

For discussion on  
23 March 2015

**Legislative Council**  
**Panel on Home Affairs and Panel on Development**  
**Joint Subcommittee to Monitor the Implementation of the**  
**West Kowloon Cultural District Project**

**Update on the Park Development and**  
**Public Open Space Bylaw of the**  
**West Kowloon Cultural District**

**PURPOSE**

This paper serves to update Members on the development of the Park and seeks Members' comments on the proposed West Kowloon Cultural District (WKCD) Public Open Space Bylaw and the draft guidelines on street performance; outdoor events; and filming and photography.

**BACKGROUND**

2. At the Joint Subcommittee meeting on 23 July 2014, Members were briefed on the latest development of the WKCD Park in terms of its design, use and management (vide **LC Paper No. CB(2)2071/13-14(03)**). The West Kowloon Cultural District Authority (WKCDA) presented to Members the Park's concept design and its development approach and programme. Members were also informed that WKCDA was drafting a set of bylaws ahead of the opening of the Park. The guiding philosophy is that the use of the Park should be as free and open as possible to all people in Hong Kong. At the same time, it is necessary to provide WKCDA with the rights and authority to manage the Park for the safe and enjoyable use of all. In some instances, this may require the persons authorised by WKCDA to take action to ensure that activities by any one or more Park users do not excessively interfere with or disturb the use of the Park by others. At the meeting, it was

agreed that the Joint Subcommittee would be consulted again in early 2015 on the proposed Park bylaws before they were introduced to the Legislative Council (LegCo).

3. To ensure that public views are fully taken into account when formulating WKCDA's approach to the drafting of the Park bylaws, an engagement exercise titled "A Park We Share – Public Survey on the Operation of the Future West Kowloon Cultural District Park" has been carried out to seek views from the public on how the Park in the WKCD should be operated and managed. The survey was conducted by an independent research agency between May and June 2014, comprising an online questionnaire and a series of focus group discussions, involving members of the general public, LegCo Members, District Council members, and stakeholders from cultural sector, creative industries and non-governmental organisations. Preliminary findings were presented to this Joint Subcommittee at the meeting on 23 July 2014. The final report was subsequently published and uploaded to the WKCDA website in September 2014. A summary of the consultant's recommendations is at **Annex 1**.

## **UPDATE ON PARK DEVELOPMENT**

4. The concept design of the Park was presented to the Joint Subcommittee on 23 July 2014. Members expressed their support for and expectation of the Park during the meeting. The Park, including the Black Box, is currently at the detailed design stage. The Park will have a green coverage of 60%, which meets the requirement as stipulated in the approved Development Plan. Structural and ornamental plantings emphasizing seasonal beauty, stimulation of the senses, microclimate enhancement and, most of all, leisure enjoyment are planned in the Park design.

5. Construction of the Park and the Black Box will commence in the third quarter of this year. In order to maintain partial opening of the Park area for public enjoyment throughout the construction period, a temporary park will be completed in the second half of 2015, followed by the Arts Pavilion in 2016 and the major portion of the Park with the Black Box and Outdoor Stage in 2017.

6. The temporary park, to be called the Nursery Park, is located at the northwestern end of the WKCD site. It is connected to the MTR Kowloon Station via an existing footbridge above the Western Harbour Crossing toll plaza. The Nursery Park will comprise the tree nursery established on site to nurture mature trees for future planting in the Park, a section of the existing West Kowloon Waterfront Promenade with performance space and a cycle path. There will be a number of versatile lawn areas surrounded by trees and plants. These spaces will be suitable for both leisure pursuits and open-air events. WKCD will plan a series of programmes and events at the Nursery Park.

## **PROPOSED BYLAW**

### *LEGAL BASIS*

7. Section 37(1) of the WKCD Ordinance (Cap. 601) empowers WKCD to make bylaws for one or more of the following purposes –

- (a) for the regulation, operation or management of arts and cultural facilities, related facilities or ancillary facilities; and
- (b) for the conduct of all persons within any premises, buildings, structures, facilities or land (including public places) which the Authority holds or manages, whether within or outside the leased area.

8. Section 37(2)(c) of the WKCD Ordinance provides that all bylaws made by WKCD are subject to the approval of LegCo.

### *SCOPE*

9. To ensure consistent and effective management, WKCD has decided that the Bylaw should apply not only to the Park but all public open spaces in the WKCD. These public open spaces include the Park, Artist Square, M+ podium, Xiqu Square, the Avenue and the waterfront promenade. The public open spaces will be identified and published by WKCD

for public information. An indicative public open space plan is at **Annex 2**.

10. Existing laws in Hong Kong which regulate conduct or activities in public places will apply to the public open spaces in the WKCD<sup>1</sup>. The proposed Bylaw will provide WKCDA with the minimum necessary powers to regulate conduct or activities tailored to the operation and circumstances of the WKCD.

### *GUIDING PRINCIPLES*

11. The proposed Bylaw has been drafted with regard to the guiding principle that use of public open spaces in WKCD should be as free and open as possible, while at the same time allowing WKCDA to:

- (a) ensure public safety and protect the environment;
- (b) ensure that one activity does not unduly disturb another; and
- (c) conduct outdoor events from time to time.

12. In addition, the drafting of the Bylaw has taken into account:

- (a) the vision for the Park: “a quality green open space that would make Hong Kong proud”;
- (b) the mission for the Park: “a waterfront park to inspire, promote and encourage cultural pursuits for all”;
- (c) views expressed by the public during WKCDA’s three-stage public engagement exercise between 2009 and 2011, and the public survey on Park management comprising online questionnaires and focus group discussions conducted between May and June 2014;
- (d) the existing laws in Hong Kong relevant to management of public spaces including bylaws or

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<sup>1</sup> While the Public Open Spaces in the WKCD will be Public Places as defined in the Interpretation and General Clauses Ordinance (Cap. 1) and as provided for in the WKCDA Ordinance (Cap. 601), the regulations regulating public behaviour etc. in Public Pleasure Grounds pursuant to Section 109 of the Public Health and Municipal Services Ordinance (Cap. 132) will not apply to the WKCD Public Open Spaces because they only have effect in places which have been gazetted as Public Pleasure Grounds and listed in Schedule 4 to Cap. 132.

regulations for places of amusement such as Ocean Park and Hong Kong Disneyland; as well as parks and pleasure grounds managed by the Leisure and Cultural Services Department; and

- (e) the management practice in respect of well-known city parks in Australia, Canada, Singapore, South Africa, the United Kingdom, the United States and the Mainland.

### *PROVISIONS*

13. Based on the aforesaid principles and considerations, WKCD has structured the Bylaw in such a way that there are minimum restrictions on most activities, but where it is necessary to restrict any activity, such activity may only take place if authorised, or in a designated area of the Park or other public open space where it is specifically authorised by notice. Highlights of the proposed Bylaw, in particular those concerning public conduct or activities in the public open spaces, are as follows:

- (a) playing ball games, using skateboards, riding bicycles or roller skating/ blading are permitted unless otherwise specifically prohibited;
- (b) domestic animals are permitted so long as they are on a lead or otherwise kept under control;
- (c) flying kites is allowed with certain restriction required on safety grounds;
- (d) certain areas may be closed off for events (entry to which may be either free or charged) or as necessary for other reasons, and the public will be notified in advance;
- (e) commercial filming and photography are allowed with permission; and
- (f) offenders may be prosecuted and subject to a fine.

14. The full draft Bylaw, which is a work-in-progress document that will be further refined taking into account views gathered from the ongoing public engagement exercise and various stakeholders, is at **Annex 3**.

### **GUIDELINES**

## ***STREET PERFORMANCE***

15. Street performance, otherwise known as busking, is an important feature of a city's cultural life. WKCD positively encourages street entertainment that will add to the colour and life of the district. WKCD is developing guidelines to supplement the Bylaw, to provide a framework to allow a rich and diverse variety of street performances to take place within the district. Highlighting the importance of cooperation and mutual respect in the sharing of public space by street performers, the public and other users, the guidelines will provide practical suggestions on how this can be achieved and how conflicts can be minimised. For example, street performers are suggested to choose a location with consideration for others; take regular breaks between performances; show consideration with the sound level of their performance; move between locations and deal respectfully with requests to adjust performances; maintain a good, co-operative relationship with nearby businesses, traders and other users. On the other hand, the guidelines draw to the attention of businesses and residents that busking is a lawful activity, and suggest ways in which they can communicate with street performers in their vicinity in a positive and friendly manner.

