Weak

Q14: In some cities, there is a 1-hour time limit for musical performers. After the time is up, performers are required to move to a different location and let someone else use the space. If a similar time limit were introduced in Hong Kong, how helpful would it be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	10 38%	6 23%	5 19%	4 15%	1 4%	**26** **100%**	2	62%	Weak
Improving interactions between street performers and enforcement officers	3 12%	10 38%	7 27%	5 19%	1 4%	**26** **100%**	1	50%	None
Facilitating vibrant street performance	6 23%	9 35%	5 19%	4 15%	2 8%	**26** **100%**	1.25	58%	None

Q15. Some people in Hong Kong say that allowing street performers to accept money encourages them to compete to be louder and monopolise public space. However, others say that it is fine for performers to receive money as long as it is voluntary. If the government placed restrictions on giving money to street performers, how helpful would this be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	8 31%	5 19%	5 19%	6 23%	2 8%	**26** **100%**	2.25	50%	None
Improving interactions between street performers and enforcement officers	6 23%	5 19%	4 15%	9 35%	2 8%	**26** **100%**	2.25	(50%)	None
Facilitating vibrant street performance	3 12%	6 23%	5 19%	9 35%	3 12%	**26** **100%**	2	(54%)	None

Q16. How feasible would it be to carry out and enforce the measures suggested above? Definitely feasible, probably feasible, probably infeasible, or definitely infeasible?

	Definitely feasible	Probably feasible	Probably infeasible	Definitely infeasible	Don't know	Total	IQR	% in agreement	Consensus level
Setting a decibel limit	9 35%	12 46%	2 8%	1 4%	2 8%	**26** **100%**	1	81%	Strong
Restricting the use of amplifiers in certain locations	13 50%	7 27%	2 8%	2 8%	2 8%	**26** **100%**	1	77%	Strong
Requiring amplified performers to space themselves apart	12 46%	7 27%	5 19%	0 0%	2 8%	**26** **100%**	1	73%	Strong
Creating clear guidelines on how much space street performers can occupy	8 31%	10 38%	4 15%	2 8%	2 8%	**26** **100%**	1.25	69%	Weak
Setting a time limit for musical performances	7 27%	12 46%	4 15%	1 4%	2 8%	**26** **100%**	1	73%	Strong
Placing restrictions on giving money to performers	6 23%	7 27%	4 15%	6 23%	3 12%	**26** **100%**	2	50%	None

Q17. How feasible would it be for the government to set up and introduce the measures suggested above? Definitely feasible, probably feasible, probably infeasible, or definitely infeasible?

	Definitely feasible	Probably feasible	Probably infeasible	Definitely infeasible	Don't know	Total	IQR	% in agreement	Consensus level
Setting a decibel limit	13 50%	7 27%	3 12%	1 4%	2 8%	**26** **100%**	1	77%	Strong
Restricting the use of amplifiers in certain locations	13 50%	6 23%	5 19%	0 0%	2 8%	**26** **100%**	1	73%	Strong
Requiring amplified performers to space themselves apart	10 38%	11 42%	3 12%	0 0%	2 8%	**26** **100%**	1	81%	Strong
Creating clear guidelines on how much space street performers can occupy	9 35%	10 38%	3 12%	2 8%	2 8%	**26** **100%**	1	73%	Strong
Setting a time limit for musical performances	10 38%	9 35%	3 12%	2 8%	2 8%	**26** **100%**	1	73%	Strong
Placing restrictions on giving money to performers	4 15%	8 31%	5 19%	6 23%	3 12%	**26** **100%**	1.5	46%	None

Q18a. Which of the six measures do you think are suitable for Hong Kong? You can choose more than one.

	Selected	Not selected	Total
1 Decibel limit	22 85%	4 5%	**26** **100%**
2 Location-based amplifier restrictions	15 58%	11 42%	**26** **100%**
3 Spacing between performers	14 54%	12 46%	**26** **100%**
4 Spatial occupation guidelines	11 42%	15 58%	**26** **100%**
5 Time limit	14 54%	12 46%	**26** **100%**
6 Money restrictions	8 31%	18 69%	**26** **100%**

Q18b. Please describe the main advantages of the option(s) that you chose above.

dB = Decibel limit Amp = Amplifier restrictions Dst = Distancing requirement
Spa = Spatial occupation guidelines TL = Time limit Mny = Money restrictions

Participant number	Suitable Rules	Comments
1	dB Spa TL Mny	分貝：鼓勵表演者知道要標準，懂得自律 空間：地少人多，密度高，容易規劃 時間：有時間限制的話，就考慮到其他人的需要，可以更好地令到（公共）生活更協調 打賞：但是要清楚限制的準則是什麼（根據地區還是根據什麼作為限制準則），起碼有關打賞的規定，在文化定義上面會把街頭表演同乞丐分別開 Translation: Decibel: Encourages performers to know what the standard is, understand how to self-regulate Spatial: A lot of people in limited space, high density, easy to draw out Time limit: If there is a time limit, this takes into account others' needs, can improve coordination of public life. Donations: We need to be clear on what the criteria for restrictions are (according to district or according to whatever limit), but at least with some kind of rules on donations, the definition of street performance would be separated from begging.
2	dB Dst Spa	噪音：有規矩可以平衡到表演者之間的矛盾，有制定就有指引可以跟，冇亂咁嚟吖嘛 空間：劃出地方就唔會亂走，或者亂擺 Translation: Noise: Rules would be able to mediate conflicts between performers, there would be guidelines to follow, it wouldn't be so chaotic. Spatial: If performance spaces were drawn out, performers wouldn't run around or leave their stuff around indiscriminately.
3	dB Dst Mny	政府立例，減少矛盾同摩擦 距離：隔離表演者，不會有摩擦，聲音不會撞埋一齊，不會鬥大聲 打賞：表演好，觀眾願意就可以。 噪音：如果太低，對有擴音器的表演沒有用。怕有人會不依守則，分貝太低也沒有用。 Translation: The government should pass legislation to reduce conflicts and friction. Distancing: Separating performers would remove friction [between them], sounds would not clash with each other, and they would not compete to be loudest. Money: If the performance is good, and the audience is willing, then [donations] should be allowed. Noise: If it [the decibel limit] is too low, it would be of no use to performers who use amplifiers. Afraid that some people will not follow the rules, if the decibel limit is too low it would be useless.
4	dB Amp Dst TL	分貝：100 dB 下 擴音器：地區住宅就不 OK Translation: Decibel limit: 100 dB or below. Amplifiers: Not OK in residential districts.
5	dB Amp Dst TL Mny	Street performers should complement life of other citizens, not add even more stress.

Participant number	Suitable Rules	Comments
6	dB Amp Dst TL Mny	Decibel limit and amplifier restriction: Reduce noise level, particularly for residential areas. Time limit: Time limit is good to restrict performers when they can perform and when people go (to watch), easier for interested parties to go. Also, people can expect what time the performers will perform, and what time they can rest. Money restrictions: street performance is more like for culture and not a major source of income for performers so there should be money restrictions for performers. latest comment: make the street performance more acceptable to the public "
7	dB	Prevent causing noise nuisance
8	dB Amp Dst	This would at very least maintain the image of HK and reduce disruption to the residential area.
9	dB Amp Dst	Have a limit and have a set of procedures setting out for all the street performers so that they avoid any arguments with enforcement officers and the public. Create a more safe environment for people to watch them.
10	dB Amp Dst Spa TL	Not to affect the other stakeholders especially at night time.
11	Mny	Money restrictions: Monetary donations should be closely monitored to prevent street performers from engaging in illegal activities. Others: Should not rely on all these rules. Different artists have different characteristics and features. The fundamental question is to protect other people's rights in public space. Instead of having these (specific) rules, people should follow the general rules for using public space. If rights are infringed, the police should be able to take action. One could have a performance that only creates a high decibel noise for a couple of seconds, or performers can move around a lot. How could you enforce a decibel limit or say that they are causing an obstruction in that case? You have to consider it as a whole instead of piece by piece.
12	TL	容易管理 Translation: Easy to manage
13	dB Spa	分貝：宜家冇一個分貝指引。現時有啲表演者冇限制分貝，我係個表演者都覺得係滋擾。 空間：現時冇空間可以用，係位置問題。（位置問題，唔係大小問題） Translation: Decibel: Right now there are no decibel guidelines. Right now, some performers do not control their volume level, as a performer even I find this a nuisance. Spatial: Right now there is no space [for us] to use, it's a location problem. (It's a problem of location, not of size).
14	dB Amp Tl TL Mny	呢四個選擇都係視乎客觀因素，所以相對係實際啲，對於香港係相對可行啲，唔會有太多問題。 Translation: These four measures (including decibel levels) are objective factors, so are more solid and therefore more feasible for Hong Kong, would not be too problematic.
15	dB Amp Spa	呢三個選擇係因為人力資源上面相對好分配，同埋對於前線執法人員嚟講比較容易見到 Translation: These three choices are relatively good for allocation of human resources and ease of enforcement for frontline enforcement officers.
16	dB Amp Dst Spa TL My	時間：香港地方小，表演多，如果能夠分享表演時間係好事 分貝：噪音引起最大衝突 擴音器：但如果不好聽的就會變噪音 Translation: Time limit: Hong Kong has little space and a lot of performers, if they can share performance times that would be good. Decibel: Noise provokes the greatest conflict. Amplifiers: But if it doesn't sound good, it will become noise.

Participant number	Suitable Rules	Comments
17	dB Amp Dst Spa TL My	之前最大問題是噪音，噪音很大，引起衝突，沒有限制 如果做曬 6 項措施，所有問題都可以解決到 Before, the biggest problem was noise. It was too loud, it created conflict, there were no limits. If these six measures were implemented, all the problems would be solved.
18	dB Amp	Feasibility of implementation and enforcement
19	dB Amp Dst Spa TL	Control, ease enforcement
20	dB TL	The Noise Control Ordinance Cap.400 is in force to control and reduce noise nuisance caused by environmental noise. Control areas include industrial noise, vehicle noise, noise from domestic premises and public places. As members of the public are well aware of the Ordinance, addition of control items or to tighten the law enforcement is understandable. Likewise, to avoid noise nuisance, restrictions on activity duration would be understandable by members of the public.
21	dB Amp Spa TL	可以量化及有具體指引 Translation: Can have quantifiable and specific guidelines
22	dB Amp Dst	減少表演者與其他持分者的衝突，而且有較客觀的標準去執行 Translation: Reduce conflicts between performers and other stakeholders, and have more objective standards to implement
23	dB Amp TL	可以在政府管制和公民自由中間取得平衡 Translation: Can strike a balance between government control and civil liberties
24	Spa	令表演者有地方表演 Translation: Will allow street performers to have a place to perform
25	Dst Spa TL	不會再有生人壩死地情況 Translation: Will prevent people from permanently hogging performance spots
26	dB Amp Dst	可限制音量過於大聲影響環境 Translation: Can control the volume level to prevent excessive noise from affecting the environment

Q19a. Which of the six measures are unsuitable for Hong Kong? You can choose more than one.

	Selected	Not selected	Total
1 Decibel limit	1 4%	25 96%	**26** **100%**
2 Location-based amplifier restrictions	2 8%	24 92%	**26** **100%**
3 Spacing between performers	8 31%	18 69%	**26** **100%**
4 Spatial occupation guidelines	11 42%	15 58%	**26** **100%**
5 Time limit	8 31%	18 69%	**26** **100%**
6 Money restrictions	14 54%	12	**26** **100%**

Q19b. Please describe the main disadvantages of the option(s) you chose above.

dB = Decibel limit Amp = Amplifier restrictions Dst = Distancing requirement
Spa = Spatial occupation guidelines TL = Time limit Mny = Money restrictions

Participant number	Suitable Rules	Comments
1	Amp Dis	擴音器：限制等於不能表演音樂（或者使用擴音器的表演），會影響街頭表演的種類 —— 降低多樣性 距離：地少人多，很難要求表演者在本來就空間有限的條件下保持距離，這要靠表演者自律 Translation: Amplifiers: Restricting amplifiers means musicians (or those who otherwise use amplifiers) won't be able to perform at all, this will reduce the diversity of street performance types. Distancing: Limited space with a lot of people, it would be difficult to require performers to space themselves apart when there is limited space to begin with, it would depend on performers' self-regulation.
2	TL Mny	時間：唱一個鐘就唔夠用，都未熱身就要結束。無論係幾點，有時間限制就唔好。 收錢限制：唔收錢就冇推動力，有人就算唔收錢，佢長期完全冇收入，只有虧，就唔掂。 Translation: Time limit: An hour is not enough time to sing, you'll have barely warmed up before you had to stop. Having any kind of time limit is no good. Money restriction: Without money there would be no driving force, even if some performers didn't accept money, in the long term they couldn't survive with no income and only expenses.
3	Spa	空間指引：香港地少人多，做不到，不可以容納太多表演者。 Translation: Spatial occupation: Hong Kong has too little space and too many people, it couldn't be done, you wouldn't be able to accommodate too many performers
4	Spa Mny	要限制都限制不到，不知道人家比幾多 You couldn't restrict [donations] even if you wanted to, you don't know how much money people are giving
5	Spa	Limited space at many locations
6	Spa	Space too limited in HK so practically there is not enough space for performers. Not enough space in many area
7	TL	Unable to monitor
8	Spa TL Mny	Might be difficult to implement and cause some more conflict among performers themselves, or between performers and officers
9		None unsuitable. Can be done. But obviously there will be some hurdles and objections from the public and street performers about whether these items can be done.
10	Mny	Difficult to enforce or control
11	Db Amp Dis Spa TL	Hong Kong has very congested spaces unlike Australia or Europe. [All of these rules] could create ambiguity or conflict. For example someone could stand there wearing a costume and say that they are not actually performing. How could you define whether they are a street performer or not? We need to be flexible.
12	Mny	因為香港人要搵食 Translation: Because Hong Kong people need to earn a living.
13	TL Spa	時間：我作為表演者，因為香港文化係比較夜，同埋客人嚟（逗留）嘅時間都比較長 打賞：每個國家都有街頭藝人收打賞嘅。打賞真係唔會有一個 cctv 去監視人地收幾多。 Translation: Time limit: Speaking as a performer, Hong Kong culture tends to stay up late, and audiences tend to linger for a long time Money restrictions: Every country has street performers accepting money. It's not as though there could be a CCTV monitoring how much money each person accepts

Participant number	Suitable Rules	Comments
14	Dis Spa	土地問題，唔夠空間 Translation: Land problems, not enough space
15	Dis TL Mny	人手問題，負責部門唔清晰，點樣可以分配到需要嘅資源係個問題。至於打賞嘅話，社會各界有唔同嘅聲音，好難做。 Translation: A problem of manpower, the responsible department is unclear, allocation of resources is a problem.
16		N/A
17		N/A
18	Dis Spa	Hard to enforce by both performers and officers
19	Mny	Enforcement
20	Dis	Difficult to implement due to limited spaces in the city, especially on narrow pavements and streets, which make it difficult to separate the performers.
21	Dis Mny	界線含糊 Translation: The lines are vague
22	Spa TL Mny	難以規管及執行，可能成為執法者打壓公民權行的工具 Translation: Difficult to regulate or enforce, might become a tool for law enforcement to repress civil rights
23	Dis Spa Mny	政府不適宜過分管制 Translation: The government is not suited for over-management
24	Mny	打賞是支持的方法 Translation: Donations are a way (for audiences) to show appreciation
25	Mny	扼殺了作為職業的街頭表演者 Translation: It would kill off professional street performers
26	Spa TL Mny	以上 3 點有機會是在打擊街頭表演活動 Translation: These three measures would be an attack on street performance activities

Q20. Some have suggested that Hong Kong introduce a licensing system where performers have to apply for a license that lasts several months to a year. Licensed performers need to follow guidelines, and licenses can be cancelled if they break the rules repeatedly. How helpful would a licensing system be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	8 31%	9 35%	5 19%	3 12%	1 4%	**26** **100%**	2	65%	Weak
Improving interactions between street performers and enforcement officers	9 35%	9 35%	3 12%	4 15%	1 4%	**26** **100%**	2	65%	Weak
Facilitating vibrant street performance	5 19%	13 50%	2 8%	4 15%	2 8%	**26** **100%**	0.25	69%	Strong

Q21. Some people have suggested that street performer licenses should require an audition, but others think that it would be too restrictive. In your assessment, how valid are the following statements about auditions? Definitely valid, probably valid, probably invalid, or definitely invalid?

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know	Total	IQR	% in agreement	Consensus level
Auditions would improve the artistic quality of street performances	7 27%	13 50%	5 19%	0 0%	1 4%	**26** **100%**	1	77%	Strong
Auditions would filter out offensive performances	7 27%	11 42%	5 19%	1 4%	2 8%	**26** **100%**	1.25	69%	Weak
Auditions would unfairly exclude some performers	6 23%	12 46%	5 19%	1 4%	2 8%	**26** **100%**	0.5	69%	Strong
Artistic quality is subjective and cannot be fairly judged by a committee	8 31%	10 38%	5 19%	1 4%	2 8%	**26** **100%**	1.25	69%	Weak

Q22. Please rank the following proposals in order of preference, with 1 being the most preferred.

