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上海街404號視藝空間暫停營運  
Temporary Operation Suspension of  
Shanghai Street Artspace

撰：李海燕  
Compiled by: Joanna Lee

由香港藝術發展局（藝發局）向政府租用、位於油麻地上海街404號地下的視藝空間，2016年起由社區文化發展中心以「碧波押」名義營運。2018年12月，藝發局通知碧波押，因為該處未領有「公眾娛樂場所牌照」，將於2019年4月底暫停。發出通知時，藝發局未有提供會否重開、以及未來安排等資訊。

自1999年起，藝發局以年租一元向政府租用上述空間作藝術用途；2003年推出「上海街視藝空間策展及管理計劃」，每兩年一次接受公開申請，選出負責營運的視藝界團體。二十年來曾經營運空間的團體包括「MOST」（Museum of Site）、「藝術地圖」、「香港教育學院體藝學系」（現稱香港教育大學文化與創意藝術學系）、「四零四」、「活化廳」和碧波押。

碧波押策展人三木（陳式森）以及社區文化發展中心總幹事莫昭如，為本地資深藝術家。以「社區藝術」為大方向，碧波押舉辦藝術展覽、表演、工作坊等等予公眾參與。除了展示香港本地創作，也常見涉及中國政治與社會的題材，例如「六四」、劉曉波；逢周五晚「電影自治區」放映的，不少是不能在中國曝光的獨立電影；2018年5月曾舉辦「在庭上」展覽，展示內地藝術家劉偉偉就不公平審判維權律師夏霖一案的庭審速寫。2018年11月，在中國異見漫畫家巴丟草取消香港個展、大館以「不願成為任何個別人士促進其政治利益的平台」為由一度取消中國流亡作家馬建講座後，碧波押曾閉館七天抗議「創作表達、新聞言論等諸般自由在香港正越來越受到強權的威脅」。<sup>1</sup>

藝發局過去未曾因牌照理由不予續約，故此，碧波押對是次事件感到突然，憂慮空間重開無期，擔心牌照要求對文化活動發展造成長遠影響。

資料來源：

- 本地各大報章、雜誌及網媒
- 面談紀錄及政府部門書函

2018 / 12

› 12月4日

碧波押在12月3日接獲藝發局通知，指因未領有「公眾娛樂場所牌照」（牌照）而涉及空間使用不合法問題，決定暫停上海街404號視藝空間運作。三木接受《立場新聞》訪問，轉述藝發局解釋：「（藝發局）曾多次與地政總署交涉，希望地政總署能出面向食環署申請『公眾娛樂場所牌照』，唯地政署一直沒有積極跟進，因此至今仍未獲發牌照。」三木認為此事反映政府部門之間合作不足，「何以自1999年到今天都無法解決問題。」<sup>2</sup>

藝發局委員（視覺藝術）陳錦成同日晚上接受《立場新聞》訪問，確認是因未獲牌照而暫停運作，強調「視覺藝術小組委員會從未想要結束該空間。」陳指藝發局原應在2018年年初擬訂新一輪邀約計劃內容，讓藝術團體申請，但小組委員會在2017年討論計劃書內容時，發現原來空間並無領有牌照，擔心日後營運者會因不合法使用而遭起訴，商討後認為有必要申請牌照。然而，邀約計劃內容因為牌照問題遲遲未能落實，藝發局亦未能在2019年1月底營運期結束前四個月，通知碧波押暫時關閉空間的安排，故將營運期延長三個月。小組委員會盡力在2019年4月底前解決問題，俾能儘早公開招標。

<sup>1</sup> 碧波押臉書聲明，2018年11月9日。

<sup>2</sup> 〈藝發局將終止上海街視藝空間 稱申請娛樂牌照不果〉，《立場新聞》，2018年12月4日，<https://thestandnews.com/culture/稱申請娛樂牌照不果-藝發局將終止上海街視藝空間/>。

The artspace on G/F, 404 Shanghai Street, Yau Ma Tei (the Artspace) came out of a rental agreement between the Hong Kong Government and Hong Kong Arts Development Council (ADC). Its operation has been under the management of Centre For Community Cultural Development (CCCD) since 2016, which named the space “Green Wave Art.” In December 2018, ADC informed Green Wave Art that as there had not been any valid “Places of Public Entertainment Licence” (Licence) associated with the location, the Artspace would be closed by the end of April 2019. At the time of notification, there was no further information on re-opening criteria nor plans on subsequent steps to be taken.