16. For safety reasons, WKCD will require all street performers within the WKCD to obtain a valid street performance permit. All applications should be made in person to ensure that the applicant acknowledges and agrees to comply with the conditions and regulations concerning street performance in the WKCD. Applicants will be required to submit information on the performance type, content and equipment or instruments used. While no audition is required, applicants are required to demonstrate their act/ performance for not less than five minutes to determine that the proposed act is as previously defined.

17. Beyond the simple permit system, and to further promote excellence in street performance, WKCD intends to introduce a West Kowloon Street Performer Programme (the Programme). The Programme will provide opportunities for quality street performers, selected through regular auditions, to perform in priority areas (e.g. Artist Square, Cultural Boulevard

of the Park) in the WKCD and gain promotional support and referrals by WKCDA. WKCDA has consulted local street performers on the proposed arrangement and the draft guidelines have taken into account their views.

### ***OUTDOOR EVENTS***

18. Hosting cultural, social and sporting activities in public open spaces can provide public enjoyment, social inclusion and health benefits, as well as contribute to the wider economy. However, these events may disrupt the daily use of the park and public areas for other patrons. WKCDA is developing guidelines on hosting outdoor events in the WKCD with an emphasis on striking a proper balance between such events and other uses.

19. In general, WKCDA welcomes events that respect the values of the WKCD, the Park, its users and stakeholders; create a vibrant atmosphere within the district; and/ or raise the profile of the WKCD as a major arts and cultural hub. WKCDA will encourage and support arts and cultural events, as well as events that are for the enjoyment of the wider public. While seeking to host a diverse and balanced range of events, WKCDA will carefully consider the cumulative impact of all events and activities in the Park and public areas, and ensure event organisers respect the environment and put in place measures to minimise the impact on the park's fabric and facilities, on other users, local residents and district operations.

20. The guidelines on hosting outdoor events will set out details on assessment criteria, application procedure, event fees, as well as general requirements on site protection and restoration, and safety, crowd and event management.

### ***FILMING AND PHOTOGRAPHY***

21. For safety reasons, any professional filming or photography that takes place within the Park and other public areas will require prior permission from WKCDA. Another set of guidelines is being prepared to facilitate applications for carrying out filming and photography in the WKCD. There is

no intention to restrict casual photography by visitors.

22. The draft guidelines for street performances, outdoor events and filming and photography are at **Annex 4**.

23. The above-mentioned guidelines are working documents that need to be further refined taking into account views being gathered through the public engagement exercise and from various stakeholders.

## **PUBLIC CONSULTATION**

24. Apart from taking into consideration the public views expressed in previous engagement exercises, WKCDA has been consulting various stakeholders on the proposed Bylaw and draft guidelines, including:

- Yau Tsim Mong District Council at the meeting held on 26 February 2015;
- WKCDA Consultation Panel meeting on 27 February 2015;
- Town hall meeting with members of 18 District Councils on 9 March 2015;
- Meeting with arts and cultural groups on 16 March 2015; and
- Meeting with representatives of nearby residents on 19 March 2015

25. The proposed Bylaw and draft guidelines are also uploaded on WKCDA's website for public comments and feedback at this link:

<http://www.westkowloon.hk/en/the-district/architecture-facilities/park/chapter/bylaw-and-guidelines>

## **WAY FORWARD**

26. WKCDA will carefully consider all the comments from various stakeholders, including the Joint Subcommittee, as it further refines the draft Bylaw before introducing to LegCo for positive vetting in the second or third quarter this year.



Similarly, the draft Guidelines will be refined before they are implemented upon the Park opening.

27. Members are invited to note the latest development of the Park, and comment on the proposed Bylaw and draft Guidelines.

**West Kowloon Cultural District Authority**  
**March 2015**

**Consultant's recommendations in the final report of  
"A Park We Share – Public Survey on the Operation of  
the Future West Kowloon Cultural District Park"**

*Positioning of the Park*

1. Clear positioning of the Park is essential for determining the best management practice. The WKCD Park should allow a diverse range of leisure activities while demonstrate strong arts and cultural elements and should be a ground to breed arts and culture and 'Park culture', and to develop audience for the arts.

*Activities*

2. A diverse range of leisure activities should be allowed while designated areas or strategic spatial design might be considered for active uses and pets.

*Bylaws*

3. The Park Bylaws should be minimal to allow more freedom for diverse park activities, with discretion for WKCDA to execute with flexibility.
4. A vision and mission statement should be inserted before the bylaws to help the legal interpretation of the bylaws under the vision of WKCDA.

*Mode of Governance*

5. A management sub-committee should be set up to include the stakeholders, such as young people, representatives from large and small arts and cultural organizations, residents, general public, minorities as members to co-manage the park with the WKCDA. Community engagement is important for building a trusting relationship between park management and users.

### *Transparency*

6. Transparency is crucial for management and programming-related decisions for street performances and other programmes in the Park. A balance should be maintained between curated programmes and self-designed programmes from the public.

### *Flexibility*

7. The mode of management should be reviewed with stakeholders from time to time and due adjustments made if necessary.

### *Frontline staff*

8. The frontline staff should be given adequate training to resolve issues in a way that would benefit arts and cultural development in Hong Kong.
9. Volunteers may be recruited from the arts and cultural sectors, from arts students or from the neighbourhood to work as facilitators to assist park users to enjoy the park and take pre-emptive measures before conflicts arise. A wide range of volunteer programmes should be adopted.

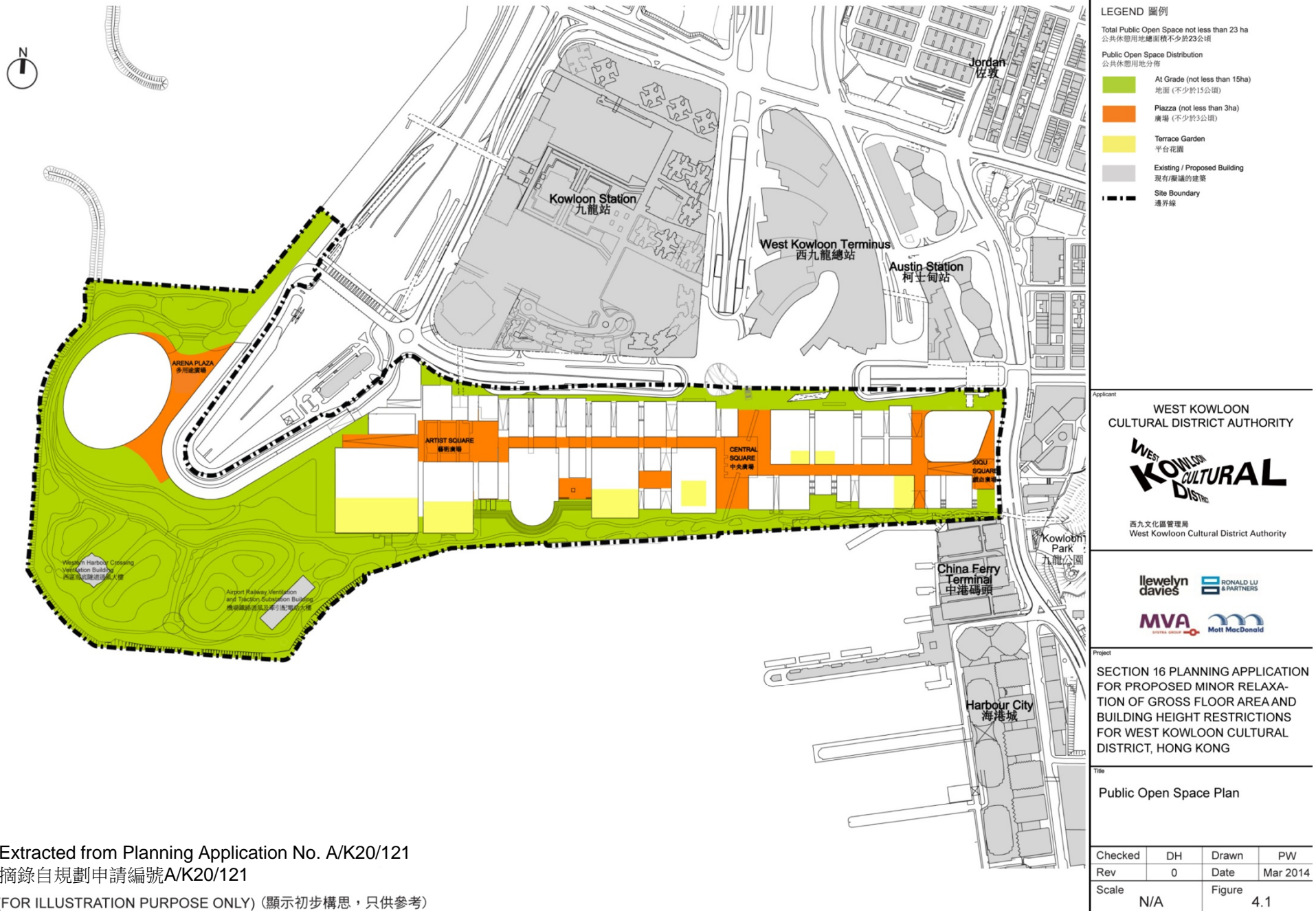
### *Park design*

10. Park design plays an important role in influencing park users' behaviour. Spatial design should be applied strategically to direct uses and to avoid conflicting uses.