	1st choice	2nd choice	3rd choice	4th choice	Average weighted ranking score (out of 4)
A licensing system with auditions for all performers	6 25%	5 21%	7 29%	6 25%	2.5
A licensing system that requires auditions to perform in certain high-profile locations but not others	8 33%	6 25%	6 25%	4 17%	2.8
A licensing system where street performers are only assessed on safety and their likelihood of causing noise and nuisance at proposed performance locations	6 25%	10 42%	8 33%	0 0%	2.9
No licensing system	4 17%	3 13%	3 13%	14 58%	1.9
Total participants*	**24** **100%**	**24** **100%**	**24** **100%**	**24** **100%**	-

* 1 participant declined to answer this question; 1 participant was excluded from data as he only gave a first choice (no licensing system) but declined to rank the rest as he found them all equally undesirable.

Q23. Some stakeholders have also suggested that the government designates zones for street performers where certain rules about noise, space allocation, or use of amplifiers may apply. Overall, how helpful would designating street performance zones be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	8 31%	12 46%	2 8%	3 12%	1 4%	26 100%	1	77%	Strong
Improving interactions between street performers and enforcement officers	7 27%	13 50%	1 4%	3 12%	2 8%	26 100%	1	77%	Strong
Facilitating vibrant street performance	7 27%	11 42%	4 15%	2 8%	2 8%	26 100%	1.25	69%	Weak

Q24. Please rank the suggestions below in order of preference, with 1 being the most preferred.

	1st choice	2nd choice	3rd choice	Average weighted ranking score (out of 3)
Street performers must use designated performance spaces	11 46%	5 21%	8 33%	2.1
Performers are allowed to perform anywhere in the city but there are stricter rules at popular performance areas and in noise-sensitive locations.	10 42%	12 50%	2 8%	2.3
No zoning	3 13%	7 29%	14 58%	1.5
Total participants*	**24** **100%**	**24** **100%**	**24** **100%**	-

* 2 participants declined to respond to this question.

Q25. Some cities use voluntary agreements instead of relying on formal regulations to manage street performers. One way of doing this is for the government to form partnerships with non-profit arts groups and make them responsible for managing street performers in certain locations. If this method were introduced in HK, how helpful would it be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	7 27%	13 50%	2 8%	3 12%	1 4%	26 100%	1	77%	Strong
Improving interactions between street performers and enforcement officers	7 27%	10 38%	7 27%	1 4%	1 4%	26 100%	2	65%	Weak
Facilitating vibrant street performance	7 27%	12 46%	3 12%	1 4%	3 12%	26 100%	1	73%	Strong

Q26. Another voluntary method would be for the government to promote a code of conduct for street performers to encourage them to regulate themselves and to provide guidelines for resolving disputes. If this method were applied to Hong Kong, how helpful would it be in:

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know	Total	IQR	% in agreement	Consensus level
Reducing conflicts between performers and other stakeholders	4 15%	10 38%	10 38%	1 4%	1 4%	26 100%	1	54%	None
Improving interactions between street performers and enforcement officers	4 15%	8 31%	8 31%	4 15%	2 8%	**26** 100%	1	46%	None
Facilitating vibrant street performance	5 19%	10 38%	6 23%	2 8%	3 12%	26 100%	1	58%	None

Q27. How feasible would it be to carry out or enforce the management strategies suggested above? Definitely feasible, probably feasible, probably infeasible or definitely infeasible?

	Definitely feasible	Probably feasible	Probably infeasible	Definitely infeasible	Don't know	Total	IQR	% in agreement	Consensus level
A licensing system	11 42%	9 35%	4 15%	1 4%	1 4%	26 100%	1	77%	Strong
A fair and transparent audition system	3 12%	15 58%	5 19%	2 8%	1 4%	26 100%	1	69%	Strong
Street performance zones	8 31%	12 46%	5 19%	0 0%	1 4%	26 100%	1	77%	Strong
Partnerships with non-profit groups	7 27%	13 50%	3 12%	2 8%	1 4%	26 100%	1	77%	Strong
A voluntary code of conduct	7 27%	9 35%	7 27%	2 8%	1 4%	26 100%	2	62%	Weak

Q28. How feasible would it be for the government to introduce and set up the management strategies suggested above?

	Definitely feasible	Probably feasible	Probably infeasible	Definitely infeasible	Don't know	Total	IQR	% in agreement	Consensus level
A licensing system	10 38%	10 38%	5 19%	0 0%	1 4%	26 100%	1	77%	Strong
A fair and transparent audition system	4 15%	10 38%	9 35%	1 4%	2 8%	26 100%	1	54%	None
Street performance zones	6 23%	12 46%	7 27%	0 0%	1 4%	26 100%	1	69%	Strong
Partnerships with non-profit groups	6 23%	14 54%	3 12%	2 8%	1 4%	26 100%	0	77%	Strong
A voluntary code of conduct	7 27%	9 35%	7 27%	2 8%	1 4%	26 100%	2	62%	Weak

Q29a. Out of the options proposed, which are suitable for Hong Kong? You can choose more than one.

	Selected	Not selected	Total
Licensing	15 58%	11 42%	**26** **100%**
Zoning	14 54%	12 46%	**26** **100%**
Partnerships with NGOs	13 50%	13 50%	**26** **100%**
Voluntary code of conduct	11 42%	15 58%	**26** **100%**

Q29b. Please describe the main advantages of the option(s) you chose above.

Li = Licensing Zo = Zoning NPP = Non-profit Partnerships VCC = Voluntary Code of Conduct

Participant number	Suitable Strategies	Comments
1	Li NPP VCC	發牌：白紙黑字，有明文規定，有參考，在執法上面有根有據 合作：會有個好的影響 —— 變相就是由有經驗的人來處理，這樣就可以避免由上而下的規管 手冊：自由度較大，藝術發展的限制相對少 Translation: Licensing: Puts things in black and white, with clearly stated rules to refer to, and evidence for law enforcement Partnerships: It would have a good impact - it would allow experienced people to deal with the issue and avoid the problems of top-down management Code: The degree of freedom is relatively larger, fewer limits on the development of the arts
2	Li Zo	1+2 發牌制度：有制度就即係有政府嘅認可，有發牌就唔會雜亂無章，有審核，就有質素。 空間規例：有地點，啲人就唔會亂咁擺。有指引就好啲，有地方就有依據，唔會亂搞一通。 Translation: Licensing: If there is a system, it is recognised by the government. If there are licenses then it won't be chaotic. If there are auditions, there will be quality. Zoning: With designated spaces, people will not set up in random places. It would better with designated spaces in accordance with guidelines, you won't have people messing around everywhere
3	Li NPP VCC	不限制會比較難處理，有這幾種政策，就不會有好多無謂騷擾和矛盾，有啲嘢冇限制唔得嘅。香港太多人要自由，有啲嘢冇限制係唔得嘅。 Translation: If there are no limits, it will be difficult to deal with. With these several policies, there won't be so much pointless nuisance and conflict. Some things don't work if there are no limits. Too many people in Hong Kong want freedom, it doesn't work without limits.
4	Zo	比空間我地唱歌 Translation: Give us a space to sing
5	Zo	Would provide residents in non-zoned areas a legitimate reason for complaint
6	Li VCC	Because licensing is more important for the situation of HK in order to govern street performance. Can control the number of street performers and their conduct while performing
7	NPP	Prevent control by triad

Participant number	Suitable Strategies	Comments
8	Li NPP VCC	Street performer is kind of representing HK and therefore, we have to regulate it in a way that would (not) kill creativity and freedom
9	Li Zo	I think more controllable and also provide a better environment for the public, and also more transparent to apply to have a license in street performance. Designated zones would provide a better environment and safety for the public
10	Li Zo	The street performance can be under control and of certain quality
11	Zo NPP VCC	Zoning may be suitable but depends on location (and agreement of DCs) Partnerships with non-profits may be helpful but it depends on whether arts organizations can be found to do this. Code of conduct would be helpful – most human beings try to be considerate.
12	Li	彷效外國 Translation: Emulate overseas examples
13	Zo VCC	守則：街頭藝人要靠自律，政府冇規例規定噪音，或者邊款擴音器。而家係一刀切，冇支持過街頭藝人，完全冇，都冇明確嘅規例指名可以喺邊度唱。而家有限聚令，摩天輪同碼頭係出咗唔可以用擴音器同打賞，呢個係康文處出嘅任何地方。咁你話公園唔俾人用擴音器，OK。但係碼頭咁大，有冇任何規管，淨係一刀切話完全唔俾收打賞同用擴音器，即係叫人哋唔好表演。冇理由㗎。康文處網頁都出咗。 空間：檔與檔之間唔好咁多，太多就唔會有優質嘅表演。 Street performers have to rely on self-regulation, the government doesn't regulate noise levels or types of amplifiers. Right now they're cutting us all off, there's no support for street performers, absolutely none, and no guidelines on where people can perform. Right now there's a gathering ban, and by the ferris wheel they say you can't use amplifiers or accept donations in any space the LCSD manages. But the pier is so big, there's no management at all, they just cut us all off with no amplifiers or donations, they're basically telling us not to perform at all. It's unreasonable. It says so on the LCSD's website too. Zoning: There should not be too many performers in one place, otherwise the quality will not be good.
14	Li NPP	發牌：比較客觀，公平同埋相對容易去執法 合作：可以避免直接衝突，3rd party endorsement 可以減少矛盾，同埋非牟利係冇咁多開利益衝突係呢啲關係裡面 Translation: Licenses: relatively objective, fair, and relatively easy to enforce Partnerships: Can avoid direct conflicts, third party endorsement can reduce conflicts, and non-profits have fewer conflicts of interest
15	Li Zo NPP	發牌：相對容易去管理同執法 空間：有兩個層面嘅考慮：a) 距離住宅遠近上面嘅空間規定；b)另外就係特定嘅區域可以開放俾街頭表演者嘅，即係保證佢哋可以表演到。 合作：同非牟利機構合作嘅話係可以利用到佢哋嘅專業知識同埋 network 去搵適合嘅表演者 Translation: Licensing: Relatively easy to manage and enforce Zoning: There are two layers to consider: a) regulate the distance to residential buildings, and b) designate spaces for street performers, which guarantees a space for them to perform. Partnerships: By cooperating with non-profit organizations, you can use their professional knowledge and networks to find suitable performers

Participant number	Suitable Strategies	Comments
16	Zo NPP	他選擇最容易處理的政策方向 NPP: NGO 最好，靈活性更大，能夠解決噪音&打賞，可以一試 Zo: 要有人去管 例子： 黃金海岸，私人地方私人管理，最多只可以賣藝術品，有劃定空間，大家守規矩就沒有 利益是最大引誘 Translation: Choose the easiest methods to manage: Partnerships: NGOs would be the best; would be more vibrant, and would address the noise and donations issues. Zoning: You would need people to manage it. Example: At the Gold Coast, a privately managed space, all you can do there is sell handicrafts, there's a designated space, everyone follows the rules. Profit is the biggest temptation.
17	Li NPP	Li: 之前沒有發牌，所以有投訴，西九有先例， NPP: 有藝術背景 NGO 幫助，會更靈活，有更多人會加入 Translation: Licensing: There were no licenses previously, so there were complaints. West Kowloon sets a preceden Partnerships: With NGOs with arts backgrounds, it would be more vibrant, and more people would join in.
18	Zo	Less room for interpretation which will minimize conflicts
19	Li Zo NPP	Enhance control and ease enforcement
20	VCC	This option could be easier to implement in Hong Kong. The Government has been playing the role of educating the public at different aspects including the importance of complying with the Laws, be considerate to others and protecting the environment.
21	Li Zo NPP VCC	有清晰及可跟從的指引條文 Translation: Would have clear and followable guidelines
22	Zo NPP	市民對熱門地點的街頭表演有較多意見，而集中解決該些地區出現的問題 Translation: Citizens are most concerned about street performance hot spots, we should focus on solving problems in these areas.
23	NPP VCC	平衡公民自由和政府管制 Translation: Strikes a balance between government control and civil liberties.
24	Li Zo	令表演者可以表演 Translation: Will allow performers to perform
25	Li NPP	令街頭表演不再混亂 Would make street performance no longer chaotic
26	VCC	4 點之中最有可能實行 The most likely to be implemented of the four options

Q30a. Out of the options proposed, which are unsuitable for Hong Kong? You can choose more than one.

	Selected	Not selected	Total
Licensing	7 27%	5 73%	**26** **100%**
Zoning	5 19%	21 81%	**26** **100%**
Partnerships with NGOs	6 23%	20 77%	**26** **100%**
Voluntary code of conduct	15 58%	11 42%	**26** **100%**

Q30b. Please describe the main disadvantages of the option(s) you chose above.

Participant number	Suitable Rules	Comments
1	Zo	空間：人多地少，難度高，地契問題，密度，空間使用的定義，因為擁有者不同，而變得不清晰。同時規劃會牽涉（擁有權）ownership 問題。最終的結果，規則一係太多苛刻，或者沒用。 Translation: [HK] has little land and a lot of people, zoning would be difficult. Land lease issues, density, land use definitions, because spaces are under different ownership, it would be unclear. And regulations would get entangled in ownership issues. In the end, regulations would be either too harsh, or useless.
2	VCC	守則就係街頭表演者自願性遵守，冇用，冇人會咁聽話。 如果有規例，人就唔會亂咁嚟。 而家亂就係因為冇守則，冇人規管。啲人就亂到不得了，亂搞一通。 Translation: If the guidelines were voluntary, that would be useless, nobody would be that obedient. If there were regulations, people would not mess about. Right now it's chaotic because there are no rules, nobody's managing it. People are out of control.
3		對於唔守規矩嘅人，有限制就唔係咁好，對限制有抗拒。 冇乜邊個最唔啱用，都啱用嘅，唸唔到邊個唔啱用。 For people who don't follow rules, having limits is not that good, they will rebel against them. There isn't really any particular [option] that is wrong [for HK], they're all suitable, I don't feel that any of them are unsuitable.
4	VCC	總之有規據就不好 Translation: Anyway, it's not a good idea to have regulations
5	NPP VCC	All this NGO stuff never works in real life
6	NPP	Not exactly "unsuitable" but not sure how this would work. No precedent in Hong Kong. It would maybe be good and creative to manage street performers in this way but it depends on how they actually manage the matter. latest comment: Not sure what NGO can help
7	VCC	Some performer may not follow the code
8	Zo	This may be criticised as not having freedom to express
9	NPP VCC	All suitable but 3 and 4 are less suitable. There are too many non-profit groups in HK and it's not easy for the government to control them. No rules, if there is no license. The government may need to take a lot of administrative work to identify which is a for-profit group or a nonprofit group. Code of conduct: although it's voluntary, it's hard to enforce the guidelines.
10	VCC	The street performers must be self-disciplined.

Participant number	Suitable Rules	Comments
11	Li	Creates too many rules, hard to administer and enforce, may create more conflict, not practical (especially audition).
12	NPP	每個非牟利機構都很獨立，不會與政府合作 Translation: Each non-profit organisation is independent, they wouldn't cooperate with government
13	NPP	非牟利合作可以有邊啲呢，香港真係冇乜幾個可以合作嘅團體。 Translation: What non-profits would be available? Hong Kong doesn't have many organizations that could corporate (with government)
14	VCC	公眾對於街頭表演嘅理解都唔同，市民同表演者同埋啲執法人員嘅理解都唔同，好難以一個守則去管理。 Translation: The public has different understandings of street performance; citizens, street performers, law enforcement officers all have different understandings, it would be difficult to use a code to manage them
15	VCC	會有好多灰色地帶，行為守則喺冇共同目標（common goals）嘅情況下係好難實現得到。好似話攞"大媽"同埋啲彈吉他嘅後生仔咁，佢哋未必行得埋一齊，唔會有共同語言喔。 Translation: There would be a lot of grey areas, behavioural codes would be very difficult to realize when there are no common goals. A "Dai ma" and a young guitar player would not work together, they don't have a common language.
16	Li VCC	VCC: 總有害群之馬，要很自律但看不到沒個人是否為藝術而來，地盤會引致利益問題，很難 define 表演性質 Li: 立法過程複雜，最尾可能要等十年都未實行，但街頭表演問題需要急切解決，繼續有人利用漏洞是不理想。發牌會影響藝術自由。不知道會如何立法 如何找到人去管理，是最重要 Translation: VCC: There will always be rotten apples, there needs to be self-regulation but it's hard to tell whether people are there for art's sake. The profit motive will result in territorial disputes. It's hard to define the nature of performance. Li: The legislative process is complicated, in the end you would need ten years to implement it, but the street performance problem needs to be addressed urgently, it's not ideal for people to continue taking advantage of loopholes. Licensing will affect freedom of artistic expression. Don't know how to legislate. How to find people to manage it is most important.
17	Li NPP	1+3 在實行可行性比較大。但其他(2+4)不是完全不可行 Translation: 1 and 3 (licensing and partnerships) are likely to be more feasible, but 2 and 4 (zoning and code of conduct) are not entirely infeasible
18	Li NPP	Voluntary code of conduct would be hard to enforce; licensing criteria may impose subjective views against the expression of individuals through arts and culture
19	VCC	HK is more a rule based than abiding by code
20	Li	While a licence may legitimise the status of a street performer, it would deprive others' rights of existence in a public place for personal expression in different format such as artistic creation and cultural activities. Members of the public are protected under the Basic Law to have freedom of speech and engagement into cultural activities. The human rights' side should be taken into consideration.
21	VCC	範圍太廣 Translation: Scope is too broad

Participant number	Suitable Rules	Comments
22	Li VCC	難以訂立客觀標準及規例，可能會過份限制街頭表演 Translation: Difficult to establish objective standards and rules, it might lead to over-management of street performance.
23	Li	政府不適宜過分管制 Translation: Government is unsuited to over-management
24	VCC	定守則 不太可行 Translation: Not too feasible to establish a code of conduct
25	Zo	不知道 Translation: Don't know.
26	Li Zo NPP	會漸漸失去街頭表演的意義 Would gradually lose the purpose of street performance

Appendix II-2

Delphi Survey Round 2—Tabulated Results

Q1: How valid are the following statements about licensing?