ADC has been renting the Artspace from the government since 1999 at annual rental HK\$1. In 2003, ADC launched “Shanghai Street Artspace Exhibition Hall Project,” under which every other year visual arts organizations responded to an open-call for management. Organizations that had managed the space in the last two decades included “MOST (Museum of Site),” “Art Map,” “Department of Creative Arts and Physical Education, Institute of Education,” (now renamed as “Department of Cultural and Creative Arts of the Education University of Hong Kong”) “404,” “Woofers Ten” and Green Wave Art.

Sanmu Chan, curator of Green Wave Art and Mok Chiu-yu, Chief Executive of CCCD, are veteran Hong Kong artists. Under the guiding principle of “community arts,” Green Wave Art offers public-engagement activities such as art exhibitions, performance, workshops, among others. Besides local artworks, frequently shown in Green Wave Art are those on themes related to Chinese political and social issues, such as “June Fourth,” Liu Xiaobo; on Friday nights “Movie Autonomous Region” screens independent movies banned in China. In May 2018, there was the exhibition “In the Courtroom” in which sketches of the trial of Xia Lin by Mainland artist Liu Weiwei were displayed, a trial regarded to be partial as Xia was a lawyer in defense of civil rights. In November 2018, Green Wave Art closed for seven days to protest the cancellation of the solo exhibition of Badiucuo, Chinese dissident cartoonist, and Tai Kwun’s claim of “unwilling to act as the platform for any individual to promote his own political interest” and cancellation of the talk by Ma Jian, Chinese writer on exile. By closing for seven days Green Wave Art expressed that “Hong Kong’s freedoms of expression, journalism and others are under more and more imminent menace of the authority.”<sup>1</sup>

There has not been any precedent for ADC to suspend contract renewal due to the lack of Licence. Hence, Green Wave Art finds this incident unanticipated. It is concerned of whether the space will re-open in the future, and the long-term impact of Licence requirement on the development of cultural activities.

Information:

- Local press, magazine and online news coverage. For details please refer to Chinese version.
- Interview transcript and governmental correspondence.

<sup>1</sup> Green Wave Art facebook page, November 9, 2018.

陳錦成亦指出，碧波押所在的樓宇陳舊，必須進行硬件維修，才符合牌照要求；維修牽涉改動圖則，藝發局須徵得地政署同意，但由於行政程序複雜，溝通不太順暢，至今委員會仍然無法找到完善的解決方法。<sup>3</sup>

#### › 12月5日

《明報周刊》報導，上海街404號建於1961年，「(要)申領公眾娛樂場所牌照，需就消防安全、樓宇安全、人流管理等方面滿足需求[……]需要作硬件上的改動[……]獨立的社區團體難以有足夠資源作出改建，而就算如藝發局這類的機構，從1999年至今都未能成功申領牌照。」「由於申領公眾娛樂場所牌照涉及了建築改動[……]申領牌照的責任，其實一直在藝發局身上。」報導又指，「現存的許多文化空間，其實都是『無牌經營』[……]如果有關當局因為各種原因執法，許多文化空間都只能結束營業，這也令這條例成為了當權者可以限制文化空間經營的武器之一。」<sup>4</sup>

#### › 12月9日

《明報》報導，碧波押曾於十一月閉館七天抗議，「故有人懷疑今次藝發局的行動是政治審查」，<sup>5</sup>並提出為何二十年不處理的牌照問題此時忽然冒出。三木向《明報》表示，以往局方在十月至十一月會通知他們準備提交來年計劃書。碧波押的管理於2019年1月完結後須重新申請方可繼續，然而藝發局一再延遲就此事與碧波押開會，至報導當日仍未明確交代情況。

《明報》訪問上海街視藝空間歷代營運藝團的發言人。碧波押的三木和歐陽東，兩年來以展覽、定期的獨立電影放映會、深宵的藍調音樂會等等，慢慢與當區居民建立關係。2009年起營運的「活化廳」，由十多名藝術家組成，其中包括程展緯。活化廳接手之前，空間以展覽為主，活化廳則以活動為中心。程向《明報》表示，「計劃是藝發局的『德政』：該局利用公營機構的身分，連結其他政府部門，拿到一個地舖空間，以審批計劃書的方法外判給藝術家，藝團只需滿足基本要求，運作相對自主。展覽不經特別審查，展覽以外也有很多空間發揮，是這個位置的可貴之處，所以我們很緊張（在意）這個空間。」<sup>6</sup>