### *Education and Promotion*

11. Education and promotion to cultivate self-disciplined and responsible uses alongside rules and regulations are important investment to nurture 'park culture'.

# Annex 2 附件二



Extracted from Planning Application No. A/K20/121  
 摘錄自規劃申請編號A/K20/121  
 (FOR ILLUSTRATION PURPOSE ONLY) (顯示初步構思，只供參考)

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

### Contents

Section	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1. [Commencement].....	1
2. Interpretation.....	1
<b>Part 2</b>	
<b>Boundary, admission and access</b>	
3. Boundary of a public open space with restricted area.....	3
4. General admission, etc .....	3
5. Restricted area.....	4
6. Closed area.....	4
7. Domestic animal .....	5
8. Event, exhibition and performance .....	7
9. Commercial filming, photography and recording .....	8
<b>Part 3</b>	
<b>Conduct of public</b>	
10. Compliance with notice .....	9
11. Public conduct.....	9

Section	Page
<b>Part 4</b>	
<b>Protection of public open spaces and environment</b>	
12. Prohibited acts.....	12
<b>Part 5</b>	
<b>Prohibition of firearms and dangerous goods</b>	
13. Dangerous goods, offensive weapons and firearms .....	14
<b>Part 6</b>	
<b>Public Conveniences</b>	
14. Access to public convenience .....	15
<b>Part 7</b>	
<b>Lost property</b>	
15. Lost or misplaced property .....	16
<b>Part 8</b>	
<b>Vehicles</b>	
16. Prohibition of motor vehicles.....	17
<b>Part 9</b>	
<b>Public transport</b>	
17. Public transport interchange.....	19
18. Application of Road Traffic (Public Service Vehicles) Regulations (Cap 374D) .....	20
19. Securing of vessel to wharfs of public open space.....	22

Section	Page
<b>Part 10</b>	
<b>Enforcement and penalties</b>	
20.	Enforcement..... 23
21.	Name in which proceedings for offences may be brought..... 24

**West Kowloon Cultural District (Public Open Space) Bylaw**

(Made by the West Kowloon Cultural District Authority under section 37 of the West Kowloon Cultural District Authority Ordinance (Cap. 601) subject to the approval of the Legislative Council)

**Part 1**

**Preliminary**

**1. [Commencement]**

This Bylaw comes into operation on [                      ].

**2. Interpretation**

In this Bylaw—

***authorized person*** (獲授權人士) means an officer or an employee of the Authority who is on duty in a public open space, or any other person authorized by the Authority or by law to enforce, or otherwise perform functions relating to or with respect to, this Bylaw;

***authorization*** (授權), unless otherwise specified, means an oral or written authorization given by the Authority or an authorized person to carry out certain activities or conduct certain acts within a public open space which are otherwise prohibited or restricted under the provisions of this Bylaw;

***closed area*** (封閉區域) means any part within a public open space which is designated from time to time by the Authority as a closed area under section 6;

**ensure public safety or order**<sup>1</sup> (確保安全或秩序) means ensure –

- (a) the health or safety of any person in a public open space;
- (b) the health or safety of any animal in a public open space;
- (c) the safety of any property in a public open space; or
- (d) the orderly and undisturbed enjoyment of any part of public open space by any person;

**public open space**<sup>2</sup> (公眾休憩用地) means an open space within the leased area as delineated on a plan published by the Authority from time to time and designated as an open space to which this Bylaw applies;

**publish** (發佈), in relation to any plan, means issuing or distributing the plan whether by way of public inspection, by the display of notices, by computer or other devices or by any other means;

**restricted area** (禁區) means any part within a public open space as delineated on a plan published by the Authority from time to time and designated as restricted area under section 5;

<sup>1</sup> Wording adapted from s. 2 of the Ocean Park Bylaw (Cap 388B).

<sup>2</sup> See s.2 of the WKCD Ordinance. Public open space falls within the definition of “related facilities”. “Related facilities” means any facilities other than arts and cultural facilities provided within the leased area that are comprised in any land set apart for such facilities in the approved development plan, including (a) any retail, dining or entertainment facilities; (b) a mechanical system (if any) which is constructed or adapted for the carriage of passengers and their personal effects within such area; (c) roads, public piers and other transport facilities; (d) public car parks; (e) public open space; and (f) such other facilities as the Authority considers necessary or expedient.

## Part 2

### Boundary, admission and access

#### 3. Boundary of a public open space with restricted area

- (1) The Authority must cause a plan to be published delineating the boundaries of all public open spaces and may from time to time cause a new plan to be published in substitution for an existing plan and may from time to time endorse on an existing plan or a new plan any amendment made to it.
- (2) The Authority may cause a plan to be published from time to time delineating any area within a public open space to which admission to the public is restricted at all times.
- (3) A restricted area must be demarcated and clearly marked-out in the plan referred to in subsection (2) to show that entry to which is restricted.
- (4) A plan prepared under this section must be kept in the office of the Authority.
- (5) A copy of the plan must be made available for public inspection at the Authority’s office, on the Authority’s website and in the Park Administration Office.
- (6) In this section—

**Park Administration Office** (公園行政辦公室) means the building as may be designated as such by the Authority.

#### 4. General admission, etc

- (1) A person must comply with all instructions given verbally or issued in writing by the Authority or an authorized person for the purposes of ensuring public safety or order relating to a public open space, including any closed area or any restricted area within a public open space.

- (2) The power of the Authority and an authorized person includes but is not limited to the power to refuse to admit a person into a public open space or any part of a public open space, or request a person to immediately leave a public open space or any part of a public open space, if the Authority or an authorized person reasonably believes that it is necessary to exercise such power to ensure public safety or order.

**5. Restricted area**

- (1) A person must not enter or remain in, or attempt to enter or remain in, a public open space or any part of a public open space to which entry by the public has been restricted under the plan referred to in section 3, except as authorized by the Authority or by an authorized person.
- (2) A person who enters or remains in a restricted area commits an offence and is liable on conviction to a fine at level 1.

**6. Closed area**

- (1) The Authority or an authorized person may close to the public any part of a public open space [or any building within a public open space] by the use of notice prominently displayed on or adjacent to the closed area [or building].<sup>3</sup>
- (2) The power of the Authority or an authorized person to close any area includes but is not limited to blocking any entrance to or exit from a closed area within a public open space, for the purposes of ensuring public safety or order, or to facilitate repair or maintenance works in a closed area, or for the purposes of crowd control or direction, or for the purpose of

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<sup>3</sup> Wording adapted from s.11 of Centennial Park and Moore Park Trust Regulation 2009, with some adaptation. References to buildings in square brackets could be omitted if no buildings will be within a public open space.

an event (as defined in section 8(7) of this Bylaw), as reasonably necessary.

- (3) A person must not enter or exit any part of a public open space, [or any building within a public open space,] that is closed to the public under subsection (1), except through an entry point or exit designated by the Authority for use by the public.
- (4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 1.

**7. Domestic animal**

- (1) The Authority may from time to time, by notice displayed by the Authority in any part of a public open space, prohibit any person from bringing certain classes of domestic animal into a public open space.
- (2) A person must not bring a domestic animal into a public open space which has been prohibited under subsection (1).
- (3) A person must not bring a domestic animal into a public open space unless the domestic animal is at all times on a lead, carried in a proper cage or container, or otherwise under the control by other appropriate means of a responsible person.
- (4) A person who brings a domestic animal into a public open space must not permit the domestic animal to foul any part of the public open space or to cause a danger, nuisance or annoyance to any other person<sup>4</sup>.