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know	Total	IQR	% in agreement	Consensus level
a) Licensing would reduce conflicts between street performers and other stakeholders by creating a clear set of rules for street performance.	7 32%	13 59%	0 0%	0 0%	2 9%	22 100%	1	91%	Strong
b) Licensing would restrict freedom of expression and would be used to censor street performers.	7 32%	7 32%	5 23%	1 5%	2 9%	22 100%	2	64%	Weak
c) Licensing would grant street performers legal legitimacy and give them more peace of mind.	8 36%	11 50%	2 9%	0 0%	1 5%	22 100%	1	86%	Strong
d) Licensing may be difficult and slow to implement because the government would have to pass new legislation and set up a new body, such as a Department of Culture, to run it.	7 32%	13 59%	0 0%	1 5%	1 5%	22 32%	1	91%	Strong
e) Licensing would create complicated new rules that would cause more disputes between street performers and enforcement officers.	4 18%	14 64%	2 9%	0 0%	2 9%	22 18%	0	82%	Strong

Q2: How acceptable is each proposal for balancing between raising performance quality and preserving freedom of expression for all?

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know	Total	IQR	% in agreement	Consensus level
a) The government sets up a licensing scheme where auditions are only required for prime locations in high-footfall areas. Approved performers gain priority access to these locations. Other locations do not require an audition to get a license.	3 14%	11 50%	5 23%	1 5%	2 9%	22 100%	1	64%	Strong
b) Auditions are required for all performers, but the judging panel is chosen by arts organisations instead of by the government.	7 32%	10 45%	1 5%	2 9%	2 9%	22 100%	1	77%	Strong
c) Instead of one city-wide audition scheme, the government allows District Councils to create separate audition schemes for different locations, each run by a different non-profit organization.	6 27%	7 32%	4 18%	2 9%	3 14%	22 100%	2	59%	None
d) The government does not implement any audition scheme and promotes better quality performance through voluntary cultural and educational programmes.	4 18%	5 23%	8 36%	2 9%	3 14%	22 100%	1	41%	None
e) The government does not implement any audition scheme and focuses on addressing measurable problems such as noise and obstruction.	4 18%	6 27%	8 36%	3 14%	1 5%	22 100%	1	(50%) **	None

Note: ** Figures in brackets () indicate that the majority of participants fall on the lower or negative half of the response scale.

Q3: Should decibel limit be uniform throughout Hong Kong, or should it vary depending on the location?

Decibel limit options	Number	%
a) It should be uniform throughout Hong Kong to avoid confusion and make it easier to enforce.	6	27%
b) It should vary depending on the location because a busy street needs a higher decibel limit than a park.	14	64%
c) I do not think there is a need for any decibel level.	0	0%
d) Don't know	2	9%
Total	22	100%

Q4: How acceptable do you find each proposal for balancing between noise control and preserving the vibrancy of street performance?

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know	Total	IQR	% in agreement	Consensus level
a) Allow the use of battery-powered amplifiers but not gas or mains powered amplifiers.	6 27%	9 41%	3 14%	2 9%	2 9%	22 100%	1.25	68%	Weak
b) Allow amplifiers near residential buildings or hotels, but with a lower decibel limit than in purely commercial streets.	5 23%	8 36%	4 18%	3 14%	2 9%	22 100%	1.25	59%	None
c) Do not allow the use of amplifiers near residential buildings or hotels at any time.	7 32%	4 18%	4 18%	5 23%	2 9%	22 100%	2.25	50%	None
d) Do not allow the use of amplifiers near residential buildings or hotels after 9 p.m.	10 45%	7 32%	1 5%	2 9%	2 9%	22 100%	1	77%	Strong
e) Only allow street performers to use amplifiers in certain designated commercial streets or public open spaces.	9 41%	4 18%	4 18%	3 14%	2 9%	22 100%	2	59%	None
f) Within public parks or waterfront promenades, only allow amplifiers at designated locations so that other public space users can enjoy quiet areas.	12 55%	7 32%	0 0%	1 5%	2 9%	22 100%	1	86%	Strong
g) Implement a decibel level instead of putting any restrictions on amplifiers.	8 36%	6 27%	2 9%	3 14%	3 14%	22 100%	1.5	64%	Weak

Q5: Should amplifier restriction apply only to street performers, or to all outdoor amplifiers including shops, commercial promoters, and political campaigns?

Coverage of amplifier restrictions	Number	%
a) Only street performers	4	18%
b) Should cover all amplifiers	14	64%
c) There should not be restrictions on amplifiers.	0	0%
d) Don't know	4	18%
Total	22	100%

Q6: What type of noise control measures do you prefer?

Types of noise control measures	Number	%
a) A decibel limit only	4	18%
b) Amplifier restrictions only	0	0%
c) A combination of the two	12	55%
d) Neither, focus on improving enforcement of existing Noise Control Ordinance.	4	18%
e) Don't know	2	9%
Total	22	100%

Q7: How acceptable are the ideas for balancing between allowing street performers to collect donations and preventing the over-commercialisation of public space?

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know	Total	IQR	% in agreement	Consensus level
a) Street performers can set out a box for donations, but may not directly ask people for money.	9 41%	6 27%	4 18%	1 5%	2 9%	22 100%	1.25	68%	Weak
b) Instead of requiring a license for all street performers, only require those who want to collect money to obtain a license.	2 9%	8 36%	4 18%	6 27%	2 9%	22 100%	2	45%	None

Q8: How valid are the following statements about zoning?

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know	Total	IQR	% in agreement	Consensus level
a) Zoning would guarantee performers access to authorized locations, enabling them to perform more easily	6 27%	11 50%	2 9%	1 5%	2 9%	22 100%	1	77%	Strong
b) Zoning would protect residents from noise nuisance by separating performers from residential buildings and creating clear rules for street performance hot-spots.	7 32%	12 55%	0 0%	1 5%	2 9%	22 100%	1	86%	Strong
c) Zoning would be easier to implement than licensing because the rules would be simpler and the government won't need to establish a new Department of Culture to implement it.	4 18%	8 36%	4 18%	1 5%	5 23%	22 100%	1	55%	No
d) Zoning would be hard to implement because District Councils and residents are unlikely to agree to locate street performance zones in their districts.	2 9%	11 50%	5 23%	1 5%	3 14%	22 100%	1	59%	None
e) Zoning would lead to over-management of street performers and is likely to result in them being required to use inconvenient locations.	2 9%	8 36%	8 36%	1 5%	3 14%	22 100%	1	45%	None
f) There is too little usable space in Hong Kong for zoning to be effective.	4 18%	10 45%	3 14%	4 18%	1 5%	22 100%	1	64%	Strong

Q9: How desirable are the following approaches towards designating street performance zones?

	Very desirable	Fairly desirable	Not very desirable	Not desirable at all	Don't know	Total	IQR	% in agreement	Consensus level
a) The government should allow existing performance hot-spots such as the Tsim Sha Tsui and Central ferry piers to remain in place but introduce zone-based regulations to address noise and overcrowding.	8 36%	8 36%	2 9%	2 9%	2 9%	22 100%	1	73%	Strong
b) The Government should try to relocate street performers away from urban streets to parks and waterfront promenades that are not close to residents and businesses	7 32%	6 27%	4 18%	3 14%	2 9%	22 100%	2	59%	None
c) The Government should designate one or two large performance zones similar to Dai Dat Dei in the 1970s, far away from residential buildings, as long as there are convenient public transport links. Other activities like hawker stalls can be included to attract visitors and the government can promote it as a tourist destination.	9 41%	8 36%	1 5%	0 0%	4 18%	22 100%	1	77%	Strong
d) The Government should try to spread performers out across Hong Kong by designating multiple small performance spots in each district, for example outside major public transport hubs, cultural centres, pedestrianized shopping streets, or malls.	7 32%	9 41%	4 18%	0 0%	2 9%	22 100%	1	73%	Strong

Q10: How acceptable would the following guidelines be in Hong Kong's environment?

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know	Total	IQR	% in agreement	Consensus level
a) Prohibit street performers from setting up directly in front of pedestrian crossings for safety reasons.	10 45%	8 36%	2 9%	0 0%	2 9%	22 100%	1	82%	Strong
b) Prohibit street performers from setting up in front of the entrances of public transport hubs.	6 27%	11 50%	2 9%	0 0%	3 14%	22 100%	1	77%	Strong
c) Designate spots for a limited number of performers in front of suitable public transport hubs where the pavement is wide enough.	6 27%	11 50%	2 9%	1 5%	2 9%	22 100%	1	77%	Strong
d) At designated performance zones, mark locations for performers by drawing boxes on the ground to make enforcement simpler.	4 18%	12 55%	3 14%	0 0%	3 14%	22 100%	0	73%	Strong
e) Keep existing regulations on obstruction unchanged as there is no need for special guidelines for street performers.	3 14%	6 27%	5 23%	6 27%	2 9%	22 100%	2	(50%) **	None

Note: ** Figures in brackets () indicate that the majority of participants fall on the lower or negative half of the response scale.

Q11: How acceptable would the following distancing guidelines be in Hong Kong's environment?

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know	Total	IQR	% in agreement	Consensus level
a) In parks or waterfront promenades where performers are allowed, the government draws performance spots on the ground about 25m apart.	6 27%	10 45%	2 9%	0 0%	4 18%	22 100%	1	73%	Strong
b) On city streets, a limit is set for 2 amplified performers per street block. (1 city block is about 50-100m long).	5 23%	11 50%	2 9%	1 5%	3 14%	22 100%	0.5	73%	Strong

Q12: How acceptable would time limits be in the following situations?

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know	Total	IQR	% in agreement	Consensus level
a) If time limits are only implemented in public spaces with a specific management body such as LCSD-managed parks, where there are staff to monitor the space?	4 18%	12 55%	4 18%	0 0%	2 9%	22 100%	0	73%	Strong
b) If at designated performance zones, the day is divided into multiple time slots so that it will be clear when performers are supposed to start and finish?	4 18%	10 45%	6 27%	0 0%	2 9%	22 100%	1	64%	Strong
c) If the time limit was longer than 1 hour? (1 hour was suggested in the previous survey)	4 18%	7 32%	5 23%	2 9%	4 18%	22 100%	1	50%	None

Q13: If there were a time limit, how many hours would you prefer it to be?

Time limit length	Number	%
1 hour	5	23%
2 hours	2	9%
3 hours	6	27%
4 hours or more	2	9%
There should not be any time limit	5	23%
DK	2	9%
Total	22	100%

Q14: How acceptable would the following rules or combinations of rules be in performance zones?

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know	Total	IQR	% in agreement	Consensus level
a) Decibel limit only, no distancing requirement or time limit: The zone may become crowded with performers, who can claim spaces on a first come first serve basis. Performers need to keep within decibel guidelines but sounds from different performers may still clash.	2 9%	5 23%	8 36%	4 18%	3 14%	22 100%	1	(55%) **	None
b) Decibel limit, distancing requirement, and time limit. The distancing requirement and decibel limit would prevent sounds from clashing, but there would be limited spots available. There is a time limit to promote turnover of performers. Time slots are allocated by queueing or by drawing lots.	2 9%	14 64%	3 14%	1 5%	2 9%	22 100%	0	73%	Strong
c) Decibel limit and distancing requirement, no time limit: The distancing requirement and decibel limit would prevent sound clashing, but the limited spots are allocated on a first come first serve basis and performers would not be required to take turns.	2 9%	9 41%	6 27%	3 14%	2 9%	22 100%	1	50%	None
d) Decibel limit and time limit, no distancing requirement. There would be a decibel limit but no distancing requirement, so sounds from different performers may still clash. A time limit would promote turnover of performers, but the zone may become overcrowded at peak times.	2 9%	9 41%	5 23%	4 18%	2 9%	22 100%	1	50%	None

Note: ** Figures in brackets () indicate that the majority of participants fall on the lower or negative half of the response scale.

Q15: How valid are the following statements about non-profit partnerships?

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know	Total	IQR	% in agreement	Consensus level
a) Allowing non-profits to manage designated street performance zones is a bottom-up approach that would promote a more vibrant environment by avoiding over-management by the government	7 32%	9 41%	3 14%	1 5%	2 9%	22 100%	1	73%	Strong
b) There are too few non-profits in Hong Kong that have the interest or capability to partner with the government to manage street performance zones.	2 9%	12 55%	4 18%	1 5%	3 14%	22 100%	0.5	64%	Strong
c) Allowing non-profits to manage street performance zones would reduce the influence of profit-seekers and triads in public spaces.	6 27%	10 45%	2 9%	2 9%	2 9%	22 100%	1	73%	Strong
d) Non-profits would be able to use their professional knowledge and networks to recruit suitable performers for public spaces.	8 36%	7 32%	4 18%	1 5%	2 9%	22 100%	1.25	68%	Weak
e) It would be difficult for non-profits to manage street performance zones effectively as they lack legal enforcement power, and the police would still be needed to handle disputes.	6 27%	11 50%	2 9%	2 9%	1 5%	22 100%	1	77%	Strong
f) Non-profits would make street performance less inclusive by giving performance spaces to people in their own networks and ignoring the needs of other performers.	4 18%	9 41%	5 23%	1 5%	3 14%	22 100%	1	59%	None

Q16: How valid are the following statements about voluntary code of conduct?

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know	Total	IQR	% in agreement	Consensus level
A code of conduct would be ineffective because since it is voluntary, many performers would ignore it.	7 32%	11 50%	2 9%	0 0%	2 9%	22 100%	1	82%	Strong
A code of conduct would be too vague and broad to be useful as guidelines for resolving conflicts between stakeholders.	7 32%	9 41%	4 18%	0 0%	2 9%	22 100%	1	73%	Strong
A code of conduct would be useful in changing behaviour by educating both performers and residents about street performance etiquette.	5 23%	11 50%	2 9%	1 5%	3 14%	22 100%	0.5	73%	Strong
A code of conduct would be relatively easy for the government to implement as it does not require any new laws or new bodies of government to be created.	4 18%	11 50%	3 14%	2 9%	2 9%	22 18%	0.25	68%	Strong

Q17: To what extent do you think the government should try to implement the following ideas about voluntary measures like non-profit partnerships?

	Definitely should	Maybe should	Maybe should not	Definitely should not	Don't know	Total	IQR	% in agreement	Consensus level
a) Establish a programme for a non-profit arts organization to partner with developers to arrange for street performers to perform in privately managed public open spaces.	8 36%	8 36%	4 18%	0 0%	2 9%	22 100%	1	73%	Strong
b) As a pilot project, set up non-profit partnerships to manage street performers on one or two streets.	9 41%	9 41%	2 9%	0 0%	2 9%	22 100%	1	82%	Strong
c) Combine a code of conduct with non-profit management of street performance hot spots.	6 27%	11 50%	3 14%	0 0%	2 9%	22 100%	1	77%	Strong
d) Create a code of conduct as a first step to promote better self-regulation among street performers, and promise to introduce formal regulations later if this does not lead to improvement.	8 36%	8 36%	2 9%	2 9%	2 9%	22 100%	1	73%	Strong
e) In addition to formal regulations to handle problems like excessive noise, promote a code of conduct to educate performers and the public about performance etiquette, crowd management techniques, and space sharing.	8 36%	11 50%	1 5%	1 5%	1 5%	22 100%	1	86%	Strong

Q18: How useful would it be to support local artists for the government to adopt the following measures?

	Very useful	Fairly useful	Slightly useful	Not useful	Don't know	Total	IQR	% in agreement	Consensus level
a) Feature street performers on an official website and in tourism promotion materials	8 36%	9 41%	3 14%	1 5%	1 5%	22 100%	1	77%	Strong
b) Create a "one-stop shop" website for street performance in Hong Kong to provide information on rules, application processes, and designated performance locations.	9 41%	8 36%	2 9%	1 5%	2 9%	22 100%	1	77%	Strong
c) Create a platform to link street performers up with private venue managers such as shopping malls.	7 32%	8 36%	5 23%	1 5%	1 5%	22 100%	2	68%	Weak
d) Work with performing arts schools or arts non-profits to organise training workshops for beginner street performers	5 23%	12 55%	1 5%	2 9%	2 9%	22 100%	0.25	77%	Strong
e) Organise and promote street performance competitions and festivals	7 32%	10 45%	2 9%	1 5%	2 9%	22 100%	1	77%	Strong
f) provide more funding support to arts organisations	8 36%	9 41%	3 14%	1 5%	1 5%	22 100%	1	77%	Strong
g) Create an official definition of street performance to differentiate street performers from illegal hawkers or beggars.	11 50%	6 27%	4 18%	0 0%	1 5%	22 100%	1	77%	Strong
h) Create a Bureau of Culture in Hong Kong to make cultural policy	5 23%	8 36%	4 18%	3 14%	2 9%	22 100%	1.25	59%	None

Q19: How important is it for Hong Kong's future street performance management policies to have the following features?