本地藝術家林漢堅是上海街404號的第一代管理者，以MOST (Museum of Site) 名義主持，為期一年。期間約有六個月，空間由其他向藝發局申請辦展覽的藝術家及團體使用，餘下半年時間的展覽才由林負責。林漢堅稱，當時「晚上過了七時離開，都要寫報告交代為何遲走」。<sup>7</sup>林認為每次應交予營運者管理五年。

2003年，藝發局推出「上海街視藝空間策展及管理計劃」，賦予營運者更大的自由度。藝術地圖由2003到2004年營運，主席譚偉平把空間定位為「油尖旺區其中一個看藝術的站點，介紹外國視藝資訊、與年輕藝術家合作等」，譚表示「我們始終是art-based（以藝術為主）。」2004至2006年，營運團體變成香港教育學院體藝學系，「營運理念以社區為本（community-based）核心價值為主，從視藝空間作為圓心，透過區外藝術家的參與，把藝術帶入社區，而文化人、藝術家和社區人士亦可藉參與藝術活動進行交流，並對藝術作出互為詮釋

3 〈上海街視藝空間將停營運 藝發局委員陳錦成：確因牌照問題 正尋求解決方案〉，《立場新聞》，2018年12月4日，<https://thestandnews.com/culture/上海街視藝空間將停營運-藝發局委員陳錦成-確因牌照問題-正尋求解決方案/>

4 匡翹報導：〈公眾娛樂場所牌照如何左右文化空間發展？〉，《明報周刊》，2018年12月5日，<https://www.mpweekly.com/culture/cu0002/whats-new-%E8%97%9D%E6%96%87%E9%83%A8%E8%90%BD/20181205-89602>。

5 〈Ways of Seeing：碧波押娛樂牌風波社區藝術係錢界地就？〉，《明報》，2018年12月9日，<https://ol.mingpao.com/php/cultureleisure3.php?nodeid=1544293053170&subcate=culture&issue=20181209>。

6 同上。

7 同上。

2018 / 12

#### › December 4

On December 3, ADC informed Green Wave Art that, considering the potential risk of the Artspace being engaged in illegal usage as a result of the lack of “Places of Public Entertainment Licence,” a decision on the temporary closure of 404, Shanghai Street had been made. Sanmu Chan related ADC’s explanation in an interview by *The Stand News*, “(ADC) has had many rounds of negotiations with the Lands Department, requesting the latter to apply for Licence from the Food and Environmental Hygiene Department. Yet the Lands Department gave this request cold shoulders, resulting in the unavailability of Licence up till this point of time.” Chan held the opinion that it exemplified the poor co-operation among governmental departments. “It is incomprehensible to me how the problem has remained unresolved since 1999.”<sup>2</sup>

On the same evening, *The Stand News* interviewed Chan Kam-shing Chris, ADC Member (visual arts). Chris Chan confirmed that operation had to put on hold as a result of the lack of Licence while stressing that “it has never occurred to the visual arts art-form group that the Artspace should be permanently closed.” He said that ADC should have drafted the criteria for a new round of call-for-proposals at the beginning of 2018, to which art organizations would submit their applications. However, during discussions in 2017, Members realized that there had not been any required Licence. They were concerned that future operators would be charged for illegal land use and found it mandatory for the Licence to be secured. The call-for-proposal was therefore unsettled, rendering ADC’s failure to notify Green Wave Art its decision to temporarily close the Artspace by the end of January 2019, four months before the contract end date. ADC therefore extended the contract with Green Wave Art by three months. Members would strive for resolving the problem before the end of April 2019 so that the call-for-proposals could be implemented as early as possible.