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<sup>4</sup> c.f. provisions in s.13 of the Public Cleansing and Prevention of Nuisances Regulations (Cap 132BK) re prevention of fouling of street by dog faeces or urine. This section is more general because it applies to domestic animals and not just dogs.



- (5) A person who brings a domestic animal into a public open space must comply with all notices displayed by the Authority in any part of a public open space from time to time regarding the control of or cleaning up after the domestic animal.
- (6) A person must remove a domestic animal from a public open space on request by an authorized person.
- (7) This provision, other than subsection (6), does not apply in respect of assistance animal<sup>5</sup> accompanying a person with disability<sup>6</sup>.

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<sup>5</sup> Reference is made to the Australian (Commonwealth) Disability Discrimination Act 1992 and specifically section 9(2). An "assistance animal" is a dog or other animal trained: (i) to assist a person with a disability to alleviate the effect of the disability; and (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place. However, Hong Kong legislation (such as the Disability Discrimination Ordinance (Cap 487)) does not have a similar provision which defines an "assistance animal".

<sup>6</sup> The Authority may consider a broader description to assist persons with disability in general instead of only visually impaired persons. See s. 2 of the Disability Discrimination Ordinance (Cap 487) re definition of disability. Disability, in relation to a person, means- (a) total or partial loss of the person's bodily or mental functions; (b) total or partial loss of a part of the person's body; (c) the presence in the body of organisms causing disease or illness; (d) the presence in the body of organisms capable of causing disease or illness; (e) the malfunction, malformation or disfigurement of a part of the person's body; (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour, and includes a disability that-(i) presently exists; (ii) previously existed but no longer exists; (iii) may exist in the future; or (iv) is imputed to a person.

- (8) A person who contravenes subsection (2), (3), (5) or (6) commits an offence and is liable on conviction to a fine at level 1.

## **8. Event, exhibition and performance**

- (1) For the purpose of entertaining the public, a person must not conduct an event in a public open space unless with the written authorization of the Authority. Authorization by the Authority may be given generally or in a particular case.
- (2) A person must not:-
  - (a) erect any structure, stand, booth, platform or exhibit for an event; or
  - (b) require a ticket or other permit for entry for an event; unless with the written authorization of the Authority.
- (3) The Authority, an authorized person or a person permitted by the Authority to hold an event may, at any time and including for the purposes of an event, do any one or more of the following—
  - (a) limit the number of persons who may enter any part of a public open space to be used for an event;
  - (b) impose terms and conditions of entry to any part of a public open space to be used for an event;
  - (c) charge admission fee to any part of a public open space to be used for an event;
  - (d) limit admission to any part of a public open space to be used for an event, including a closed area, to persons over or under a certain age as specified by a written notice, which is prominently displayed at the entrance of the public open space or any part of the public open space for which admission to the space is so limited;

- (4) If an authorized person reasonably suspects that a person participating in an event in a public open space does not meet any age requirement for admission to the event, the authorized person may request the person to produce proof of age;
- (5) In the absence of proof of age of the person, the age of the person as determined by an authorized person concerned prevails.
- (6) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 1.
- (7) In this section-  
*event* (活動) means any event, exhibition or performance organised and held within a public open space for the purpose of entertaining the public.

**9. Commercial filming, photography and recording**

- (1) Except with the written authorization of the Authority, a person must not undertake filming, photography or any form of recording of a visual image or sound in a public open space with a view to selling, publishing or publicly exhibiting any items relating to the acts described above in the course of business for advantage or gain.
  - (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.
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**Part 3**

**Conduct of public**

**10. Compliance with notice**

- (1) The Authority may, by written notice prominently displayed in any part of a public open space, restrict or prohibit any conduct of the public in a public open space.
- (2) A person in a public open space must comply with all written notices of the Authority, and all directions and requests of an authorized person given or made for the purposes of ensuring public safety or order.

**11. Public conduct**

- (1) A person must not—
  - (a) spit, urinate, defecate or perform any other bodily function contrary to public decency, except in facilities specifically provided for that purpose;
  - (b) dispose of any litter, except in the litter receptacles provided and designated for receipt of litter of that kind;
  - (c) melt or burn wax or paper in such manner as to cause or be likely to cause a risk of injury to any person or damage to property;
  - (d) throw a stone or missile, or discharge a gun, air gun, bow and arrow, catapult or other similar device;
  - (e) beg or solicit alms;
  - (f) smoke or carry a lighted cigarette, cigar or pipe, except in any smoking area designated as such by a written notice of the Authority;

- (g) enter or remain in, or attempt to enter or remain in, a public open space in a state of intoxication resulting from alcohol, medicine or drugs or other similar substances, or otherwise in an unfit condition as determined by an authorized person in his or her absolute discretion;
  - (h) cause a nuisance or annoyance to other visitors to a public open space after being requested to desist from such conduct by an authorized person;
  - (i) play ball games, use bicycles, skateboards, roller skates or any similar apparatus or equipment in any part of a public open space where the Authority has by written notice prohibited such activities;
  - (j) without authorization, offer for sale or sell any article or service;
  - (k) without authorization, dump or abandon or leave behind any vehicle, equipment, construction debris, waste matter, rubbish, refuse or unwanted articles of any kind;
  - (l) without authorization, fly a kite with a control string longer than 50 metres, or any remotely controlled powered flying drone or model aircraft (whether fuelled by hydrocarbon or alcohol based fuels or operated by means of an electric motor), or any manned or unmanned balloon with a control string longer than [10] metres filled with heated air or lighter than air gases; or
  - (m) without authorization, climb a perimeter wall, fence, post, barrier, or any structure.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
- (3) The Authority may, without any notice to the owner thereof, remove and dispose of any vehicles, equipment, construction

debris, waste matter, rubbish, refuse or unwanted articles abandoned or left on any part of a public open space in breach of this section in such manner and at such time as the Authority sees fit. The Authority shall incur no liability whatsoever to any person for such removal or disposal other than liability for negligence or wilful default and no claim for damages or compensation shall be brought against the Authority by any person in respect of the same.<sup>7</sup>

- (4) In this section –

*litter* (扔棄物) includes any refuse, rubbish, earth, dirt, filth, dust, sawdust, paper, timber off-cuts, ashes, excreta and any other matter of a like nature.

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<sup>7</sup> The wording is adapted from s.24 (dumping) of the Airport Authority Bylaw. Please consider including this subsection in this Bylaw.

## **Part 4**

### **Protection of public open spaces and environment**

#### **12. Prohibited acts**

- (1) A person must not—
  - (a) without authorization, remove or interfere with or deface or damage any equipment, apparatus, fitting, fixture or, facility or any part of a public open space;
  - (b) without authorization, remove, interfere with, damage or injure any flora or tree;
  - (c) without authorization, light any fire, barbecue or otherwise cook food;
  - (d) without authorization, feed or attempt to feed feral animals or birds kept or found in a public open space;
  - (e) without authorization, distribute any bill, placard or notice, or affix any bill, placard or notice to or on any tree or plant, or to any part of any building, railing, bench, seat, gate, wall or other structure, erection or ornament in a public open space or enclosing a public open space; or
  - (f) except for the purposes of using such device for the purposes for which it is intended, without authorization, remove or displace or otherwise tamper with any life-saving appliance provided by the Authority in a public open space.
  
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.

**Part 5**

**Prohibition of firearms and dangerous goods**

**13. Dangerous goods, offensive weapons and firearms**

- (1) A person must not, without lawful authority, bring into a public open space or possess any of the following items in a public open space—
    - (a) any dangerous goods as defined by section 2 of the Dangerous Goods Ordinance (Cap. 295); or
    - (b) any firearm, ammunition or offensive weapon of any description.
  - (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.
- 

**Part 6**

**Public Conveniences**

**14. Access to public convenience**

- (1) Without authorization or lawful excuse, a male person must not, in any public convenience, enter any part of the public convenience which is allocated for the use of female persons.
  - (2) Subsection (1) does not apply to a child under the age of 5 years who is accompanied by a female in charge of or supervising the child.
  - (3) Without authorization or lawful excuse, a female person must not, in any public convenience, enter any part of the public convenience which is allocated for the use of male persons.
  - (4) Subsection (3) does not apply to a child under the age of 5 years who is accompanied by a male in charge of or supervising the child.
  - (5) A person who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 1.
-

## **Part 7**

### **Lost property**

#### **15. Lost or misplaced property**

- (1) A person who comes into possession of any property in a public open space which appears to have been lost or misplaced by another visitor to the public open space must, as soon as practicable, hand over the property to an authorized person or a police officer.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
- (3) Any lost or misplaced property which comes into the possession of the Authority or an authorized person—
  - (a) in the case of perishable, noxious or otherwise offensive goods or articles, may be disposed of by the Authority by sale or otherwise as soon as practicable; or
  - (b) in any other case, may be retained by the Authority for a period of 3 months after the property has come into its possession, and if at the end of that period the property remains unclaimed, it is deemed to become the property of the Authority free of all rights and encumbrances, and the Authority may dispose of the property by sale or otherwise.
- (4) The Authority incurs no liability to any person in respect of any lost or misplaced property as bailees or otherwise and no claim for damages or compensation shall be brought against it by any person in respect of the same.