	Very important	Somewhat important	Slightly important	Not important at all	Don't know	Total	IQR	% in agreement	Consensus level
a) Can be implemented without the government having to pass any new legislation	10 45%	5 23%	4 18%	0 0%	3 14%	22 100%	1	68%	Strong
b) Simple rules that require relatively little manpower to enforce	12 55%	9 41%	0 0%	0 0%	1 5%	22 100%	1	95%	Strong
c) Based on measurable standards and avoids judgements about subjective matters such as quality	11 50%	8 36%	2 9%	0 0%	1 5%	22 100%	1	86%	Strong
d) Based on legally enforceable rules	9 41%	10 45%	1 5%	0 0%	2 9%	22 100%	1	86%	Strong
e) Based on cooperation with civil society groups and the arts sector	10 45%	9 41%	1 5%	0 0%	2 9%	22 100%	1	86%	Strong
f) Consults with street performers periodically to make adjustments based on their needs	10 45%	10 45%	1 5%	0 0%	1 5%	22 100%	1	91%	Strong
g) Consults with District Councils periodically to make sure local communities are satisfied with the arrangements	7 32%	13 59%	1 5%	0 0%	1 5%	22 100%	1	91%	Strong
h) Protects residents from noise and nuisance even if this introduces more restrictions on street performance	9 41%	10 45%	1 5%	1 5%	1 5%	22 100%	1	86%	Strong
i) Allows casual performers to use public spaces for self-entertainment and social activity without a complicated application process	5 23%	11 50%	2 9%	1 5%	3 14%	22 100%	0.5	73%	Strong
j) Promotes urban vibrancy even if this means tolerating some complaints about nuisance	6 27%	9 41%	4 18%	1 5%	2 9%	22 100%	1.25	68%	Weak

Appendix II-3

Delphi questionnaire Round 1

Hello, thank you for taking part in Phase 2 of our study. The insights you provided in the first interview were very valuable. In this survey we will ask you to provide your feedback on several different policy solutions that were outlined in the PowerPoint we sent you earlier. The survey will take about 40 minutes. Your answers will be completely anonymous. If you feel unable to answer any questions, you can reply "don't know" to any question.

Problems and Objectives

1. How important is it to address the following problems with street performance in Hong Kong? *

Mark only one oval per row.

	Very important	Somewhat important	Slightly important	Unimportant	Don't know
Noise	◯	◯	◯	◯	◯
Poor quality performances	◯	◯	◯	◯	◯
Street obstruction	◯	◯	◯	◯	◯
Lack legal protection for street performers	◯	◯	◯	◯	◯

2. Out of these problems, which one is the most important to address?

Mark only one oval.

- ◯ Noise
- ◯ Poor quality performances
- ◯ Street obstruction
- ◯ Lack of legal protection for street performers

3. Below is a list of potential objectives for Hong Kong's future street performance policy. Please choose the three most important objectives and rank them from 1 to 3 with 1 being the most important.

Mark only one oval per row.

	1st (Most important)	2nd	3rd
Promoting a vibrant urban environment	◯	◯	◯
Supporting local artists	◯	◯	◯
Reducing the level of nuisance	◯	◯	◯
Supporting people's right to cultural expression	◯	◯	◯
Meeting people's needs for accessible entertainment and social life	◯	◯	◯
Enhancing Hong Kong's international image	◯	◯	◯

Problem-solving Priorities

4. Now we would like to ask some questions about noise at different times and locations. How much tolerance for street performance noise should the following locations have on weekdays? High tolerance, medium tolerance, low tolerance or no tolerance? *

Mark only one oval per row.

	High tolerance	Medium tolerance	Low tolerance	No tolerance	Don't know
Areas with upstairs residential units	◯	◯	◯	◯	◯
Pure commercial areas	◯	◯	◯	◯	◯
Public open spaces such as parks and the waterfront	◯	◯	◯	◯	◯

5. How about on weekends? *

Mark only one oval per row.

	High tolerance	Medium tolerance	Low tolerance	No tolerance	Don't know
Areas with upstairs residential units	◯	◯	◯	◯	◯
Pure commercial areas	◯	◯	◯	◯	◯
Public open spaces such as parks and the waterfront	◯	◯	◯	◯	◯

6. It is currently illegal to cause noise disturbances in public places after 11 p.m. Ideally, at what time should street performances involving musical instruments or amplifiers in these locations stop at night? *

Mark only one oval per row.

	9 p.m. or earlier	10 p.m.	11 p.m.	12 a.m.	1 a.m. or later
Areas with upstairs residential units	◯	◯	◯	◯	◯
Pure commercial areas	◯	◯	◯	◯	◯
Public open spaces such as parks and the waterfront	◯	◯	◯	◯	◯

7. Now we would like to ask about street obstruction at different locations. How important is it to minimize obstructions to pedestrians by street performers at the following locations? Very important, somewhat important, slightly important, or unimportant? *

Mark only one oval per row.

	Very Important	Somewhat Important	Slightly important	Unimportant	Don't know
In front of MTR stations, bus and ferry terminuses	⬭	⬭	⬭	⬭	⬭
In front of shops	⬭	⬭	⬭	⬭	⬭
On footbridges and underpasses	⬭	⬭	⬭	⬭	⬭
Near pedestrian crossings	⬭	⬭	⬭	⬭	⬭
In public open spaces such as parks	⬭	⬭	⬭	⬭	⬭
Near residential buildings	⬭	⬭	⬭	⬭	⬭

8. Now we would like to ask about street performance quality. How important is it for street performance policy to meet the following quality objectives? Very important, somewhat important, slightly important, or unimportant? *

Mark only one oval per row.

	Very Important	Somewhat Important	Slightly important	Unimportant	Don't know
Ensure that street performers meet a standard of artistic quality	⬭	⬭	⬭	⬭	⬭
Ensure that street performances are not offensive to the public	⬭	⬭	⬭	⬭	⬭
Provide support and training for performers to improve their skills	⬭	⬭	⬭	⬭	⬭
Ensure that performances are compatible with the location's image	⬭	⬭	⬭	⬭	⬭
Promote greater diversity of performance types	⬭	⬭	⬭	⬭	⬭

9. Now we would like to ask about improving legal protections for street performers. How important is it for street performance policy to: *

Mark only one oval per row.

	Very Important	Somewhat Important	Slightly important	Unimportant	Don't know
Provide clearer guidelines for both performers and enforcement officers?	◯	◯	◯	◯	◯
Preserve the spontaneous nature of street performance?	◯	◯	◯	◯	◯
Give performers legal protection through licensing?	◯	◯	◯	◯	◯
Ensure access to spaces for street performers?	◯	◯	◯	◯	◯
Ensure that anyone can perform?	◯	◯	◯	◯	◯

Potential solutions

We looked at street performance regulations from Singapore, Taipei, Melbourne, London and Bath as well as local examples and would like to ask for your feedback on some potential solutions.

10. Currently, there is no objective decibel limit for street performers in Hong Kong. How helpful would introducing a decibel level for street performers be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

11. Some cities ban the use of amplifiers in certain places such as residential areas. If amplifiers were restricted in certain locations in Hong Kong, how helpful would this be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

12. In some cities, performers who use amplifiers are required to space themselves roughly 30m apart to prevent different sound systems from clashing with each other. If a similar distance requirement were adopted in Hong Kong, how helpful would this be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

13. In some cities, there are guidelines about how many square metres of space street performers may occupy and how much space they have to leave clear for pedestrians to pass. How helpful would introducing similar guidelines in Hong Kong be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

14. In some cities, there is a 1-hour time limit for musical performers. After the time is up, performers are required to move to a different location and let someone else use the space. If a similar time limit were introduced in Hong Kong, how helpful would it be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

15. Some people in Hong Kong say that allowing street performers to accept money encourages them to compete to be louder and monopolise public space. However, others say that it is fine for performers to receive money as long as it is voluntary. If the government placed restrictions on giving money to street performers, how helpful would this be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

16. How feasible would it be to carry out and enforce the measures suggested above? Definitely feasible, probably feasible, probably infeasible, or definitely infeasible? *

Mark only one oval per row.

	Definitely feasible	Probably feasible	Probably infeasible	Definitely infeasible	Don't know
Setting a decibel limit	◯	◯	◯	◯	◯
Restricting the use of amplifiers in certain locations	◯	◯	◯	◯	◯
Requiring amplified performers to space themselves apart	◯	◯	◯	◯	◯
Creating clear guidelines on how much space street performers can occupy	◯	◯	◯	◯	◯
Setting a time limit for musical performances	◯	◯	◯	◯	◯
Placing restrictions on giving money to performers	◯	◯	◯	◯	◯

17. How feasible would it be for the government to set up and introduce the measures suggested above? Definitely feasible, probably feasible, probably infeasible, or definitely infeasible? *

Mark only one oval per row.

	Definitely feasible	Probably feasible	Probably infeasible	Definitely infeasible	Don't know
Setting a decibel limit	◯	◯	◯	◯	◯
Restricting the use of amplifiers in certain locations	◯	◯	◯	◯	◯
Requiring amplified performers to space themselves apart	◯	◯	◯	◯	◯
Creating clear guidelines on how much space street performers can occupy	◯	◯	◯	◯	◯
Setting a time limit for musical performances	◯	◯	◯	◯	◯
Placing restrictions on giving money to performers	◯	◯	◯	◯	◯

18a. Which of the six measures do you think are suitable for Hong Kong? You can choose more than one. *

Check all that apply.

- [ ] Decibel limit
- [ ] Location-based amplifier restrictions
- [ ] Spacing between performers
- [ ] Spatial occupation guidelines
- [ ] Time limit
- [ ] Money restrictions

18b. Please describe the main advantages of the option(s) that you chose above. *

19a. Which of the six measures are unsuitable for Hong Kong? You can choose more than one. *

Check all that apply.

- [ ] Decibel limit
- [ ] Location-based amplifier restrictions
- [ ] Spacing between performers
- [ ] Spatial occupation guidelines
- [ ] Time limit
- [ ] Money restrictions

19b. Please describe the main disadvantages of the option(s) you chose above. *

Management Strategies

As shown in the PowerPoint, there are three main methods that other cities use to manage street performance - licensing, zoning, and voluntary measures. We would like to ask for your feedback on these strategies.

20. Some have suggested that Hong Kong introduce a licensing system where performers have to apply for a license that lasts several months to a year. Licensed performers need to follow guidelines, and licenses can be cancelled if they break the rules repeatedly. How helpful would a licensing system be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

21. Some people have suggested that street performer licenses should require an audition, but others think that it would be too restrictive. In your assessment, how valid are the following statements about auditions? Definitely valid, probably valid, probably invalid, or definitely invalid? *

Mark only one oval per row.

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know
Auditions would improve the artistic quality of street performances	◯	◯	◯	◯	◯
Auditions would filter out offensive performances	◯	◯	◯	◯	◯
Auditions would unfairly exclude some performers	◯	◯	◯	◯	◯
Artistic quality is subjective and cannot be fairly judged by a committee	◯	◯	◯	◯	◯

22. Please rank the following proposals in order of preference, with 1 being the most preferred.

Mark only one oval per row.

	1st (Most preferred)	2nd	3rd	4th
A licensing system with auditions for all performers	◯	◯	◯	◯
A licensing system that requires auditions to perform in certain high-profile locations but not others	◯	◯	◯	◯
A licensing system where street performers are only assessed on safety and their likelihood of causing noise and nuisance at proposed performance locations	◯	◯	◯	◯
No licensing system	◯	◯	◯	◯

23. Some stakeholders have also suggested that the government designates zones for street performers where certain rules about noise, space allocation, or use of amplifiers may apply. Overall, how helpful would designating street performance zones be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

24. Please rank the suggestions below in order of preference, with 1 being the most preferred.

Mark only one oval per row.

	1st (Most preferred)	2nd	3rd
Street performers must use designated performance spaces	◯	◯	◯
Performers are allowed to perform anywhere in the city but there are stricter rules at popular performance areas and in noise-sensitive locations.	◯	◯	◯
No zoning	◯	◯	◯

25. Some cities use voluntary agreements instead of relying on formal regulations to manage street performers. One way of doing this is for the government to form partnerships with non-profit arts groups and make them responsible for managing street performers in certain locations. If this method were introduced in HK, how helpful would it be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

26. Another voluntary method would be for the government to promote a code of conduct for street performers to encourage them to regulate themselves and to provide guidelines for resolving disputes. If this method were applied to Hong Kong, how helpful would it be in: *

Mark only one oval per row.

	Definitely helpful	Probably helpful	Probably unhelpful	Definitely unhelpful	Don't know
Reducing conflicts between performers and other stakeholders	◯	◯	◯	◯	◯
Improving interactions between street performers and enforcement officers	◯	◯	◯	◯	◯
Facilitating vibrant street performance	◯	◯	◯	◯	◯

27. How feasible would it be to carry out or enforce the management strategies suggested above? Definitely feasible, probably feasible, probably infeasible or definitely infeasible? *

Mark only one oval per row.

	Definitely feasible	Probably feasible	Probably infeasible	Definitely infeasible	Don't know
A licensing system	◯	◯	◯	◯	◯
A fair and transparent audition system	◯	◯	◯	◯	◯
Street performance zones	◯	◯	◯	◯	◯
Partnerships with non-profit groups	◯	◯	◯	◯	◯
A voluntary code of conduct	◯	◯	◯	◯	◯

28. How feasible would it be for the government to introduce and set up the management strategies suggested above? *

Mark only one oval per row.

	Definitely feasible	Probably feasible	Probably infeasible	Definitely infeasible	Don't know
A licensing system	◯	◯	◯	◯	◯
A fair and transparent audition system	◯	◯	◯	◯	◯
Street performance zones	◯	◯	◯	◯	◯
Partnerships with non-profit groups	◯	◯	◯	◯	◯
A voluntary code of conduct	◯	◯	◯	◯	◯

29a. Out of the options proposed, which are suitable for Hong Kong? You can choose more than one. *

Check all that apply.

- [ ] Licensing
- [ ] Zoning
- [ ] Partnerships with non-profits
- [ ] Voluntary code of conduct

29b Please describe the main advantages of the option(s) you chose above. *

30a. Out of the options proposed, which are unsuitable for Hong Kong? You can choose more than one. *

Check all that apply.

- [ ] Licensing
- [ ] Zoning
- [ ] Partnerships with non-profits
- [ ] Voluntary code of conduct

30b. Please describe the main disadvantages of the option(s) you chose above. *

香港街頭表演政策研究訪問(第二階段)

您好，感謝您參加本研究的第二階段。同時，我們也感謝您在首階段中提供珍貴的意見，這對我們的研究非常有幫助。 是次調查將需要您對我們早前發送給你的簡報裡面，所介紹的數種不同街頭表演政策方案提供意見。 調查包括30個問題，大約需時 20 分鐘。 您所提供的答覆將會完全匿名。 如果您覺得無法回答問題，您可以對任何問題回答「不知道」。

問題與目標

1. 您認為解決以下有關香港街頭表演的問題有多重要? *

Mark only one oval per row.

	非常重要	有些重要	稍微重要	不重要	不知道
噪音	◯	◯	◯	◯	◯
街頭表演質素欠佳	◯	◯	◯	◯	◯
阻街	◯	◯	◯	◯	◯
街頭表演者缺乏法律的認可	◯	◯	◯	◯	◯

2. 在這些問題裡面，其中最需要解決的是哪個問題?

Mark only one oval.

- ◯ 噪音
- ◯ 街頭表演質素欠佳
- ◯ 阻街
- ◯ 街頭表演者缺乏法律的認可

3. 下列是 6 個香港街頭表演政策推行的目標。 請選擇您認為最重要的 3 項，並將它們從 1 到 3 進行排序，其中 1 為最重要的目標。

Mark only one oval per row.

	1 (最重要)	2	3
推動一個充滿活力的城市環境			
支持本地藝術工作者			
減少滋擾程度			
支持人們的文化表達權利			
滿足人們對娛樂和社交生活的需求			
提升香港的國際形象			

解決問題的優先次序

4. 現在，我們想問一些關於噪音所在的位置和時間的問題。 在工作日時段，您對街道表演在以下位置所產生的噪音應有多大的容忍度? *

Mark only one oval per row.

	很可以容忍	可以容忍	稍微可以容忍	完全不可容忍	不知道
樓上住宅區					
純商業區					
公園和海濱公園等公共空間					

5. 在週末時段，同樣的位置又有多大的容忍度? *

Mark only one oval per row.

	很可以容忍	可以容忍	稍微可以容忍	完全不可容忍	不知道
樓上住宅區					
純商業區					
公園和海濱公園等公共空間					

6. 晚上11點後，在公共場所造成噪音干擾是違法的。 在理想情況下，你認為在以下位置使用樂器或擴音器的街頭表演，應在晚上何時結束？ *

Mark only one oval per row.