Chris Chan pointed out that the building in which Green Wave Art resided was outworn and had to undergo fixture maintenance before it could possibly meet the Licence requirements. The maintenance would require modification of construction drawing, which had to be approved by the Lands Department. The above would have to undergo complicated administrative procedures. The communication had not been particularly smooth. The art-form group was yet to come to a proper way to resolve the situation.<sup>3</sup>

#### › December 5

The *Ming Pao Weekly* reported that the building at 404 Shanghai Street had been built in 1961. “(In order to) obtain a Licence, it has to meet the requirements for fire hazard, building safety, crowd management, among others...hardware conversion will be mandatory...independent community organizations will hardly possess the capital required for such conversions. Even an institution like ADC has not succeeded in Licence application since 1999.” “As it involves architectural conversion in order for the Licence application to go through... the responsibility of securing the Licence has always been in the hands of ADC.” It was also pointed out that “a number of operating cultural spaces are in effect ‘illegal’...should the government decides to enforce the

2 News coverage, *The Stand News*, December 4, 2018. <https://thestandnews.com/culture/稱申請娛樂牌照不果-藝發局將終止上海街視藝空間/>.

3 News coverage, *The Stand News*, December 4, 2018. <https://thestandnews.com/culture/上海街視藝空間將停營運-藝發局委員陳錦成-確因牌照問題-正尋求解決方案/>.

(collaborative-interpretation)，使藝術、藝術家、區域內外居民得以透過該空間建構出如 Danto (1981) 所言的藝術家、觀眾和藝術作品的三方對話，甚至是 Jeffers (2003) 的多元際性 (inter-disciplinary) 對話的藝術詮釋的理想藍圖。」<sup>8</sup>

活化廳李俊峰向《明報》表示：「空間廿年來的政策沒有寸進 [……] 沒有研究作 (審批計劃) 根據，只靠行政程序，未獲續約的團體不知有什麼做得不好，下一手又未必知如何才算好。」<sup>9</sup> 藝術地圖執行總監樊婉貞亦批評局方，指明發展「社區藝術」，卻沒有清楚定義。

藝發局就事件回覆《明報》查詢時，未提牌照問題，稱「本局視覺藝術組因應目前業界的現況，考慮並審視本計劃的長遠發展，包括空間運用及資助對象等情況後，決定延長現時社區文化發展中心的管理合約至2019年4月30日，以期深入研究本計劃的營運方向，積極尋求最合適的運作模式，以推進藝術發展。」<sup>10</sup>

#### › 12月27日

《蘋果日報》就碧波押2019年四月後暫停營運一事向藝發局查詢，所得回覆與《明報》的相同，同樣沒有提及牌照情況。

三木向《蘋果日報》表示：「這裡是香港唯一讓我們可以自主發揮的地方。其實十八區應該有十八個或以上這樣的社區藝術空間，由藝術家自行管理，這才可以讓市民接觸到我們正在面對的各種社會問題，這是藝術民主化。」三木想要香港人留意內地作品，「想業界和社區朋友看到大陸朋友的社區藝術和抵抗是怎樣，他們做得很好，甚至很冒險，很有想法。很可惜整個香港環境都對中國產生厭惡。」他認為，上海街視藝空間的終止，對香港是重大損失。

讓三木憂心的，不是碧波押的結束，而是「公眾娛樂場所牌照」的影響力。他表示「這個牌照可以冚晒 (關閉) 所有無牌自主空間，不單止是受政府資助的碧波押，到時好多人死，好得人驚。所以這不單純是碧波押的利益，是關乎整個業界」。然而，三木感到「業界 (對香港創作和言論自由日益收緊) 漠不關心和自我審查，看不到當年艾未未被捕時，團結一致的氣概。以前一呼百應，現在嗌極都唔應 (極力呼籲都不答理)。」<sup>11</sup>

#### › 12月28日

藝發局委員陳錦成與碧波押主要負責人莫昭如、三木、歐陽東會面，解釋暫停運作決定的由來，以及了解營運方意見。<sup>12</sup> 陳錦成解釋，碧波押最初獲得此空間兩年的運營合約。藝發局認同社區藝術計劃要達到成果，至少應有三年營運期。因此，碧波押在兩年約滿之後，獲續約一年。藝發局的視覺藝術小組在準備新的邀約計劃申請詳情之時，意識到近十年另類展覽空間增加，曝光率提高，牌照問題變得迫切，然而要符合申請牌照的要求的話，單位必須重新裝修。改動需要耗時一年以上。視藝小組亦討論過可否以申請臨時牌照方式處理問題，由將來的空間運營者承擔申請的責任。

8 黎明海、劉仲嚴、陳碧君、袁詠欣著：〈上海街視藝文化敘述、詮釋和意涵研究〉，載《Artspace: Shout-Art Magazine》5 (香港，2006)：14。內引Danto A., *The transfiguration of the commonplace: A philosophy of art.* (Cambridge, MA: Harvard University Press, 1981); Jeffers, S., "Gallery as nexus," *Art Education*, vol 56, no.1 (2003): 19-24.