## **Part 8**

### **Vehicles**

#### **16. Prohibition of motor vehicles**

- (1) A person must not drive, bring or cause to be driven or brought any motor vehicle into a public open space, except in a car park, without authorization.<sup>8</sup>
- (2) Subsection (1) does not apply to:
  - (a) a powered wheel chair or other similar apparatus used solely for the conveyance of an invalid or disabled person; or
  - (b) emergency vehicles.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
- (4) In this section –  
*motor vehicle* (汽車) has the same meaning as in section 2 of the Road Traffic Ordinance (Cap. 374).  
*emergency vehicle* (緊急服務車輛)<sup>9</sup> means a vehicle driven by a person who is:
  - (a) a police officer acting in the course of his or her duties as a police officer, or
  - (b) a member of the Ambulance Service rendering or providing transport for sick or injured persons, or

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<sup>8</sup> Please note that section 16 is drafted on the presumption that there will be no public road or road for public access to the park or public open space.

<sup>9</sup> Reference is made to s. 24 of Centennial Park and Moore Park Trust Regulation 2009.

- (c) a member of a fire brigade providing transport in the course of an emergency, or
- (d) an authorized person acting in the course of his or her duties as an authorized person.

*car park* (停車場) means any area designated by the Authority as a car park and which is open to the public, whether operated by the Authority directly or by other operators and whether or not a parking fee is chargeable.

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## **Part 9**

### **Public transport**

#### **17. Public transport interchange**

- (1) The Authority may set aside any land within a public open space as a designated road for use by public service vehicles and private buses for such purposes including a public transport interchange and between such hours as may be prescribed from time to time by the Authority as it sees fit.
- (2) The Authority may determine—
  - (a) the purposes for and conditions on which any such designated road may be used by a public service vehicles and private buses and the conditions on which any such land may be used; and
  - (b) the charges (if any) to be imposed for the use of any such land whether by a public service vehicle or a private bus.

18. **Application of Road Traffic (Public Service Vehicles) Regulations (Cap 374D)**<sup>10</sup>

- (1) Part IV to the Road Traffic (Public Service Vehicles) Regulations (Cap 374D) shall apply to a designated road. When applied to a designated road-
- (a) Part IV to the Road Traffic (Public Service Vehicles) Regulations (Cap 374D) shall be subject to the provisions of this Bylaw made under section 37 of West Kowloon Cultural District Authority Ordinance (Cap 601) and the modifications set out in paragraphs (d), (e) and (f) of this subsection.
- (b) the definitions in the Ordinance or this Bylaw of "the Authority", "designated road" and "authorized person" shall apply to the provisions of the Road Traffic (Public Service Vehicles) Regulations.

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<sup>10</sup> The wording of this section is adapted from s. 50 and Schedule II of the Airport Authority Bylaw (Cap 483A) with modifications. Please note that, under s. 50 of the Airport Authority Bylaw, the Airport Authority has adapted the entire Road Traffic Ordinance and all of its subsidiary legislation (e.g. Road Traffic (Public Services Vehicles) Regulations, Road Traffic (Parking) Regulations) in its Bylaw for the purpose of regulating the landside traffic in the "designated road". However, for the purpose of this WKCD (POS) Bylaw, WKCDA may need to adopt only regulations 28 to 36 of Road Traffic (Public Services Vehicles) Regulations to regulate stands and stopping places within a public open space and the conduct in those areas. It should be noted that those regulations do not apply to public franchise buses. Public franchise buses are regulated under the Public Bus Services Regulations Cap 230A. Under that regulation the Commissioner for Transport designates the area of road which is to be a bus stop for a public franchise bus.

Ocean Park bylaw does not make provision for public transport at all.

- (c) references to "road" in the provisions of the Road Traffic (Public Service Vehicles) Regulations shall include designated roads.
- (d) references to "regulation", "subregulation" or "Part" are references to the relevant regulation, subregulation or Part under the Road Traffic (Public Service Vehicles) Regulations (Cap 374D) unless otherwise expressly specified.
- (e) in Part IV of the Road Traffic (Public Service Vehicles) Regulations (Cap 374D) all references to "the Commissioner", not being a reference to "the Commissioner of Police", there shall be substituted "the Commissioner or the Authority in consultation with the Commissioner".
- (f) for regulations 31 and 32 of the Road Traffic (Public Service Vehicles) Regulations (Cap 374D), after the words "Commissioner of Police", there shall be added "or the Authority".
- (2) Part IV to the Road Traffic (Public Service Vehicles) Regulations (Cap 374D), applicable as modified, may be enforced by a police officer, a traffic warden or an authorized person.
- (3) In this section –
- public service vehicle** (公共服務車輛) means any motor vehicle registered as a public bus, public light bus or taxi, or as a private car in respect of which a hire car permit is in force.<sup>11</sup>

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<sup>11</sup> This definition is from the Road Traffic Ordinance. Note that while this definition includes public buses, the regulation applicable to public service vehicles do not include public franchise buses.



**19. Securing of vessel to wharfs of public open space**

- (1) A person must not, except as authorized by the Authority, secure any vessel (including but not limited to a charter boat, a water taxi or ferry, or a private boat) to any pier, jetty, landing stage or dock attached to or serving a public open space.
  - (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1.
- 

**Part 10**

**Enforcement and penalties**

**20. Enforcement**

- (1) A person must not obstruct, disturb or interfere with an authorized person, or any employee, agent or contractor of the Authority in the execution of their duties or performance of any works in connection with a public open space or any part of a public open space.
- (2) If an authorized person reasonably suspects that a person in a public open space has contravened this Bylaw, the authorized person may, after advising the person of the act or omission which constitutes the suspected contravention, require the person to produce proof of identity and state the person's true address.
- (3) A person who fails to produce proof of identity or state the true address under subsection (2) commits an offence and is liable on conviction to a fine at level 1.
- (4) An authorized person or police officer may require the person to leave the public open space or any part of the public open space if—
  - (a) an authorized person or a police officer reasonably suspects that a person in a public open space has contravened this Bylaw; or
  - (b) a person in a public open space does not comply with the direction of an authorized person or police officer or the direction in a notice posted by the Authority.
- (5) A person who fails to leave a public open space or any part of a public open space after being required to do so under subsection (4) commits an offence and is liable on conviction

to a fine at level 1 and may be removed from a public open space or a part of the public open space by an authorized person by the use of reasonable force if necessary.

- (6) If an authorized person reasonably suspects that a person has committed an offence under this Bylaw, the authorized person may
  - (a) require the person to accompany the authorized person either to the office of the Authority or to a police station; and
  - (b) detain the person until the person is delivered into the custody of a police officer to be dealt with according to law.
- (7) A person who refuses to accompany the authorized person or to be detained after being required to do so under subsection (6) commits an offence and is liable on conviction to a fine at level 1.

**21. Name in which proceedings for offences may be brought**

- (1) Without prejudice to any Ordinance relating to the prosecution of criminal offences or the powers of the Secretary for Justice in relation to the prosecution of criminal offences, prosecutions under any of the bylaws may be brought in the name of the Authority<sup>12</sup>.