	9 p.m. 或更早	10 p.m.	11 p.m.	12 p.m.	1 a.m. 或更遲
樓上住宅區					
純商業區					
公園和海濱公園等公共空間					

7. 現在，我們想問一下有關【阻街位置】的問題。 您認為，若減少以下位置的街頭表演，對舒緩造成行人阻礙有多重要？ *

Mark only one oval per row.

	非常重要	有些重要	稍微重要	不重要	不知道
港鐵站、巴士站及渡輪碼頭前					
商店門口					
行人天橋和隧道					
行人過路處附近					
公園等公共空間					
住宅樓宇附近					

8. 現在，我們想問一下有關【街頭表演質素】的問題。你認為街道表演政策，對達到以下表演質素方面的目標有多重要？ *

Mark only one oval per row.

	非常重要	有些重要	稍微重要	不重要	不知道
確保街頭表演者有一定的藝術水平					
確保街頭表演不會冒犯到公眾					
為街頭表演者提供支持和培訓，以提高他們的水平					
確保街頭表演符合該地區的形象					
推廣表演種類的多樣性					

9. 現在，我們想問有關改善街頭表演者的【法律保障】的問題。 你認為街頭表演政策，對於做到以下幾點有多重要？ *

Mark only one oval per row.

	非常重要	有些重要	稍微重要	不重要	不知道
為表演者和執法人員提供更清晰的執法標準	◯	◯	◯	◯	◯
保留街頭表演的即興本質	◯	◯	◯	◯	◯
通過發牌制度，使街頭表演者獲得法律的認可	◯	◯	◯	◯	◯
確保表演者有可用空間	◯	◯	◯	◯	◯
確保任何人都可以進行街頭表演	◯	◯	◯	◯	◯

潛在的解決方案

我們研究了新加坡、台北、墨爾本、倫敦和巴斯推行有關街道表演的法規，作為個案參考。在此，我們希望您就下列總結出來的可能政策方向提出意見。

10. 現時，香港並沒有針對街頭表演的噪音分貝限制。你認為如對街頭表演噪音分貝標準進行管制，會對以下方面帶來有多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

11. 一些城市禁止表演者在特定區域（例如住宅區）使用擴音器。 你認為如果在香港的某些區域實施擴音器的使用限制，會對以下方面帶來有多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

12. 一些城市要求使用擴音器的表演者，互相保持大約30米的距離，以防止不同聲音混雜，造成噪音滋擾。 你認為如果香港採用了類似的空間距離規定，會對以下方面帶來有多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

13. 一些城市對於表演空間的面積有專門的規定，以及要求表演者必須預留一定面積予行人。你認為如果在香港推行類似的規定，會對以下方面帶來有多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

14. 一些城市為音樂表演設有1小時的時間限制。 時限一到，表演者必須移至其他位置繼續表演，讓其他人使用原有空間。 您認為如果在香港推行表演時限，會對以下方面帶來有多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

15. 香港有人認為，允許街頭表演者收錢，等於變相鼓勵他們為賺錢而惡性競爭，製造更多噪音，並長時間佔用公共空間。但也有人認為，只要觀眾願意，表演者是可以接受打賞的。您認為如果政府就表演者收取（金錢）打賞方面進行規管，會對以下方面帶來有多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

16. 要實施和執行這些建議措施的可行性有多高? *

Mark only one oval per row.

	絕對可行	可能可行	可能不可行	絕對不可行	不知道
制定噪音分貝限制	◯	◯	◯	◯	◯
在指定位置限制擴音器的使用	◯	◯	◯	◯	◯
要求使用擴音器的表演者互相保持一定距離	◯	◯	◯	◯	◯
為街頭表演者可以佔用空間的面積制定明確的指引	◯	◯	◯	◯	◯
為音樂表演實行時間限制	◯	◯	◯	◯	◯
就表演打賞實行規管	◯	◯	◯	◯	◯

17. 政府制定和推行上述建議的可行性有多高? *

Mark only one oval per row.

	絕對可行	可能可行	可能不可行	絕對不可行	不知道
制定噪音分貝限制	◯	◯	◯	◯	◯
在指定位置限制擴音器的使用	◯	◯	◯	◯	◯
要求使用擴音器的表演者互相保持一定距離	◯	◯	◯	◯	◯
為街頭表演者可以佔用空間的面積制定明確的指引	◯	◯	◯	◯	◯
為音樂表演實行時間限制	◯	◯	◯	◯	◯
就表演打賞實行規管	◯	◯	◯	◯	◯

18a. 您認為這六項措施中哪些比較適合在香港應用? *

Check all that apply.

- [ ] 噪音分貝限制
- [ ] 視乎地區限制擴音器使用
- [ ] 表演者互相保持距離
- [ ] 空間佔用指引
- [ ] 表演時間限制
- [ ] 收受打賞的規管

18b. 請說明你選擇的措施的主要優點: *

19a. 您認為這六項措施中，哪些比較不適合在香港應用? *

Check all that apply.

- [ ] 噪音分貝限制
- [ ] 視乎地區限制擴音器使用
- [ ] 表演者互相保持距離
- [ ] 空間佔用指引
- [ ] 表演時間限制
- [ ] 收受打賞的規管

19b. 請說明你選擇的方案的主要缺點。 *

政策方向

如我們較早前所給你的簡報所示，其他城市管理街道表演的方法主要分三大策略：發牌制度、空間規例、自願管理。現在，我們想請您對這些政策方向提出意見。

20. 有些人建議香港實行發牌制度，規定表演者必須申請為期數月至一年的牌照。持牌者需要遵守規則，如果屢次違規，牌照就會被註銷。您認為發牌制度，會對以下方面帶來有多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突					
改善表演者和執法人員之間的關係					
推動有活力的街頭表演					

21. 有人建議街頭表演者在得到牌照前需要通過遴選，但也有人認為這種措施限制性過大。您認為以下說法的合理性有多大？ *

Mark only one oval per row.

	絕對合理	可能合理	可能不合理	絕對不合理	不知道
遴選可以提高街頭表演的藝術質素					
遴選會篩選掉令人反感的表演					
遴選會不公平地排斥部分表演者					
對於藝術質素的定義是主觀的，所以不能單憑一個委員會作出公平判決					

22. 請將下列四個與發牌制度有關的政策建議，按您的選擇取向進行排列，1為首選：

Mark only one oval per row.

	1 (首選)	2	3	4
實行發牌制度，所有表演者都必須要參與遴選				
實行發牌制度，只要求使用熱門地點的表演者參與遴選，而其他地點則不需要				
實行發牌制度，無需遴選，表演者只需通過公共安全以及防止滋擾的審核				
不需實行發牌制度				

23. 一些持份者還建議政府為街頭表演者劃定表演區域，這些區域將會附帶一些關於噪音、空間分配或使用擴音器的規則。總體而言，您認為劃定街頭表演區，會對以下方面帶來有多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

24. 請將下列三個與劃定表演區域有關的政策建議，按您的選擇取向進行排列，1 為首選：

Mark only one oval per row.

	1 (首選)	2	3
街頭表演者必須使用指定的表演區域	◯	◯	◯
表演者可以在任何地方進行表演，但在熱門的表演區域和對噪音敏感的地方，需遵守該區域比較嚴格的規則	◯	◯	◯
不需劃定表演區域	◯	◯	◯

25. 除了推行正式法規來管理街頭表演，一些城市採用自願式管理。其中一個方法是政府與非牟利藝術團體合作，把特定地區的街頭表演管理責任交付於這些團體。您認為如果在香港實行這種方法，會對以下方面帶來多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

26. 另一種自願管理模式，是由政府推廣街頭表演者專用的行為守則，培養他們的自律性，並提供解決糾紛的指引。您認為如果在香港實行這種方法，會對以下方面帶來多大幫助？ *

Mark only one oval per row.

	絕對有幫助	可能有幫助	可能沒有幫助	絕對沒有幫助	不知道
減少表演者與其他持份者之間的衝突	◯	◯	◯	◯	◯
改善表演者和執法人員之間的關係	◯	◯	◯	◯	◯
推動有活力的街頭表演	◯	◯	◯	◯	◯

27. 在實施和執法的層面而言，這些措施的可行性有多高？ *

Mark only one oval per row.

	絕對可行	可能可行	可能不可行	絕對不可行	不知道
發牌制度	◯	◯	◯	◯	◯
公平且透明的遴選制度	◯	◯	◯	◯	◯
劃定街頭表演區域	◯	◯	◯	◯	◯
與非牟利藝術團體合作	◯	◯	◯	◯	◯
街頭表演行為守則	◯	◯	◯	◯	◯

28. 政府制定和推行這些措施的可行性有多高？ *

Mark only one oval per row.

	絕對可行	可能可行	可能不可行	絕對不可行	不知道
發牌制度	◯	◯	◯	◯	◯
公平且透明的遴選制度	◯	◯	◯	◯	◯
劃定街頭表演區域	◯	◯	◯	◯	◯
與非牟利藝術團體合作	◯	◯	◯	◯	◯
街頭表演行為守則	◯	◯	◯	◯	◯

29a. 在上述提出的政策方向中，您認為哪些適合在香港使用？您可以選擇多於一項。 *

Check all that apply.

- [ ] 發牌制度
- [ ] 空間規例
- [ ] 與非牟利藝術團體合作
- [ ] 街頭表演行為守則

29b. 請說明你選擇的方案的主要優點。 *

30a. 在上述提出的政策方向中，您認為哪一種不適合在香港使用？您可以選擇多於一項。 *

Check all that apply.

- [ ] 發牌制度
- [ ] 空間規例
- [ ] 與非牟利藝術團體合作
- [ ] 街頭表演行為守則

30b. 請說明你選擇的方案的主要缺點。 *

Appendix II-4

Delphi questionnaire Round 2

Thank you very much for taking part in the study again. We are now in the final round of the Phase-2 surveys.

In the first round of questions, we asked 26 key stakeholders about the helpfulness, feasibility, and suitability of various street performance management strategies for Hong Kong.

Of the 26 stakeholders, 9 were street performers, 7 were from the business sector, 5 were District Councilors, 3 were from government departments, 2 were from communities or non-profit organizations.

Headline findings
We found:
-- Moderate support for zoning performance areas.
-- Moderate support for managing street performance through non-profit partnerships.
-- Moderate support for licensing street performers, but with significant doubts about auditions.
-- Low support for a voluntary code of conduct.

We also found:
-- Relatively strong support for decibel limits and amplifier restrictions.
-- Positive views about the helpfulness of distancing requirements and spatial occupation guidelines, but significant doubts about their suitability for Hong Kong.
-- Divided views on time limits.
-- Low support for restrictions on giving money to performers.

Please continue reading for detailed findings.

In this final round of questions, we will ask you to consider viewpoints expressed by other stakeholders and answer more in-depth questions about different versions of policies to find the most acceptable balance between competing objectives.

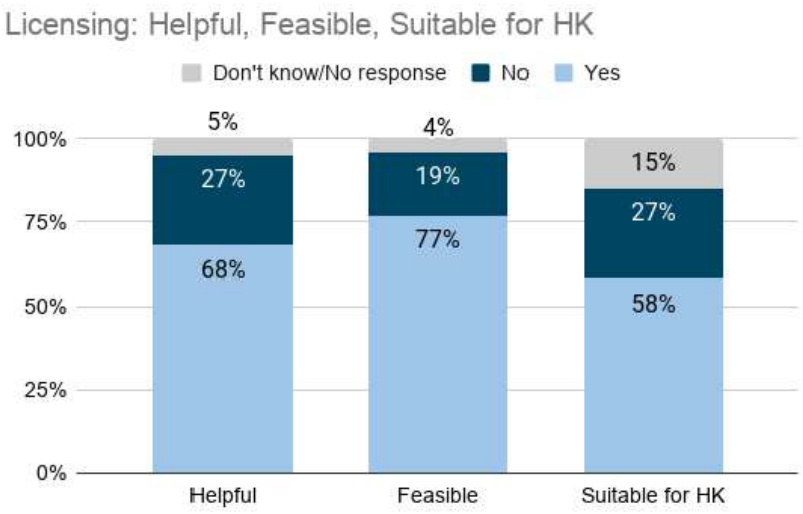
Please keep in mind that all responses will be anonymous, and you may respond "don't know" to any question that you feel unable to answer.

Section 1: Licensing

Key findings on licensing:

A majority of stakeholders supported licensing, but about a quarter of them had doubts about its helpfulness and suitability for Hong Kong.

Key findings on licensing



1. Below are some of the reasons people gave for why they thought licensing was suitable or unsuitable for Hong Kong. In your view, how valid are the following statements? *

Mark only one oval per row.

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know
A) Licensing would reduce conflicts between street performers and other stakeholders by creating a clear set of rules for street performance.	◯	◯	◯	◯	◯
B) Licensing would restrict freedom of expression and would be used to censor street performers.	◯	◯	◯	◯	◯
C) Licensing would grant street performers legal legitimacy and give them more peace of mind.	◯	◯	◯	◯	◯
D) Licensing may be difficult and slow to implement because the government would have to pass new legislation and set up a new body, such as a Department of Culture, to run it.	◯	◯	◯	◯	◯
E) Licensing would create complicated new rules that would cause more disputes between street performers and enforcement officers.	◯	◯	◯	◯	◯

Key findings on auditions

Stakeholders had mixed views about auditions. They cared both about performance quality and preserving freedom of expression.

– 100% of the stakeholders thought that "poor quality performances" were a very important or somewhat important problem.
– 77% of stakeholders said auditions would help ensure artistic quality.
– 69% thought that auditions would unfairly exclude some performers.
– 54% thought it was feasible for the government to set up a fair and transparent audition system.

2. The following ideas try to strike different levels of balance between raising performance quality and preserving freedom of expression for all. How acceptable is each proposal, in your view? *

Mark only one oval per row.

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know
A) The government sets up a licensing scheme where auditions are only required for prime locations in high-footfall areas. Approved performers gain priority access to these locations. Other locations do not require an audition to get a license.	◯	◯	◯	◯	◯
B) Auditions are required for all performers, but the judging panel is chosen by arts organisations instead of by the government.	◯	◯	◯	◯	◯
C) Instead of one city-wide audition scheme, the government allows District Councils to create separate audition schemes for different locations, each run by a different non-profit organisation.	◯	◯	◯	◯	◯
D) The government does not implement any audition scheme and promotes better quality performance through voluntary cultural and educational programmes.	◯	◯	◯	◯	◯
E) The government does not implement any audition scheme and focuses on addressing measurable problems such as noise and obstruction.	◯	◯	◯	◯	◯

Decibel limit and amplifier restrictions

A licensing scheme would also include rules about noise control, so we would now like to ask some follow-up questions about decibel limits and amplifier restrictions.

Key findings on noise

– Over 80% of stakeholders agreed that residential buildings should have a low or no tolerance for noise on weekdays.
– 80-90% of stakeholders agreed that commercial areas and public open spaces should have a medium or high tolerance for noise on weekends.
– 54% of stakeholders thought that street performances near residential buildings should end by 9 p.m. at night.

Key findings on decibel limits

A large majority of stakeholders suggested that a decibel limit would be suitable for Hong Kong, so we will be including it in our recommendations to the government.

– 85% of stakeholders said decibel limits are suitable for Hong Kong.
– 79% thought decibel limits would be feasible.
– 64% said they would be helpful.

Reasons for supporting a decibel limit:
– Reduce disputes by providing an objective standard.
– Practical to implement and enforce.

Reasons for opposing a decibel limit:
– Too inflexible, unnecessary in situations where no-one is nearby to be disturbed.
– May be set too low for street performers to be heard.

3. If a decibel limit was implemented, should it be uniform throughout Hong Kong, or should it vary depending on the location?

Mark only one oval.

- ◯ A) It should be uniform throughout Hong Kong to avoid confusion and make it easier to enforce.
- ◯ B) It should vary depending on the location because a busy street needs a higher decibel limit than a park.
- ◯ C) I do not think there is a need for any decibel level.
- ◯ D) Don't know

Key findings on amplifiers restrictions:

A majority of stakeholders supported amplifier restrictions, but a significant minority had concerns that they would harm the vibrancy of street performance in Hong Kong.

– 65% of the stakeholders thought that amplifier restrictions would be helpful.
– 75% thought amplifier restrictions would be feasible.
– 58% recommended amplifier restrictions as suitable for Hong Kong.

Reasons for supporting amplifier restrictions:
– Would reduce noise level
– Objective and simple to enforce

Reasons for opposing amplifier restrictions:
– It is impossible for musicians to be heard in busy urban areas without amplifiers
– Would harm the diversity and vibrancy of street performance

4. The following ideas try to strike different levels of balance between noise control and preserving the vibrancy of street performance. How acceptable is each proposal, in your view? *

Mark only one oval per row.

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know
A) Allow the use of battery-powered amplifiers but not gas or mains powered amplifiers.	◯	◯	◯	◯	◯
B) Allow amplifiers near residential buildings or hotels, but with a lower decibel limit than in purely commercial streets.	◯	◯	◯	◯	◯
C) Do not allow the use of amplifiers near residential buildings or hotels at any time.	◯	◯	◯	◯	◯
D) Do not allow the use of amplifiers near residential buildings or hotels after 9 p.m.	◯	◯	◯	◯	◯
E) Only allow street performers to use amplifiers in certain designated commercial streets or public open spaces.	◯	◯	◯	◯	◯
F) Within public parks or waterfront promenades, only allow amplifiers at designated locations so that other public space users can enjoy quiet areas.	◯	◯	◯	◯	◯
G) Implement a decibel level instead of putting any restrictions on amplifiers.	◯	◯	◯	◯	◯

5. If the use of amplifiers is restricted in certain locations of Hong Kong, should this restriction apply only to street performers, or to all outdoor amplifiers including shops, commercial promoters, and political campaigns?