9 同註5。

10 同上。

11 陳芷昕報導：〈碧波押「踩紅線」20年視藝空間一朝遭冚檔〉，《蘋果日報》，2018年12月27日，<https://hk.news.appledaily.com/local/realtime/article/20181227/59070996>。

12 會面於2018年12月28日下午4時至6時在碧波押舉行，《香港視藝年鑑》代表列席旁聽，本部分內容是會面紀錄選輯。

associated laws, those cultural spaces would have no choice but to close down. The Legislation is therefore a weapon of the governance to limit the operation of cultural spaces.”<sup>4</sup>

#### › December 9

*Ming Pao* reported that “there is speculation on whether ADC is acting for the purpose of political censorship”<sup>5</sup> as Green Wave Art conducted seven-day closure protest in November. It wondered why the Licence problem was brought to attention at this point of time while it had remained unresolved for the last two decades. Sanmu Chan told *Ming Pao* that ADC’s usual practice was to notify him, around October and November, to prepare for the proposal for the following year. According to the original schedule, Green Wave Art’s management contract would expire by the end of January 2019 and a new application has to be submitted. ADC repeatedly deferred the meeting with Green Wave Art and no explanation has been made by the date of the news coverage.

*Ming Pao* talked to the spokespeople of the past and current Shanghai Street Artspace managing organizations. Over the last two years, Sanmu Chan and Auyeung Tung slowly nurtured the relationship between Green Wave Art and its nearby residents by organizing exhibitions, regular screening of independent movies, late-night blues concerts, and other events. Woofer Ten which started its management in 2009 was an artists’ collective made up of ten-plus artists, Ching Chin-wai Luke being one of them. Before Woofer Ten, the Artspace had predominantly been an exhibition venue, after it was an activity center. Ching told *Ming Pao* that “this Project is a ‘virtuous idea’ of ADC. Taking advantage of its status as statutory body, ADC secures a ground-floor vacant space from other government departments. It then outsources its management to artists whose proposal proved satisfactory. As long as the basic requirements are met, art organizations have a relatively high level of autonomy in their operation. Exhibitions are not censored while ample room remains for imagination beyond exhibitions. This is what makes this space so special and explains why we are so concerned about it.”<sup>6</sup>

The first-generation manager of 404, Shanghai Street was local artist Andrew Lam. He managed the space in the name of MOST (Museum of Site) for one year, during which six months had been occupied by artists and art organizations who had applied for exhibition space from ADC. Lam was responsible for running the exhibitions in the other six months. Lam said that “back then we had to submit reports to explain the reasons for not leaving before 7pm.”<sup>7</sup> He held the opinion that each tenure of management should last for five years.

In 2003, ADC launched “Shanghai Street Artspace Exhibition Hall Project” and even higher level of autonomy was granted to managing art organizations. “Art Map” managed the Artspace from 2003 to 2004. Tam Wai-ping, Chairman, positioned it as “a stop for art-viewing in Yau Tsim Mong area, aiming to introduce overseas art to Hong Kong and collaborate with young artists.” Tam said that “we are, after all, art-based.” From 2004 to 2006, the management went under the then Department of Creative Arts and Physical Education, Institute of Education. “Our core-value is to be community-based. The Artspace is the center from which art enters the community through the participation of artists outside of the district. Cultural practitioners, artists and

4 News coverage, *Ming Pao Weekly*, December 5, 2018. <https://www.mpweekly.com/culture/cu0002/whats-new-%E8%97%9D%E6%96%87%E9%83%A8%E8%90%BD/20181205-89602>.

5 News coverage, *Ming Pao*, December 9, 2018. <https://ol.mingpao.com/php/cultureleisure3.php?nodeid=1544293053170&subcate=culture&issue=20181209>.