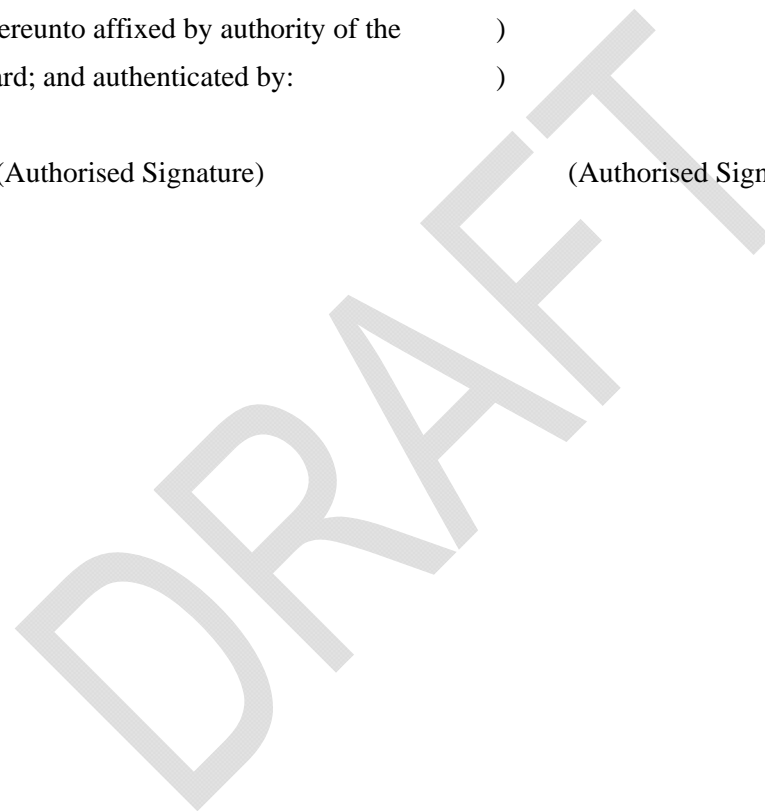
Dated (Made) \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 2015

<sup>12</sup> This new provision is included for the Authority's consideration in relation to specifying the means of enforcing the Bylaw in the Bylaw. The wording is copied from section 37(2)(b) of Cap 601. s 25 of the Public Cleansing and Prevention of Nuisances Regulation (Cap 132BK) also contains a similar specific provision.

THE SEAL of the )  
 WEST KOWLOON CULTURAL )  
 DISTRICT AUTHORITY )  
 is hereunto affixed by authority of the )  
 Board; and authenticated by: )

(Authorised Signature)

(Authorised Signature)



**DRAFT**

West Kowloon Cultural District (Public Open Space) Bylaw

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**Explanatory Note** [To be inserted.]

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## **Street Performance in the West Kowloon Cultural District**

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

Street performance (otherwise known as Busking) forms an important part of a city's cultural life and we positively encourage street entertainment that adds to the colour and life of the District. The sharing of public space by street performers, the public and other users requires co-operation and mutual respect and these Guidelines aim to provide a framework to allow a rich and diverse variety of street performance within the district. They are intended for use by street performers, businesses, residents, the police and the Authority.

### **Definitions**

#### **'Street performance'**

Acts performed live by a person who entertains 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. street art, live portraiture, handicrafts, or other performance skills.

#### **'Dangerous material'**

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

#### **'Dangerous implement'**

Any object that through use, design or construction poses a risk or hazard to the safety or welfare of a member of the public or person

handling the object (includes knives, spears, swords, axes, chain saws, spikes and sharp implements).

**‘Handicrafts’**

Objects made either by hand or with the help of devices used to shape or produce the objects.

**‘Authorised Person’**

Any officer, or employee of the Authority or other person authorised by the Authority or by law to enforce or otherwise perform functions relating to or with respect to these guidelines or the district bylaws.

**Guidelines for Street Performers**

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

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

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

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

## DRAFT

You should not perform with more instruments, props, equipment, merchandise or other items than the performer can reasonably transport and remove all at once within three minutes.

Take regular breaks between performances. Continuous noise, however, pleasant, can be experienced as intrusive.

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

If amplification is necessary, a performer may use a small, battery powered, portable amp. The use of generators and large PA systems is discouraged. Performers are reminded that sound from amplifiers and louder instruments can carry further and generate complaints. This can be avoided by a willingness to move between locations and deal respectfully with requests to adjust performances.

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

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

You are allowed to seek voluntary contributions through passing around a hat, leaving open an instrument case or other receptacle, or soliciting donations after a performance; but should not accost or otherwise interfere in any way with pedestrians.

Many busking acts have elements which incorporate a tangible item or experience in exchange for donations from members of the public. If the provision of goods or a service is part of your busking act it must be offered on a voluntary basis and this must be made clear to members of the public. It must be emphasized that any contributions made by the audience are on a voluntary basis so that the product or service is an extension of the busking act itself and people are not obliged to make any contribution.

## DRAFT

The provision of goods or service should only occur as a complement to the street performer's performance and should not dominate the time a street performer occupies a site. These goods or services (for example CDs, portraits or caricatures, handicrafts etc.) can only contain original creations by the performer.

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

The Authority can prohibit use of the Street Performance Areas while a Special Event, or other approved works or activities are in progress. It is possible that restrictions on street performances may be imposed on occasions like New Year's Eve, Chinese New Year, HKSAR establishment day, National Day, Christmas Eve or other events.

### **For Businesses and residents**

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

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

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

Street Performers may often be able to adjust their performance following a polite request. Feel free to draw the street performers' attention to these guidelines if necessary. Formal complaints

## DRAFT

should only be made as a last resort and only if attempts at communication have been unsuccessful.

### **Conditions and Regulations for Street Performers**

All street performers within the West Kowloon Cultural District must obtain a valid Street Performance permit.

A performer and the performer's equipment may not block or obstruct the free and safe movement of pedestrians. If a sufficient crowd gathers to obstruct passage through a public area an Authorised Person may disperse a portion of the crowd to allow public passage.

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

If amplification is necessary, a performer may use a small, battery powered, portable amp.

The maximum performance time in the same location is 2 hours in any 6 hour period.

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

The volume of your performance must be kept to a reasonable level, not above 85dB within 2 meters and intended for an audience within 10m.

Hours of performance are Monday to Sunday 10am to 10pm.

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

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



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

### **Street Performance Permit**

All street performers within the West Kowloon Cultural District must obtain a valid Street Performance permit. All applicants must apply in person and acknowledge and agree to comply with the conditions and regulations of these Guidelines. Applicants will be required to fill in a form provided by the Authority and submit information on the performance type, content and equipment or instruments used and the Authority may ask for further clarification or information. Applicants will also be required to demonstrate their act/performance for not less than five minutes to determine that the proposed act is as previously defined.

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

The Authority may revoke or refuse a performance permit upon the commission of the violation of these guidelines, or a false, misleading or fraudulent statement of fact in the performer's permit application. If the performance permit of any performer is suspended, no new permit will be issued.

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

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

A performer shall clearly display the permit while performing, and shall allow inspection of the permit by Authorised Person on request.

### **West Kowloon Street Performer Programme**

The West Kowloon Street Performer is a programme for quality street performance by Hong Kong residents only. To become a

member, you have to audition and be accepted. Auditions are held regularly and once accepted as a member a ten-year membership will be granted. The programme will schedule performances in priority areas within the District.

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

### **Membership Advantages**

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

### **Street Performance Areas**

These guidelines cover areas under the jurisdiction of the West Kowloon Cultural District only.

Street performance activity is limited by the conditions set out in these guidelines and the areas marked on the Street Performance Area Maps.

- Special Programme Areas are designated for Authority productions and presentations only.
- Priority Areas are the prime sites.
- General Areas are open to all street performers.

The Street Performance Area maps identify areas in which restrictions apply:

Map 1	Park
Map 2	Xiqu Centre
Map 3	M+ Lobby
Map 4	Artist Square (specific location to be determined)
Map 5	Cultural Boulevard (specific location to be determined)

## **West Kowloon Cultural District Public Open Space Bylaw as applied to street performance**

- An event, exhibition or performance may be organised and held within a public open space for the purpose of entertaining the public with written authorisation of the Authority.
- No structure, stand, booth, platform or exhibit should be erected for an event without written authorisation from the Authority.
- A person in a public open space must comply with all instructions given verbally or issued in writing by the Authority or an authorized person for the purposes of ensuring public safety or order.
- A person shall not beg or solicit alms.
- A person shall not cause nuisance or annoyance to other visitors to a public open space after being requested to desist from such conduct by an Authorised Person.
- A person shall not dispose of any litter in a public open space.
- A person shall not, without authorisation, dump or abandon or leave behind any vehicle, equipment, construction debris, waste matter, rubbish, refuse or unwanted articles of any kind.
- A person shall not, without authorisation, offer for sale or sell any article or service.

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

## Hosting outdoor events in the West Kowloon Cultural District park and other public areas

### Introduction

Set against the backdrop of Hong Kong's iconic city skyline and harbour the West Kowloon Cultural District provides an unparalleled outdoor environment for hosting events. The Authority welcomes event organisers who wish to use our site and these guidelines provide essential information on how to apply to host an outdoor event at the Cultural District. These guidelines are subject to regular review.