Mark only one oval.

- A) Only street performers
- B) Should cover all amplifiers
- C) There should not be restrictions on amplifiers.
- D) Don't know

6. Overall, what type of noise control measures do you prefer?

Mark only one oval.

- A) A decibel limit only
- B) Amplifier restrictions only
- C) A combination of the two
- D) Neither, focus on improving enforcement of existing Noise Control Ordinance.
- E) Don't know

Key findings on restricting monetary donations to performers

Stakeholders were divided on the issue of restricting monetary donations, leaning towards opposing restrictions. We will therefore not recommend a ban on monetary donations, but we may consider some lighter regulations.

– 42% of stakeholders said money restrictions would be helpful, 49% said they would be unhelpful.
– 48% said money restrictions would be feasible, 40% said they would be infeasible.
– 54% said money restrictions were unsuitable for Hong Kong, 31% said they were suitable.

Reasons for supporting money restrictions:
– Would prevent commercialization of public space by street performers.
– Art should not be about making money.

Reasons for opposing money restrictions:
– Would harm the vibrancy of street performance as most street performers could not afford to perform without any income.
– Too vague and impractical, would not be possible to enforce.

7. The following ideas try to strike a balance between allowing street performers to collect donations and preventing the over-commercialization of public space. How acceptable are these proposals, in your view? *

Mark only one oval per row.

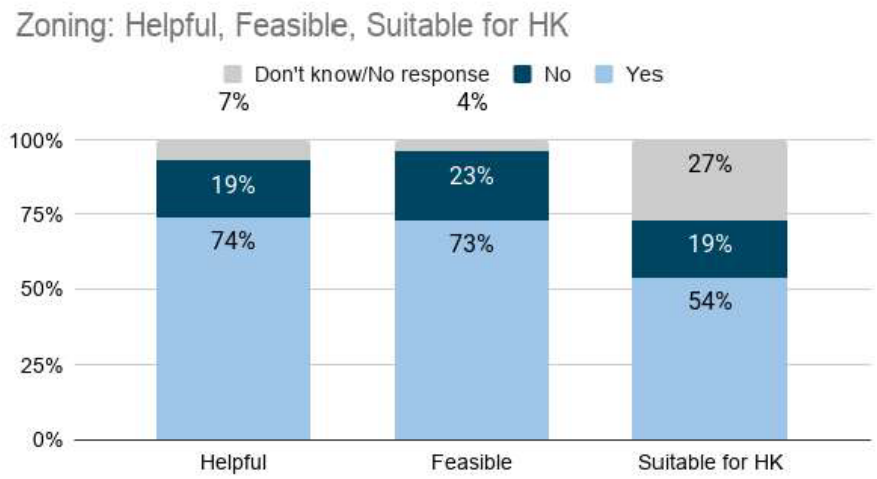
	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know
A) Street performers can set out a box for donations, but may not directly ask people for money.	⬭	⬭	⬭	⬭	⬭
B) Instead of requiring a license for all street performers, only require those who want to collect money to obtain a license.	⬭	⬭	⬭	⬭	⬭

Section 2: Street performance zoning

Key findings on zoning performance areas:

A majority of stakeholders supported zoning, and a smaller number of people had objections to zoning than to licensing.

Key findings on zoning performance areas



8. Below are some of the reasons stakeholders gave for why they thought zoning was suitable or unsuitable or Hong Kong. In your view, how valid are the following statements? *

Mark only one oval per row.

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know
A) Zoning would guarantee performers access to authorized locations, enabling them to perform more easily.	◯	◯	◯	◯	◯
B) Zoning would protect residents from noise nuisance by separating performers from residential buildings and creating clear rules for street performance hot-spots.	◯	◯	◯	◯	◯
C) Zoning would be easier to implement than licensing because the rules would be simpler and the government won't need to establish a new Department of Culture to implement it.	◯	◯	◯	◯	◯
D) Zoning would be hard to implement because District Councils and residents are unlikely to agree to locate street performance zones in their districts.	◯	◯	◯	◯	◯
E) Zoning would lead to over-management of street performers and is likely to result in them being required to use inconvenient locations.	◯	◯	◯	◯	◯
F) There is too little usable space in Hong Kong for zoning to be effective.	◯	◯	◯	◯	◯

9. How desirable are the following approaches towards designating street performance zones? *

Mark only one oval per row.

	Very desirable	Fairly desirable	Not very desirable	Not desirable at all	Don't know
A) The government should allow existing performance hot-spots such as the Tsim Sha Tsui and Central ferry piers to remain in place but introduce zone-based regulations to address noise and overcrowding.	◯	◯	◯	◯	◯
B) The Government should try to relocate street performers away from urban streets to parks and waterfront promenades that are not close to residents and businesses	◯	◯	◯	◯	◯
C) The Government should designate one or two large performance zones similar to Dai Dat Dei in the 1970s, far away from residential buildings, as long as there are convenient public transport links. Other activities like hawker stalls can be included to attract visitors and the government can promote it as a tourist destination.	◯	◯	◯	◯	◯
D) The Government should try to spread performers out across Hong Kong by designating multiple small performance spots in each district, for example outside major public transport hubs, cultural centres, pedestrianized shopping streets, or malls.	◯	◯	◯	◯	◯

Key findings on street obstruction

Street obstruction was not as high of a priority for stakeholders as poor quality performance and noise, but stakeholders felt it was important to prevent obstruction at two types of locations: in front of pedestrian road crossings and in front of public transport hubs (which are places with heavy pedestrian flow). However, stakeholders had divided views about whether spatial occupation guidelines for street performers would be practical.

– 88% of stakeholders said it was very or somewhat important to minimize obstruction in front of MTR stations, bus terminuses and ferry terminals
– 73% of stakeholders said it was very or somewhat important to minimize obstruction in front of pedestrian crossings.
– Over 70% of stakeholders said that spatial occupation guidelines would be helpful and feasible.
– Only 42% of stakeholders said they would be suitable for Hong Kong. Another 42% said they were unsuitable.

Reasons for supporting spatial occupation guidelines:
– Would discourage street performers from blocking pedestrian pathways
– Should be relatively easy to draw up

Reasons for opposing spatial occupation guidelines:
– Too little usable space available in Hong Kong, would become overly restrictive
– Difficult to enforce

. 10. How acceptable would the following guidelines be in Hong Kong's environment? *

Mark only one oval per row.

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know
A) Prohibit street performers from setting up directly in front of pedestrian crossings for safety reasons.	⬭	⬭	⬭	⬭	⬭
B) Prohibit street performers from setting up in front of the entrances of public transport hubs.	⬭	⬭	⬭	⬭	⬭
C) Designate spots for a limited number of performers in front of suitable public transport hubs where the pavement is wide enough.	⬭	⬭	⬭	⬭	⬭
D) At designated performance zones, mark locations for performers by drawing boxes on the ground to make enforcement simpler.	⬭	⬭	⬭	⬭	⬭
E) Keep existing regulations on obstruction unchanged as there is no need for special guidelines for street performers.	⬭	⬭	⬭	⬭	⬭

Distancing requirements

If performance zones are set up, there may need to be some guidelines about how to allocate space fairly and to prevent noise clashes between different performers. Therefore, we would like to ask some follow-up questions about distancing requirements and time limits.

Key findings on distancing requirements for performers

A large majority of stakeholders thought requiring performers to stand a certain distance apart would be helpful, but a significant minority had concerns about its practicality.

– Around 80% of stakeholders thought distancing would be helpful and feasible.
– 54% recommended distancing as suitable for Hong Kong, 31% said it was unsuitable.

Reasons for supporting distancing requirements:
– Would prevent sounds from different performers from clashing with each other.

Reasons for opposing distancing requirements:
– Limited space available in Hong Kong.
– Difficult to enforce.

11. How acceptable would the following distancing guidelines be in Hong Kong's environment? *

Mark only one oval per row.

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know
A) In parks or waterfront promenades where performers are allowed, the government draws performance spots on the ground about 25m apart.	⬭	⬭	⬭	⬭	⬭
B) On city streets, a limit is set for 2 amplified performers per street block. (1 city block is about 50-100m long).	⬭	⬭	⬭	⬭	⬭

Key findings on time limits for performances

Just over half of the stakeholders supported time limits, but a significant minority thought it would be unhelpful and unsuitable.

– 56% of stakeholders said time limits would be helpful, 38% said they would be unhelpful.
– 73% of stakeholders thought time limits would be feasible.
– 54% recommended time limits distancing as suitable for Hong Kong, 31% said it was unsuitable.

Reasons for supporting time limits:
– Prevent long-term monopolization of performance spots by a small number of people.
– Reduce the duration of nuisance if performance is of poor quality.

Reasons for opposing distancing requirements:
– Too difficult to monitor or enforce.
– Would be too difficult for street performers to have to relocate frequently.
–

?

12. How acceptable would time limits be in the following situations

Mark only one oval per row.

	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know
A) If time limits are only implemented in public spaces with a dedicated management body such as LCSD-managed parks, where there are staff to monitor the space?	◯	◯	◯	◯	◯
B) If at designated performance zones, the day is divided into multiple time slots so that it will be clear when performers are supposed to start and finish?	◯	◯	◯	◯	◯
C) If the time limit was longer than 1 hour? (1 hour was suggested in the previous survey.)	◯	◯	◯	◯	◯

14. 13. If there were a time limit, how many hours would you prefer it to be?

Mark only one oval.

- ◯ A) 1 hour
- ◯ B) 2 hours
- ◯ C) 3 hours
- ◯ D) 4 hours or more
- ◯ E) I do not think that there should not be any time limit
- ◯ F) Don't know

14. Within designated performance zones, there needs to be a balance between facilitating performers and preventing the zones from becoming overcrowded with too many performers. How acceptable would the following rules or combinations of rules be in performance zones? *

Mark only one oval per row.

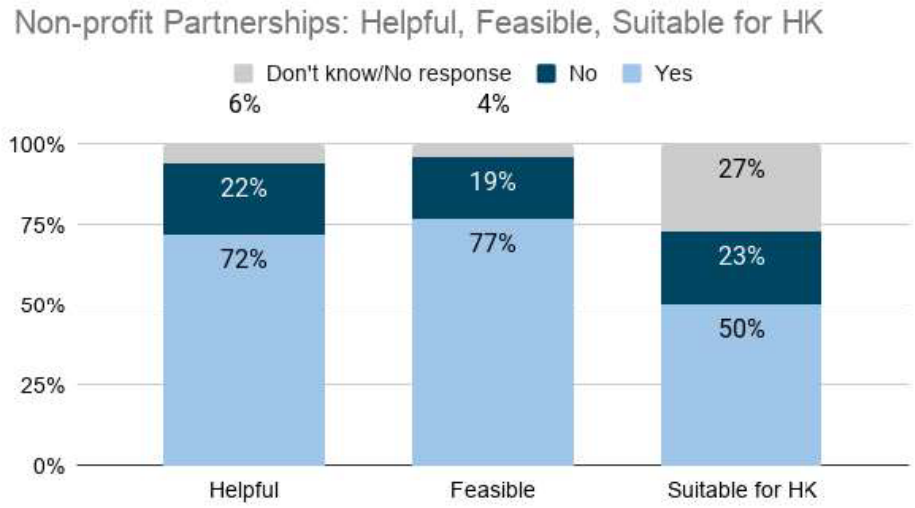
	Very acceptable	Fairly acceptable	Fairly unacceptable	Very unacceptable	Don't know
A) Decibel limit only, no distancing requirement or time limit: The zone may become crowded with performers, who can claim spaces on a first come first serve basis. Performers need to keep within decibel guidelines, but sounds from different performers may still clash.	⬭	⬭	⬭	⬭	⬭
B) Decibel limit, distancing requirement, and time limit. The distancing requirement and decibel limit would prevent sounds from clashing, but there would be limited spots available. There is a time limit to promote turnover of performers. Time slots are allocated by queueing or by drawing lots.	⬭	⬭	⬭	⬭	⬭
C) Decibel limit and distancing requirement, no time limit: The distancing requirement and decibel limit would prevent sound clashing, but the limited spots are allocated on a first come first serve basis and performers would not be required to take turns.	⬭	⬭	⬭	⬭	⬭
D) Decibel limit and time limit, no distancing requirement. There would be a decibel limit but no distancing requirement, so sounds from different performers may still clash. A time limit would promote turnover of performers, but the zone may become	⬭	⬭	⬭	⬭	⬭

Section 3: Voluntary Agreements

Key findings on managing street performers through non-profit partnerships:

A large majority of stakeholders thought non-profit partnerships would be helpful and feasible, but about a quarter of stakeholders thought this method was unsuitable for Hong Kong as they had doubts about whether it would be effective.

Key findings on managing street performers through non-profit partnerships



15. Below are some of the reasons stakeholders gave for why they thought non-profit partnerships were suitable or unsuitable or Hong Kong. In your view, how valid are the following statements? *

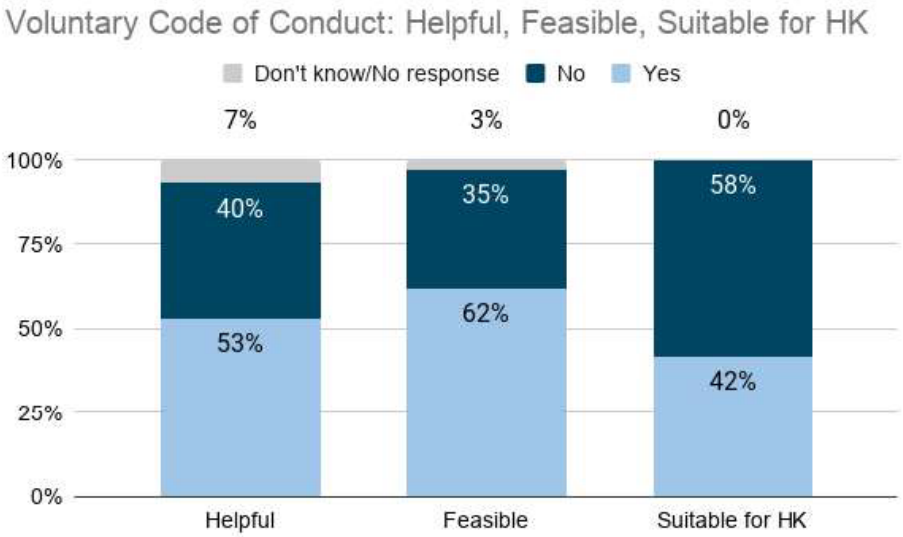
Mark only one oval per row.

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know
A) Allowing non-profits to manage designated street performance zones is a bottom-up approach that would promote a more vibrant environment by avoiding over-management by the government.	◯	◯	◯	◯	◯
B) There are too few non-profits in Hong Kong that have the interest or capability to partner with the government to manage street performance zones.	◯	◯	◯	◯	◯
C) Allowing non-profits to manage street performance zones would reduce the influence of profit-seekers and triads in public spaces.	◯	◯	◯	◯	◯
D) Non-profits would be able to use their professional knowledge and networks to recruit suitable performers for public spaces.	◯	◯	◯	◯	◯
E) It would be difficult for non-profits to manage street performance zones effectively as they lack legal enforcement power, and the police would still be needed to handle disputes.	◯	◯	◯	◯	◯
F) Non-profits would make street performance less inclusive by giving performance spaces to people in their own networks and ignoring the needs of other performers.	◯	◯	◯	◯	◯

Key findings on voluntary codes of conduct for street performers

This approach received the lowest level of support compared to licensing, zoning and non-profit partnerships. A majority of stakeholders said it would be unsuitable for Hong Kong.

Key findings on voluntary codes of conduct for street performers



16. Below are some of the reasons stakeholders gave for why they thought a code of conduct was suitable or unsuitable or Hong Kong. In your view, how valid are the following statements? *

Mark only one oval per row.

	Definitely valid	Probably valid	Probably invalid	Definitely invalid	Don't know
A) A code of conduct would be ineffective because since it is voluntary, many performers would ignore it.	⬭	⬭	⬭	⬭	⬭
B) A code of conduct would be too vague and broad to be useful as guidelines for resolving conflicts between stakeholders.	⬭	⬭	⬭	⬭	⬭
C) A code of conduct would be useful in changing behaviour by educating both performers and residents about street performance etiquette.	⬭	⬭	⬭	⬭	⬭
D) A code of conduct would be relatively easy for the government to implement as it does not require any new laws or new bodies of government to be created.	⬭	⬭	⬭	⬭	⬭

17. Overall, stakeholders had positive views of some voluntary measures like non-profit partnerships, but had some doubts about whether they would work in Hong Kong. To what extent do you think the government should try to implement these ideas? *

Mark only one oval per row.