6 Ibid.

7 Ibid.

三木認為事件不只關乎碧波押的營運，還牽涉到自主空間的獨立性——用牌照理由停止空間運作的走勢，令人憂慮。三木擔心如果連碧波押這唯一的實驗基地也保不住，談何更多同類空間的建立；此例一開，其他如牛棚、青春工藝等空間必定受影響。這將會是業界的共同問題。碧波押一向向局方表示資助額太低，令工作不足以深入社區，亦難以長期負擔每次三數千元的臨時牌照申請費用；即使藝發局在資助額之上另外提供申請費用，資源只是轉移到食物環境衛生署（食環署），而非用於社區。

歐陽東表示，食環署在十二月曾經兩次巡查碧波押。食環署2019年2月12日回覆「香港文化監察」查詢時表示：「本署較早前透過報章報導得悉上址有可能舉辦含表演性質的活動予公眾參與，懷疑違反《公眾娛樂場所條例》。因此，本署於12月7日派員到上址場地巡查，期間並沒有發現有關場地有違規情況。雖然如此，本署職員已即時口頭警告有關場地負責人切勿違反《公眾娛樂場所條例》，否則將被檢控。」<sup>13</sup> 三木質疑，申請牌照責任，是否應屬藝發局而非碧波押：「一來，藝發局要承擔二十年來沒有處理牌照問題的責任。二來，碧波押不是租戶。此單位的業主是地政署，藝發局是繳交租金給政府的租戶，碧波押只是邀約計劃執行者。」三木表示，自十月以來，碧波押曾主動邀請藝發局負責經理討論牌照事宜，相約兩次，日期由局方代表決定，但藝發局代表從未赴約。<sup>14</sup>

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› 1月24日

《立場新聞》自2018年12月起，去信藝發局查詢一連串有關上海街404號視藝空間安排的問題，藝發局多番以事務繁忙為由推遲回應。《立場新聞》1月22日收到藝發局回覆如下：「有關『上海街視藝空間策展及管理計劃』，本局視覺藝術組會因應目前業界的現況，考慮並審視本計劃的長遠發展，包括空間運用及資助對象等情況後，決定延長現時社區文化發展中心的管理合約至2019年4月30日，以期深入研究本計劃的營運方向，積極尋求最合適的運作模式，以推進藝術發展。」《立場新聞》稱回覆「答非所問」。地政署回覆《立場新聞》書面查詢時則指單位用途如涉及牌照規管，租客須自行申請所需牌照，地政總署作為業主不會代辦，並稱「未曾接獲藝發局要求協助向相關部門為上述單位申請任何牌照」。<sup>15</sup>

《立場新聞》質疑，雖然陳錦成表示新邀約計劃內容未公佈，是為了採納上一手營運團體「活化廳」建議而作出修改，「如果從活化廳離開上海街視藝空間的2015年末算起，事發已逾三年；若從2013年活化廳未獲續約算起，更是超過五年。為何新標書仍未擬好，牌照問題仍未解決？」<sup>16</sup>

執業律師黃鶴鳴向《立場新聞》表示，《公眾娛樂場所條例》對「娛樂」的定義太廣，存在許多灰色地帶，條例令活動一旦有人投訴或蓄意為難，就很容易「中招」被逼取消。「是否有必要為了辦一個講座，去申請牌照？」他認為現時娛樂牌的規定，「會窒礙很多一次性或短期的民間活動」。<sup>17</sup> 他強調，食環署有責任釐清何謂「娛樂」，以及重新審視現時條例中「娛樂」的定義會否太廣。他認同法律及條例的確有其規範作用，可是當條例涵蓋範圍「闊到咩都做唔到」（太廣以致功效不彰），便應檢討相關政策。

13 食物環境衛生署署長書面回覆香港文化監察主席楊雪盈2019年1月16日電郵查詢。

14 同註12。

15 〈「碧波押」被指受藝發局審查終止運作 民選委員陳錦成否認 來龍去脈是甚麼？〉，《立場新聞》，2019年1月24日，<https://thestandnews.com/culture/碧波押-被指受藝發局審查終止運作-民選委員陳錦成否認-來龍去脈是甚麼/>。