The West Kowloon Cultural District Authority welcomes events that are consistent with one or more of the following **objectives**:

- respect the values of the West Kowloon Cultural District, the park, our users and stakeholders;
- create a vibrant atmosphere within the District; and
- raise the profile of the West Kowloon Cultural District as a major arts and cultural hub

Any organised activity or event with more than [30] participants taking place within the park or other outdoor public area requires approval from the West Kowloon Cultural District Authority before it can proceed.

### Definitions

#### 'Park and other public areas'

These guidelines apply only to the park and other outdoor spaces within the West Kowloon Cultural District which are open to the public. If you wish to hold an event at an indoor venue or facility in the District you should consult the booking policy for that venue.

#### 'Event'

These guidelines apply to events or activities specially organised

## DRAFT

for a specific purpose, such as concerts, performances, ceremonies, exhibitions, festivals, fairs, and sporting events. An event can be public or private, free or charged.

Street performances, as well as filming and photography, are subject to separate guidelines.

### **‘Public event’**

A public event is an event that the general public can access or participate in, whether free, ticketed or through paid donation. It can be commercial, charitable or not-for-profit. Unless entry is open, there must be a platform accessible by the public to purchase tickets or register for admission.

### **‘Private event’ and ‘commercial event’**

Unlike public events, private events restrict access to a specific group and are generally not accessible to the public. Examples include corporate parties, staff fun days, charity gala dinners, cocktail receptions and wedding ceremonies.

Commercial events are those that primarily seek to promote, advertise, or introduce a product, service, brand or company to the public. It may or may not involve any sales or sampling activities. This definition applies even if ticket proceeds are donated to a charity, if the brand has a dominating role in the event.

The ability to host private and/or commercial events is tightly controlled in public areas, but we are keen to work in partnership to develop activities and events that encourage new groups and communities to visit and enjoy the District.

### **‘Charged event’ and ‘free event’**

We consider a charged event as one that requires a fee for general admission. It can be a paid ticket or donation. A free event is one that allows access with no entrance charge and provides free content with any charged elements being discretionary (e.g. food and beverage or merchandise). In the case where there is no entry fee but participants need to pay for most or all of the activities in the event (say a carnival or a food festival which sells tokens or vouchers), it will be treated as a charged event.

## **Our Approach to Events**

Hosting cultural, social and sporting activities in our open spaces can provide public enjoyment, social inclusion and health benefits, as well as contribute to the wider economy. However, we recognise that these events may disrupt the daily use of the park and public areas for other patrons. Therefore striking a proper balance is very important to us.

We have developed an approach to events derived from our objectives:

- Encouraging and supporting arts and cultural events;
- Encouraging events that are enjoyable by the wider public;
- Hosting a diverse and balanced range of events;
- Considering the cumulative impact of all events and activities in the park and public areas;
- Ensuring event organisers respect the environment that they are working in and put in place measures to minimise the impact on the park's fabric and facilities, on other users, local residents and district operations;
- Working with event organisers to deliver a successful event and ensuring they appropriately engage with stakeholders, and maximise safe access for other users;
- Ensuring our park and public areas are fully restored after events have taken place;
- Having in place a fair and transparent application process; and
- Making use of income generated from events to support the arts and cultural programmes of the District.

## **Hosting Major Events**

The West Kowloon Cultural District Authority carefully considers the number of major events held in order to ensure we balance the needs of different uses and protect the fabric of the park. The final number of major events that can be hosted is dependent on scale, distribution through the year and the nature of the event.

There are a range of outdoor event spaces available in the park and in other public areas in the district. Our site plan shows the

## DRAFT

locations of these spaces as well as their characteristics and any constraints. This information will help you select the most suitable site for your event. We also advise a site visit and are happy to assist and provide guidance where needed.

An event is classed as “major” if it meets [two] or more of the following criteria:

- [5,000] or more free or ticketed audience capacity, or event participants
- on site more than [4] days, including building and de-rigging
- requires closure of a substantial portion the park
- requires closure of a number of different public areas
- requires installation of multiple large structures

Other events that fall outside these criteria would normally be considered small events.

### *Assessment criteria*

We assess applications for major events based on individual merit, and also potential synergies or conflicts with other events. We aim wherever possible to achieve a diversified and balanced programme.

We will prioritise major events that:

- meet our objectives and respect our values;
- are arts and cultural in nature;
- are open to public for participation or enjoyment;
- are safe, well-planned and well-run;
- minimise impact on the park fabric and facilities; and
- minimise impact on park users, local residents and park operations

### *Application procedure*

We require a detailed proposal for hosting a major event. You should use the Major Events Proposal Form and submit it according to the timing set out below. When you submit the proposal you will be required to pay an application fee of [HK\$2,000]. The fee is not refundable but will be used to settle part of your event fees if your event is approved.

## DRAFT

The Authority will seek advice from a committee that includes external stakeholders in selection and assessment of the proposal.

If your proposal is selected, we will issue a Licence Agreement for you to sign as a binding contract for the duration of your occupation of the site.

### *Timing*

In Hong Kong, major outdoor events are usually held between October and March (the **high season**). Event organisers should submit their event proposals to the Authority [by end of February] each year, if they wish to host an event in the coming high season.

While it is possible to host outdoor events in the summer, organisers must take into account the weather conditions and risks involved, including high temperatures and potential severe weather such as rainstorms and typhoons. We would request any proposals for include detailed plans on how the organiser would mitigate these conditions. If you wish to host an event in the **low season** (April to September), you should submit an event proposal to the Authority [by end of August] in the previous year.

### **Small Events**

Any event not classified as a major event will be considered as a small event.

We accept applications for hosting small outdoor events all year round. The assessment criteria include:

- Suitability of the proposed site
- Time of year
- Lead time before the event
- Scheduling conflicts with other activities or events.
- Ability of the organiser to meet site requirements and conditions of use
- Previous track record of the event organiser
- Impact on other park users and district operations
- Alignment with the mission and artistic vision of the district



## DRAFT

In general, arts and cultural events, and free public events will have higher priority than commercial or private events.

You should complete the Small Events Application Form and send to us approximately [10 – 12] weeks prior to your event. If the lead time is shorter, it is advisable to contact us before making your application.

The park requires regular maintenance and time for recovery after events, especially major ones, take place. We also must consider the cumulative impact of events on the park and other public areas. We therefore may not accept events at certain times or in certain areas even though they are not occupied by other activities.

Processing an application takes approximately [two] weeks but more time may be required in complex cases. If your application is successful, we will write to you giving initial approval. Your event can only be confirmed after you return the approval letter to us duly signed together with the requested event fees.

### **Event fees**

We charge event fees in two parts:

- Base fee (a fee per head based on estimated attendance/ participants)
- Daily charge (a fee per day to be determined by size of built area, potential level of impact to other users and district operations etc)

Different rates will apply depending on nature of events. Concessionary rates are offered for not-for-profit and charity events. In addition, organisers may need to pay for any direct costs such as power, security, cleaning, litter collection or damage repair that are incurred exclusively by the event. In exceptional cases, the Authority may consider revenue or profit sharing for large scale ticketed events. Details will be discussed with the event organiser on a case-by-case basis.

Please refer to our latest rate card for categorised fees. A

security deposit will normally be requested in advance of events to cover anticipated costs. The security deposit will be refunded after the organiser fulfils all licence conditions.

## **Site Protection and Restoration**

Our park comprises lawns, trees, shrubs, plants and other greenery and it is important the park is maintained to the highest standard for public enjoyment. Event organisers are required to do their utmost to minimise the impact of their events on the natural environment.

No pegging of structures, perforating the ground, or vehicles driving over grass is allowed due to the presence of irrigation and other services under the park surface. Grass needs to be protected at all times, in particular in high use areas.

It is the event organiser's responsibility to ensure adequate protection of lawns, trees, plants and other facilities and fixtures during the installation of event infrastructure, equipment and facilities. Event organisers may be required to propose detailed protection measures and reinstatement plans to standards set by the Authority. We may also impose restrictions on certain activities or works if they are likely to cause considerable damage or pose risks to other users. We will survey event sites with the organisers before and after events to determine impact. Event organisers are required to fully fund reinstatement after events and we will take a security deposit in advance of events to cover anticipated costs.