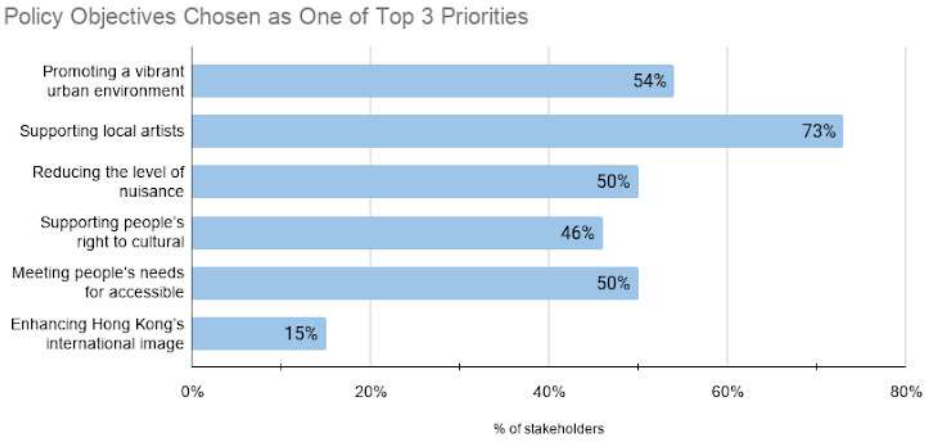
	Definitely should	Maybe should	Maybe should not	Definitely should not	Don't know
A) Establish a programme for a non-profit arts organization to partner with developers to arrange for street performers to perform in privately managed public open spaces.	⬭	⬭	⬭	⬭	⬭
B) As a pilot project, set up non-profit partnerships to manage street performers on one or two streets.	⬭	⬭	⬭	⬭	⬭
C) Combine a code of conduct with non-profit management of street performance hot spots.	⬭	⬭	⬭	⬭	⬭
D) Create a code of conduct as a first step to promote better self-regulation among street performers, and promise to introduce formal regulations later if this does not lead to improvement.	⬭	⬭	⬭	⬭	⬭
E) In addition to formal regulations to handle problems like excessive noise, promote a code of conduct to educate performers and the public about performance etiquette, crowd management techniques, and space sharing.	⬭	⬭	⬭	⬭	⬭

Policy objectives

Previously, we presented you with six policy objectives and asked you to choose your top three.

The most popular objective, chosen by 73% of stakeholders, was "supporting local artists".

Policy objectives chosen as one of the top 3 priorities



18. Aside from street performance regulations, below we list some other ways that the government could support local artists. How useful would it be to local artists for the government to adopt the following measures? *

Mark only one oval per row.

	Very useful	Fairly useful	Slightly useful	Not useful	Don't know
A) Feature street performers on an official website and in tourism promotion materials.	◯	◯	◯	◯	◯
B) Create a "one-stop shop" website for street performance in Hong Kong to provide information on rules, application processes, and designated performance locations.	◯	◯	◯	◯	◯
C) Create a platform to link street performers up with private venue managers such as shopping malls.	◯	◯	◯	◯	◯
D) Work with performing arts schools or arts non-profits to organise training workshops for beginner street performers.	◯	◯	◯	◯	◯
E) Organise and promote street performance competitions and festivals.	◯	◯	◯	◯	◯
F) Provide more funding support to arts organisations.	◯	◯	◯	◯	◯
G) Create an official definition of street performance to differentiate street performers from illegal hawkers or beggars.	◯	◯	◯	◯	◯
H) Create a Bureau of Culture in Hong Kong to make cultural policy.	◯	◯	◯	◯	◯

19. Finally, how important is it for Hong Kong's future street performance management policies to have the following features? *

Mark only one oval per row.

	Very important	Fairly important	Slightly important	Not important at all	Don't know
A) Can be implemented without the government having to pass any new legislation.	⬭	⬭	⬭	⬭	⬭
B) Simple rules that require relatively little manpower to enforce.	⬭	⬭	⬭	⬭	⬭
C) Based on measurable standards and avoids judgements about subjective matters such as quality.	⬭	⬭	⬭	⬭	⬭
D) Based on legally enforceable rules.	⬭	⬭	⬭	⬭	⬭
E) Based on cooperation with civil society groups and the arts sector.	⬭	⬭	⬭	⬭	⬭
F) Consults with street performers periodically to make adjustments based on their needs.	⬭	⬭	⬭	⬭	⬭
G) Consults with District Councils periodically to make sure local communities are satisfied with the arrangements.	⬭	⬭	⬭	⬭	⬭
H) Protects residents from noise and nuisance even if this introduces more restrictions on street performance.	⬭	⬭	⬭	⬭	⬭
I) Allows casual performers to use public spaces for self-entertainment and social activity without a complicated application process.	⬭	⬭	⬭	⬭	⬭
J) Promotes urban vibrancy even if this means tolerating some complaints about nuisance.	⬭	⬭	⬭	⬭	⬭

20. Any further comments:

街頭表演管理政策研究第二階段：問卷（二）

非常感謝閣下參與本項研究的最後階段。

在第一輪的問答環節，我們向 26 名主要持份者就不同街頭表演管理策略的有助程度、可行性以及在港適用度的問題，徵求了意見。26 名持份者包括：
9 名街頭表演者
7 名商界人士
5 名區議員
3 名政府部門代表
2 名社區或非牟利組織代表

初步結果指出：
– 劃分表演區域獲得中度支持；
– 通過與非牟利組織合作管理街頭表演獲得中度支持；
– 發牌制度獲得中度支持，但避遇制度則受到持份者相當大的質疑；
– 自願性行為守則所獲得的支持度偏低。

同時：
– 噪音分貝限制、擴音器使用限制獲得相對高的支持；
– 持份者贊同表演者之間設立距離規定，以及空間佔用指引會有幫助，但質疑有關措施是否適用於香港；
– 持份者對於設立表演時間限制的意見分歧；以及
– 限制表演打賞獲得的支持度偏低。

以下詳細列出問答環節結果，請繼續閱讀。

在這最後一輪的問卷裡，我們邀請你回答有關不同管理政策的深入問題時，也考慮其他持份者的意見，以便在相互矛盾的情況中找出最可接受的平衡點。

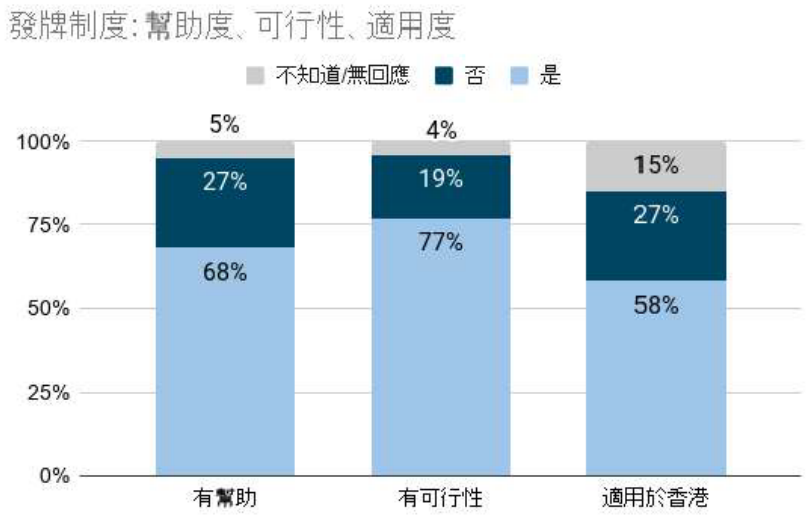
請注意，所有答覆都會以匿名處理。如遇上無法回答的問題，你可以選擇回答"不知道"。

第一節：發牌制度

有關發牌制度的主要結果：

大部分持份者都支持發牌政策，但是約四分之一的持份者質疑這個政策在香港是否適用和有幫助。

發牌制度主要結果



1. 以下是持份者表達對牌照政策在香港適用與否的理由。對你而言，以下說法有多合理？ *

Mark only one oval per row.

	絕對合理	可能合理	可能不合理	絕對不合理	不知道
A) 發牌制度可為街頭表演者提供清晰的規則，從而減少表演者與其他持份者之間的矛盾。	◯	◯	◯	◯	◯
B) 發牌制度會限制表達自由並且會被用來篩選表演者。	◯	◯	◯	◯	◯
C) 發牌制度會給予表演者合法性，可讓他們更放心地表演。	◯	◯	◯	◯	◯
D) 政府可能要通過立法以及設立一個新的負責機關（如文化部門），而令發牌機制難以很快地推行。	◯	◯	◯	◯	◯
E) 發牌制度可能會帶來複雜的新規則，令表演者和執法人員產生更多爭執。	◯	◯	◯	◯	◯

有關遴選機制的主要結果

持份者對遴選機制各持己見。他們既關心表演質素，也關心要保障表達自由。

– 100% 持份者認為"街頭表演質素欠佳"是一個"非常重要"或者"有些重要"的問題。
– 77% 持份者認為遴選機制有助確保藝術質素。
– 69% 認為遴選機制會不公平地排斥部分表演者。
– 54% 認為由政府設立一個公平公開的遴選機制是可行的。

2. 以下是就提高表演質素以及保障表達自由之間，取得不同程度的平衡而提出的建議。對你而言，以下各種建議的接受程度有多大？ *

Mark only one oval per row.

	非常可接受	應該可接受	應該不可接受	非常不可接受	不知道
A) 政府設立發牌制度，並針對熱門表演位置設立遴選機制。獲認可的表演者有可使用熱門位置的優先權，其他位置則無需通過遴選獲得牌照。	◯	◯	◯	◯	◯
B) 所有表演者都必須通過遴選，但評審團的組成則由藝術組織決定，而不是政府。	◯	◯	◯	◯	◯
C) 政府讓每個區議會按各區情況制定遴選機制，並由不同的非牟利組織去運作，而不是採用一個全港通用的遴選機制。	◯	◯	◯	◯	◯
D) 政府不實行遴選制度，而是通過自願性質的文化教育計劃，來推廣更優質的表演。	◯	◯	◯	◯	◯
E) 政府不實行遴選制度，而是專注於解決噪音及阻街等更具體的問題。	◯	◯	◯	◯	◯

噪音分貝限制、擴音器限制

一個發牌制度包括有關噪音管制的規則。因此，我們需要進一步了解關於噪音分貝限制，以及使用擴音器限制的問題。

有關噪音的主要結果

– 超過 80% 持份者認為住宅樓宇在工作日時段，對噪音的態度應為零容忍或者低容忍。
– 80-90% 持份者認為周末期間商業區和公共空間，應有中等或較高的的噪音容忍度。
– 54% 持份者認為住宅樓宇附近的街頭表演，應該在晚上 9 點前結束。

有關分貝限制的主要結果

大部分持份者認為噪音分貝限制適用於香港。因此，最終的政策建議應包括分貝限制的相關建議。

– 85% 持份者認為分貝限制適用於香港。
– 79% 認為分貝限制是可行的。
– 64% 認為分貝限制有幫助。

支持分貝限制的理由：
– 提供客觀標準，減少爭執；
– 可落實推行和執法。

反對分貝限制的理由：
– 過於刻板，在沒有人受滋擾的情況下會變得多餘；
– 分貝上限可能會設得過低，導致無法聽到表演者的演出。

3. 如果推行分貝限制，應否在全港採用統一標準，還是應該根據不同地點制定不同標準？ *

Mark only one oval.

- A) 標準應該全港統一以免造成混亂，而且方便執法。
- B) 應該根據地區制定不同標準。在繁忙街道的分貝上限應該高於公園。
- C) 我認為不應該有任何分貝限制。
- D) 不知道

有關擴音器限制的主要結果

大部分持份者支持擴音器使用限制，但有小部分擔心這個限制會對街頭表演的活力有不良影響。

– 65% 持份者認為擴音器限制會有幫助。
– 75% 持份者認為該限制可行。
– 58% 持份者認為該限制適用於香港。

支持擴音器限制的理由：
– 會降低噪音；
– 容觀及較易執法。

反對擴音器限制的理由：
– 在繁忙的地區，沒有擴音器的幫助，音樂表演者的演出難以被聽到；
– 對於街頭表演的多樣化以及活力有不良影響。

4. 以下是就控制噪音以及保持街頭表演活力之間，取得不同程度的平衡而提出的建議。對你而言，以下每項建議的可接受程度有多大？ *

Mark only one oval per row.

	非常可接受	應該可接受	應該不可接受	非常不可接受	不知道
A) 只允許使用電池擴音器，禁止使用汽油或濕電擴音器。	◯	◯	◯	◯	◯
B) 允許在住宅樓宇或者酒店附近使用擴音器，但分貝水平上限必須低於純商業街區。	◯	◯	◯	◯	◯
C) 禁止在任何時間於住宅樓宇或者酒店附近使用擴音器。	◯	◯	◯	◯	◯
D) 禁止晚上 9 點後在住宅樓宇或酒店附近使用擴音器。	◯	◯	◯	◯	◯
E) 只允許表演者在指定商業街道或公共空間使用擴音器。	◯	◯	◯	◯	◯
F) 在公園或海濱長廊範圍內，設有指定的使用擴音器位置，確保其他在公園或海濱長廊使用者也可以享用安靜的空間。	◯	◯	◯	◯	◯
G) 實行限制分貝水平，而不限制使用擴音器。	◯	◯	◯	◯	◯

5. 如果在特定位置限制使用擴音器，該限制應否只針對街頭表演者，或適用於所有擴音器使用者（包括店舖、商業推廣、政治推廣活動等）？

Mark only one oval.

- ◯ A) 只限於街頭表演者
- ◯ B) 應該包括所有擴音器使用者
- ◯ C) 不應該限制使用擴音器
- ◯ D) 不知道

6. 總體而言，你會偏向於以下哪一種噪音控制措施?

Mark only one oval.

- A) 噪音分貝限制
- B) 擴音器限制
- C) 兩者並用
- D) 兩者都不可取，只需專注改善《噪音管制條例》的執法
- E) 不知道

有關限制表演者收取打賞的主要意見

持份者對於限制打賞的看法有很大分歧，但偏向反對此建議。因此，我們在最終的政策建議裡面不會加入禁止打賞，但會考慮一些較輕微的限制。

– 42% 持份者稱限制打賞會有幫助，而 49% 認為無幫助。
– 48% 持份者認為限制打賞可行，而 40% 認為不可行。
– 54% 持份者認為該限制不適用於香港，而 31% 認為適用。

支持打賞限制的理由：
– 可以防止表演者將公共空間商業化；
– 藝術不是掙錢工具。

反對打賞限制的理由：
– 大部分街頭表演者都不能只表演而沒有收入，設打賞限制會影響街頭表演的活力；
– 過於模糊和不切實際，難以執法。

7. 以下是就允許表演者收取打賞，以及防止公共空間過度商業化之間，取得不同程度的平衡而提出的不同建議。對你而言，以下各種建議的可接受程度有多大? *

Mark only one oval per row.

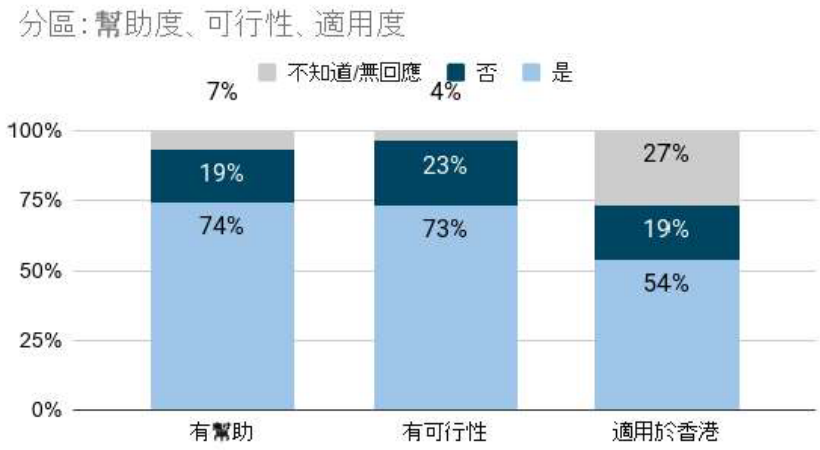
	非常可接受	應該可接受	應該不可接受	非常不可接受	不知道
A) 街頭表演者可以擺放打賞收集盒，但不可以直接向觀眾索取金錢。					
B) 只要求收取打賞的表演者申請牌照，而非所有表演者。					

第二節：街頭表演分區制度

有關劃分表演區域的主要意見：

大部分持分者都支持分區，而且反對劃分的人數較反對發牌的人數低。

街頭表演分區制度主要結果



8. 以下是持份者對於街頭表演分區制度，在香港適用與否的理由。對你而言，以下說法有多合理？ *

Mark only one oval per row.

	絕對合理	可能合理	可能不合理	絕對不合理	不知道
A) 分區制度可確保表演者能使用認可的位置，更方便表演。	◯	◯	◯	◯	◯
B) 分區制度會將表演者和住宅樓宇分開兩，並且在表演熱點設定清晰的規矩，從而保護住宅居民不受噪音滋擾。	◯	◯	◯	◯	◯
C) 分區制度的規則會比發牌制度較為簡單，而且政府無需設立新的部門，執法會比發牌政策更容易實行。	◯	◯	◯	◯	◯
D) 因為各區議會和居民難以在決定合適的表演區域上達成共識，因此分區制度難以實行。	◯	◯	◯	◯	◯
E) 分區制度會導致過度管理表演者，並可能會要求他們使用不方便的位置。	◯	◯	◯	◯	◯
F) 香港可用空間不足，難以有效地實行分區制度。	◯	◯	◯	◯	◯

9. 以下各項劃分街頭表演區域的方法的可取性有多大? *

Mark only one oval per row.

	非常可取	相對可取	不太可取	完全不可取	不知道
A) 政府應該保留現有的表演熱點（如尖沙咀碼頭以及中環碼頭），但在該區域採用分區管理，解決噪音及擠擁問題。	◯	◯	◯	◯	◯
B) 政府應該將表演者從市區街道轉移到公園和海濱長廊，以遠離住宅樓宇和商業區。	◯	◯	◯	◯	◯
C) 政府應該設立一或兩個遠離住宅樓宇，但交通方便的大型區域供表演者使用（類似1970 年代的大笪地）。該區域可包括其他類型的活動（如買賣攤檔等）來吸引遊客，作為一個旅遊景點來推廣。	◯	◯	◯	◯	◯
D) 政府應該嘗試將表演者分佈於全港，在各區主要公共交通樞紐、文化中心、行人專用購物區或商場等不同位置，設立適用的小型表演地點供表演者使用。	◯	◯	◯	◯	◯

有關阻街的主要意見

相比表演質素欠佳和噪音問題，持份者對於阻街問題的關注不太突出。儘管如此，有兩個主要位置的阻街問題受到持份者的關注。一個是行人過路處，另一個是公共交通樞紐出入口前方（均為人流較多的位置）。但是，持份者對於空間佔用指引的實用性，有不同的意見。

– 88% 持份者認為在港鐵站、巴士總站和渡輪碼頭前，減少阻礙道路為"非常重要"或者"有些重要"。
– 73%持份者認為在行人過路處減少阻礙道路為"非常重要"或者"有些重要"。
– 超過 70%持份者認為空間佔用指引會有幫助及可行。
– 只有 42%持份者認為空間佔用指引適用於香港，另外 42%持份者則認為不適用。

支持空間佔用指引的理由:
– 會防止街頭表演者阻礙行人路;
– 應該相對容易制定。

反對空間佔用指引的理由:
– 香港的可用空間太少，限制太多;
– 難以執法。

10. 以下指引在香港的環境下有多大的接受程度? *

Mark only one oval per row.

	非常可接受	應該可接受	應該不可接受	非常不可接受	不知道
A) 為確保安全，禁止表演者直接在行人過路處進行表演。	◯	◯	◯	◯	◯
B) 禁止表演者在公共交通交匯處出入口前進行表演。	◯	◯	◯	◯	◯
C) 在適合的公共交通交匯處附近，有足夠闊度的行人路的條件下，為一些表演者設立表演位置。	◯	◯	◯	◯	◯
D) 在指定可表演分區域，為表演者在地面明確地畫出表演範圍，以方便執法。	◯	◯	◯	◯	◯
E) 保持現有的阻街條例不變，沒有必要為表演者實行訂出特別指引。	◯	◯	◯	◯	◯

表演者保持距離

若要制定表演分區制度，有關指引需要考慮到公平分配空間以及預防表演者之間的聲音衝撞等問題。因此，我們需要進一步了解有關表演者保持距離的要求和時間限制的問題。

有關表演保持距離要求的主要意見

大部分持份者認為要求表演者之間保持一段距離會有幫助。但是有一小部分持份者質疑它的實用性。

– 大約 80% 持份者認為保持距離會有幫助並且可行。
– 54% 持份者認為保持距離的要求適用於香港，而 31% 認為不適用。

支持保持距離的理由：
– 可防止不同的表演聲音衝撞在一起。

反對保持距離的理由：
– 在香港可用的空間有限；
– 難以執法。

11. 你認為以下有關保持距離的指引在香港的環境下有多大的接受程度? *

Mark only one oval per row.

	非常可以接受	應該可接受	應該不可接受	非常不可接受	不知道
A) 政府在允許表演者使用的公園或海濱長廊劃出不同的表演位置，並且彼此保持 25 米的距離。	◯	◯	◯	◯	◯
B) 在城市街道上，每個街口之間（約 50-100 米長）只容許 2 組使用擴音器的表演者使用。	◯	◯	◯	◯	◯

有關限制表演時間的主要意見

僅超過一半的持份者贊成限制表演時間，但有相當小部分的持份者認為無幫助，也不適用於香港。

– 56%持份者認為設時間限制會有幫助，而 38%持份者則認為無幫助。
– 73%持份者認為設時間限制可行。
– 54%持份者認為時間限制適用於香港，而 31% 認為不適用。

支持設時間限制的理由：
– 防止少數人長時間獨佔表演位置
– 在表演質素欠佳的情況下，可減少滋擾持續的時間

反對設時間限制的理由：
– 難以要表演者頻繁地轉換位置
– 難以監控及執法

12. 你認為設時間限制在以下情況的接受程度有多大? *

Mark only one oval per row.

	非常可接受	應該可接受	應該不可接受	非常不可接受	不知道
A) 如果只在有特定管理機制以及監管人員（如在康樂與文化事務處管轄的公園）的公共空間訂出時間限制呢?	◯	◯	◯	◯	◯
B) 如果在指定的表演區域內，每天提供一定數量的表演時段給表演者，讓他們清楚知道何時開始與結束呢?	◯	◯	◯	◯	◯
C) 如果時間限制是多於1 小時（上一輪問卷建議的時限）呢?	◯	◯	◯	◯	◯

13. 如果實行時間限制，哪一個時限比較可取?

Mark only one oval.

- A) 1 小時
- B) 2 小時
- C) 3 小時
- D) 4 小時或以上
- E) 我認為不應該設時間限制
- F) 不知道

14. 在指定的表演區域範圍內，有需要在方便表演者與防止過多表演者聚集之間找到平衡。你認為以下有關表演分區的規則（包括組合規則）的接受程度有多大? *

Mark only one oval per row.

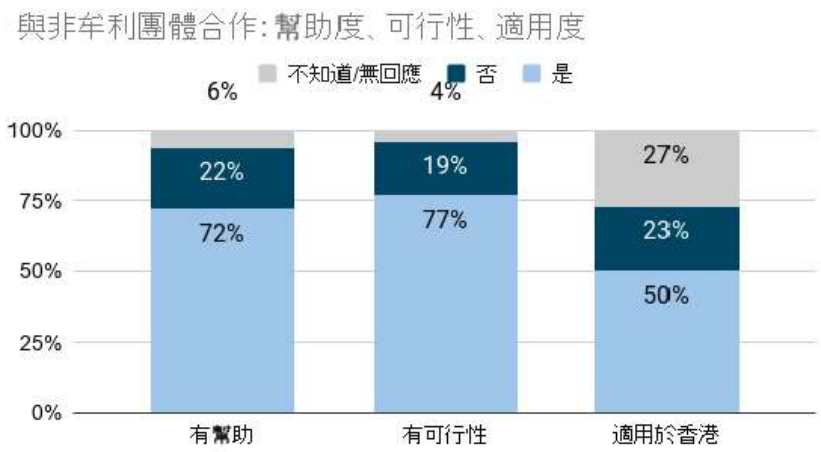
	非常可接受	應該可接受	應該不可接受	非常不可接受	不知道
A) 只實行分貝限制，無距離要求或設時間限制：使用者以先到先得方式佔用地方，可能會令該表演區域變得擁擠。雖有分貝水平限制，但未必可以防止不同表演聲音衝撞。					
B) 實行分貝限制、距離要求，以及設時間限制：距離要求和分貝限制可防止聲音衝撞，但是表演位置的數量有限。實行時間限制鼓勵不同表演者的更替。表演時段的分配則以排隊形式或者抽籤機制進行。					
C) 實行分貝限制和距離要求，但是沒有時間限制：距離要求和分貝限制可防止聲音衝撞。但是表演位置數量有限，其分配以先到先得為原則， 而表演者無需更替。					
D) 只實行分貝限制和時間限制，沒有距離要求：只有分貝限制但是沒有距離要求，未必可以防止表演聲音混雜衝撞。時間限制可促進不同表演者的更替，但是該區域可能會在高峰時段出現人多擁擠的情況。					

第三節：自願協議

有關通過與非牟利機構合作管理街頭表演的主要意見：

大部分持份者認為與非牟利機構合作會有幫助和可行，但近四成的人卻對其成效存疑。

與非牟利團體合作管理街頭表演的主要結果



15. 以下是根據持份者對於與非牟利組織合作管理街頭表演是否適用於香港的意見。對你而言，以下說法有多合理？ *

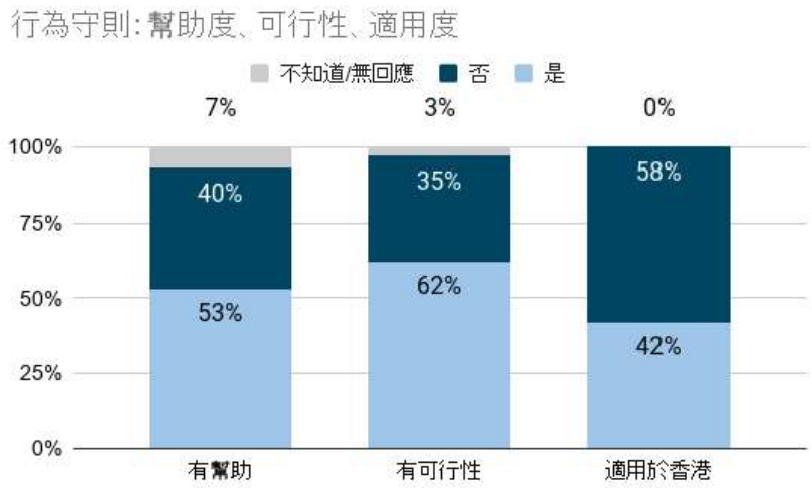
Mark only one oval per row.

	絕對合理	可能合理	可能不合理	絕對不合理	不知道
A) 授權非牟利組織來管理特定的街頭表演區域，是一個自下而上的手法，可避免政府過度管理，有助營造有活力的城市環境。	◯	◯	◯	◯	◯
B) 香港有興趣或者有能力與政府合作管理街頭表演的非牟利組織太少。	◯	◯	◯	◯	◯
C) 允許非牟利組織代為管理街頭表演區域，會減少部利者和不良份子對公共空間的不良影響。	◯	◯	◯	◯	◯
D) 非牟利機構可以利用其專業知識和人脈網絡，為公共空間招募一些合適的表演者。	◯	◯	◯	◯	◯
E) 因為缺乏執法權利，非牟利機構難以有效地管理公共空間的街頭表演，最終還是需要警察處理紛爭。	◯	◯	◯	◯	◯
F) 非牟利組織把表演區域給予自己網絡的人，不但削弱了街頭表演的包容性，也忽略了其他表演者的需求。	◯	◯	◯	◯	◯

有關自願行為守則的主要意見

相比其他選擇，這個策略的支持度偏低。大部分持份者認為它不適用於香港。

自願行為守則的主要結果



16. 以下是根據持份者對於自願行為守則，是否適用於香港的意見和理由。對你而言，以下說法有多合理？ *

Mark only one oval per row.

	絕對合理	可能合理	可能不合理	絕對不合理	不知道
A) 行為守則乃屬自願性質，很多表演者可能會漠視守則，令其無效。	◯	◯	◯	◯	◯
B) 行為守則過於模糊和廣泛，不能夠作為化解持份者之間矛盾的指引。	◯	◯	◯	◯	◯
C) 行為守則有助教育表演者和居民有關街頭表演禮儀，從而改變行為。	◯	◯	◯	◯	◯
D推行行為守則無需立法或者設立新的負責部門，相對容易實行。	◯	◯	◯	◯	◯

17. 總體而言，持份者對於與非牟利組織合作持有樂觀態度，但當中有部分人擔心這個方法是否適用於香港。你認為政府是否應該嘗試推行以下建議？ *

Mark only one oval per row.

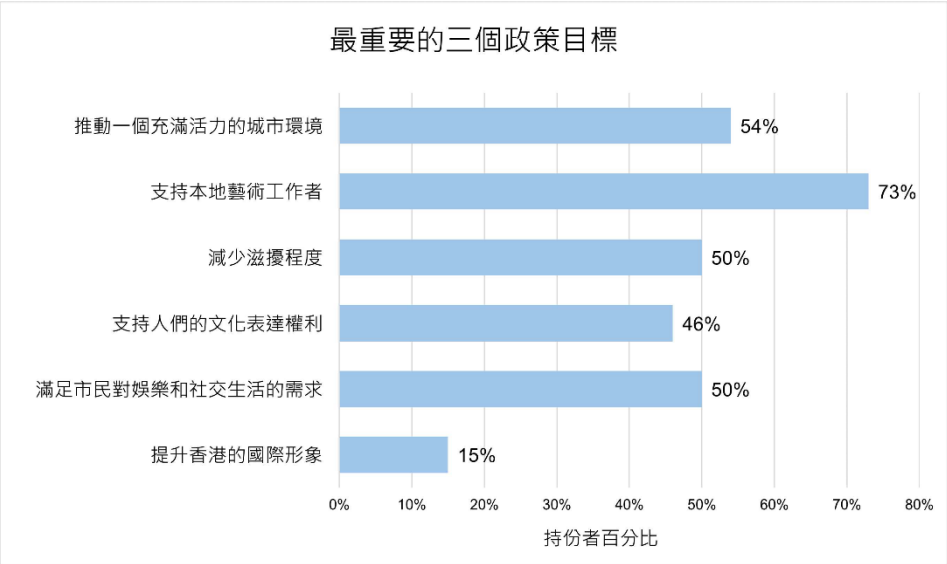
	絕對應該	可能應該	可能不應該	絕對不應該	不知道
A) 設立一個鼓勵非牟利機構與發展商合作的計劃，允許街頭表演者使用私營的公共空間。	◯	◯	◯	◯	◯
B) 以試點項目的形式，在一或兩個街區由非牟利機構合作計劃來管理街頭表演。	◯	◯	◯	◯	◯
C) 在街頭表演熱點，結合行為守則和非牟利組織合作計劃進行管理。	◯	◯	◯	◯	◯
D) 作為推廣表演者自律性的第一步，先推行行為守則。在沒有改善的情況下，再進一步推行更正式的管理條例。	◯	◯	◯	◯	◯
E) 除了使用正式條例來解決過多噪音等問題，也可透過推廣行為守則，教育表演者和大眾認識更多的表演禮儀、人群管理，以及空間分享等要點。	◯	◯	◯	◯	◯

政策目標

在上一輪的問卷裡，我們列出了六項政策目標，讓持份者選擇最重要的三項。

得出的結果指出，“支持本地藝術工作者”最受歡迎，獲 73% 持份者的支持。

政策目標主要結果



18. 除了街頭表演規管以外，以下是政府支持本地藝術工作者的其他方式。你認為他們的作用有多大? *

Mark only one oval per row.

	非常有用	作用一般	略為有用	沒有作用	不知道
A) 在旅遊官方網站及旅遊業推廣資料內介紹街頭表演者。	⬭	⬭	⬭	⬭	⬭
B) 在香港為街頭表演者創建"一站式"網站，提供有關條例、規則、申請步驟，以及指定表演區域位置等信息。	⬭	⬭	⬭	⬭	⬭
C) 創建一個信息平台，連接表演者與商業場地（如商場）經理。	⬭	⬭	⬭	⬭	⬭
D) 與表演藝術教育機構或非牟利藝術團體合作，為剛出道的街頭表演者組織培訓工作坊。	⬭	⬭	⬭	⬭	⬭
E) 組織並推廣街頭表演比賽和文化節慶活動。	⬭	⬭	⬭	⬭	⬭
F) 為藝術團體提供更多資金支援。	⬭	⬭	⬭	⬭	⬭
G) 為 "街頭表演" 訂出一個官方定義，與非法小販或行乞區分。	⬭	⬭	⬭	⬭	⬭
H) 在香港成立一個文化局來制定文化政策。	⬭	⬭	⬭	⬭	⬭

19. 最後，你認為以下元素對於香港未來街頭表演管理政策而言有多重要？ *

Mark only one oval per row.

	非常重要	一般重要	稍微重要	完全不重要	不知道
A) 無需立法也可實施	◯	◯	◯	◯	◯
B) 簡單易明，及較少的人力資源去執法	◯	◯	◯	◯	◯
C) 基於可測量的標準，避免類似表演素質等主觀問題	◯	◯	◯	◯	◯
D) 基於可合法地執法的規則	◯	◯	◯	◯	◯
E) 以與民間團體及藝術界合作為基礎	◯	◯	◯	◯	◯
F) 定期與街頭表演者協商，按他們的需求作出調整	◯	◯	◯	◯	◯
G) 與區議會定期協商，確保地方社區滿意有關安排	◯	◯	◯	◯	◯
H) 即使為對街頭表演者帶來更多的限制條件，也要保護居民免受噪音或其他滋擾	◯	◯	◯	◯	◯
I) 允許以自娛及社交為目的的表演者，在無需通過複雜的申請程序的情況下使用公共空間	◯	◯	◯	◯	◯
J) 即使意味著要容忍一些關於滋擾的投訴，也要致力推廣城市活力	◯	◯	◯	◯	◯

20. 還有其他意見嗎？ *