## **Event Management**

Hosting outdoor events requires meticulous planning and co-ordination. This is even more imperative when the event is held in a public area that intersects with many other activities and uses. We therefore expect event organisers to either possess experience of hosting outdoor events, or if they do not, collaborate with an experienced partner. However, we are very willing to work with small arts and cultural organisations or groups to help them bring their event ideas to life.

Event organisers and participants must comply with the West

## DRAFT

Kowloon Cultural District Public Open Space Bylaw and any rules or regulations published by the West Kowloon Cultural District Authority.

The Licence Agreement or letter of approval issued by the Authority only grants an organiser the right to occupy and use a specified area. Event organisers are required to apply for all necessary permits, approval and licences such as temporary places of public entertainment licence, temporary food factory license, liquor license, etc. and abide by all applicable laws and regulations.

The Authority works closely with event organisers to ensure the delivery of successful events. We will ask all event organisers to discuss with us the following:

- Site layout plan
- Event rundown
- Production schedule
- Crowd management plan
- Traffic plan
- Security plan
- Cleaning and waste management plan
- Signage plan
- Contingency plan and cancellation policy
- Risk assessment and risk management plan (mainly for major events)

For events involving erection of temporary structures, building works or other high risk activities such as pyrotechnics, working in confined spaces or working at height, the Authority may require organisers to follow our Work Safety System. Additional information such as method statement, detailed drawings should be submitted to apply for permits before works commence.

The costs of any additional security or other resources deployed by the Authority to facilitate events and safeguard our properties will be charged to event organisers.

Depending on the location, there may be a power supply for event use (subject to additional cost). You may bring power generators on-site but their location should be discussed in advance.

Event organisers should hold insurance for public liability, contract works and other risks as required by the Authority. Details will be provided after the event is approved.

Our park and some public areas are close to residences so managing noise from events is critical. We ask all organisers who are staging concerts or amplified performances to follow the *Noise Control Guidelines for Music, Singing and Instrument Performing Activities* issued by the Environmental Protection Department. As a general rule, no noise should be audible after 11pm.

Event organisers should note that there will be kiosks, restaurants and other operators in the park and other public areas, and they are expected to remain open during events.

### **Sustainability and Accessibility**

We strive to make the West Kowloon Cultural District sustainable and accessible to all and encourage all events to uphold these same principles. Here are a few examples of how to make your event more sustainable:

- Minimise consumption of energy and water
- Use clean fuels and minimise production of emissions
- Manage and control carefully any environmentally hazardous materials
- Provide for waste recycling
- Collect food waste and send to recycling plants
- Minimise or discourage provision and consumption of non-recyclable materials or disposable items
- Encourage participants to bring their own bottles, mugs, containers and utensils
- Encourage participants to use public transport

Holding an accessible and inclusive event means you can accommodate a wider audience. People of different abilities can participate in your event if you can do some of the following:

- Ensure access is barrier-free
- Reserve spaces for wheelchair users

## DRAFT

- Provide accessible toilet facilities
- Provide simplified, large print, Braille or audio versions of maps and event guides
- Provide accessibility services for performances such as sign interpretation, audio description, accessible captions
- Provide assistive listening devices
- Offer discounted accessible tickets

It will be regarded positively if your application shows how you plan to deliver a sustainable and accessible event.

### Enquiries

For application of enquiries, you can contact our events team at 2200-XXXX or email at [XXX@wkcd.hk](mailto:XXX@wkcd.hk).

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## **Filming and photography in the West Kowloon Cultural District park and other public areas**

### **Introduction**

The West Kowloon Cultural District provides a world class filming location set against the stunning backdrop of Hong Kong's iconic city skyline and harbour. The Authority welcomes film-makers and photographers who wish to use our site and these guidelines provide essential information on how to apply for a permit and the fees charged for commercial filming and photography.

The West Kowloon Cultural District Authority welcomes filming in the park and other public areas in the District that is consistent with one or more of the following aims:

- respects the values of the West Kowloon Cultural District, the park, our users and stakeholders
- promotes arts and culture locally and/or internationally
- promotes the park as a natural environment
- raises the profile of Hong Kong and the Cultural District as a visitor destination locally and/or internationally

Any professional filming or photography that takes place within the park and other public areas requires permission from the West Kowloon Cultural District Authority before it can proceed.

### **Definition of terms**

#### **'Park and other public areas'**

These guidelines apply to the park and other open public spaces within the West Kowloon Cultural District. Filming within auditoriums, galleries or other interior spaces is subject to special conditions and will be assessed on a case-by-case basis.

#### **'Filming' and 'Photography'**

The term 'filming' refers to all forms of moving image production.

## DRAFT

This includes films, television, commercials, music promos, documentaries, corporate promos and interactive digital media.

The term 'photography' refers to all forms of still, digital and photo imaging. This includes advertising, editorial, fashion and corporate photography.

**News and current affairs** - Material intended for news and current affairs programmes falls outside of the scope of these guidelines and is not subject to a permit. However to help ensure your shoot goes smoothly we suggest you inform the West Kowloon Cultural District Communications team before undertaking any news filming.

**Wedding photography** - Professional wedding photography does not require permission on each and every occasion. However professional wedding photographers who wish to use the park or public areas for photoshoots are required to register in advance for a one-time permit, charged at a fee of XXXXXX.

### **Application for filming or photography**

If you would like to film or photograph in the West Kowloon Cultural District park or other public areas you will need to submit an application form at least x working days before you plan to shoot.

All requests should be put in writing using the online filming and photography application form.

If planning a large or complex shoot a site visit may be required to discuss the logistics of a filming or photography request and determine what may and may not be achievable before an application is approved.

Film makers will be asked to provide in writing as much information as possible on the following: proposed dates and times; potential locations; content and nature of the script; talent; potential stunts, special effects and pyrotechnics, use of cranes, dollies and camera drones, fire-arms, nudity; numbers of vehicles, cast, crew and extras; equipment; and parking.

## DRAFT

A copy of the necessary Public Liability Insurance should be included.

If deemed necessary by the Authority, a risk assessment may be required.

Each application will be assessed on a case-by-case basis, taking into account the various sensitivities and other commitments of the park and Cultural District.

Depending on the scale of filming, further planning meetings and a site visit to confirm logistical arrangements may be required once a request has been agreed.

The West Kowloon Cultural District Authority will respond to filming and photography requests as quickly as possible. However it may be impossible to accommodate requests with less than x days notice. We will acknowledge receipt of applications within 24 hours and no later than 48 hours (office hours only).

### **Filming and photography fees**

The West Kowloon Cultural District Authority is committed to proactively raising income to support the management of its public spaces and will therefore charge for location filming in most cases.

A broad outline of the fee structure is available. This is intended as a guide only. Any additional services based on specific requirements will be charged for.

Filming or photography cancelled at late notice may be charged a cancellation fee. A non-returnable administration fee will be charged.

The West Kowloon Cultural District Authority supports emerging local talent and will offer free or reduced rates whenever possible to low-budget and student film-makers. The same application process should be followed and students must produce a letter on headed paper from their educational establishment confirming their student status and course work requirements.

The West Kowloon Cultural District supports amateur and student photographers and the taking of photographs for a private portfolio,



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educational coursework or other non-commercial use does not require a permit.

## Filming Location Agreement

A formal location agreement will be issued, confirming all mutually agreed arrangements and restrictions. Filming cannot proceed unless a legally binding agreement is in place.

Any changes proposed once the location agreement has been issued must be mutually agreed in writing.

## Payment

Payment must be made in advance of filming.

Depending on the nature of the project, a bond may be required to safeguard against damage and / or reinstatement.

## Rate Card

Please Note: this rate card is a guide only and final fees may vary depending on the type of project and your specific requirements. Overnight filming will incur a surcharge and will be subject to special conditions.

### **FILM, TELEVISION AND COMMERCIAL**

(Includes but not exclusive to: corporate films, commercial virals and luxury brand fashion photography)

<b>Cast &amp; Crew</b>	<b>4 hours</b>	<b>8 hours</b>	<b>12 hours</b>	<b>Admin fee</b>
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1-20

21-40

41-60

60 plus

Subject to negotiation

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**OTHER FILMING, SHOTS & SOUND RECORDING**  
(Documentaries, factual, tourism and editorial photography)

**Cast & Crew      4 hours      8 hours      12 hours      Admin fee**

1-5

6-10

11-20

21-40

40 plus                      Subject to negotiation

**PRESS CALLS/PR STUNTS/PRODUCT LAUNCHES**

\$xxx - \$xxxx (per day)

Charges will be set according to the nature of the shoot and level of disruption caused, i.e. restrictions on public use, size of area occupied etc.

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