16 同上。

17 同上。

residents, through their participation in art events, conduct exchange of and collaborative-interpretation to the arts. At that space, the arts, artists, residents within and without the district construct, in Danto (1981) terms, trilateral conversation among the artists, audiences and artworks. It can also be regarded as the ideal blueprint for art interpretation through inter-disciplinary conversation suggested by Jeffers (2003).”<sup>8</sup>

Lee Chun-fung of Woofert Ten told *Ming Pao* that “the Project has not made any progress in the last twenty years...there isn’t any research findings to support (the call-for-proposals criteria and review process). Counting solely on administrative procedures, art organizations failing to have their contract renewed had no idea what had gone wrong. Nor did the next party know what had counted as good management.”<sup>9</sup> Anthea Fan, Executive Director of Art Map, also criticized ADC for not clearly defining what it meant by “community art” while stipulating its development as the mandate of the Artspace.

ADC did not mention anything about the Licence in its response to *Ming Pao*’s inquiry, but said that “upon reviewing and considering the long-term direction of this Project, based on the current situation of the field such as the usage of the Artspace and the grantees, the visual arts art-form group decides to extend the contract with CCCD to until April 30, 2019. The group wishes to research into the management direction of this project and actively seek out the optimal operation model, for the purpose of pushing forward art development.”<sup>10</sup>

› December 27

The *Apple Daily* made an inquiry to ADC about temporary closure and received the same response as *Ming Pao* did. Neither was there any mention of the Licence.

Sanmu Chan told *Apple Daily* that “this is the only space in Hong Kong where we can give free reins to our imagination. In my opinion, in eighteen districts there should be eighteen spaces, or more, of similar nature, managed by artists, so that the citizens will be exposed to the social problems we are facing. As such, it is art democratization.” He wished that Mainland artworks would catch the attention of Hong Kong people. “I hope that the practitioners and the community see how community art has been done by our Mainland friends and how resistance has been practiced. Our friends in Mainland did really good jobs, some highly risky ones, and they have great points to make. Unfortunately Hong Kong in general detests everything about China.” He finds the closure of Shanghai Street Artspace a great loss of Hong Kong.

What worries Chan was not the suspension of Green Wave Art but the impact of the Licence. “This Licence can, in effect, shut down all the autonomous spaces with Licence pending. It goes beyond Green Wave Art which is supported by public funding. Many people will be impacted. This is scary. It is not about the interest of Green Wave Art alone, but the entire field.” However, he felt that “the field is unconcerned and imposes self-censorship (to the gradual tightening of freedom of creation and expression). We no longer have the same solidarity as we

8 Lai Ming-hoi, Lau Chung-yim, Chan Pik-kwan, Yuen Wing-yan, “*Shanghai jie shijuewenhau xushu, quanshi he yihan yanjiu*” (The narrative, interpretation and implication research of Shanghai Street visual culture in *Artspace: Shout-Art Magazine* 5 (Hong Kong, 2006): 14. Two references quoted in the text: Danto A., *The transfiguration of the commonplace: A philosophy of art*. (Cambridge, MA. Harvard University Press, 1981); Jeffers, S., “Gallery as nexus,” *Art Education*, vol 56, no.1 (2003): 19-24.

9 See note 5.

10 Ibid.

左上 Upper left  
「在庭上」展覽海報  
“In The Court” exhibition poster



右上 Upper right  
「我都係！」難民藝術交流回應展  
展覽海報  
“I am Refugee too! A Response Exhibition of Arts and Cultural Exchange with Refugees” exhibition poster



中左 Middle left  
2018年11月閉館七天抗議  
Seven-day closure protest in November 2018



中中 Middle center  
「老單車日常」展覽  
“Life.cycling.hk” exhibition

中右 Middle right  
「33又3分1·黑膠時光」展覽  
“33 1/3 Vinyl Record Time” exhibition

下 Bottom  
(發言者) 社區文化發展中心總幹事  
莫昭如 Mok Chiu-yu, Chief Executive of  
CCCD (speaking)

did when Ai Weiwei had been arrested some years back. At those times, we were ready to go into action in our hundreds. Now you can yell your head off and all you get are cold shoulders.”<sup>11</sup>

> December 28

Chris Chan held a discussion with the persons-in-charge of Green Wave Art, namely Mok Chiu-yu, Sanmu Chan, Auyeung Tung to explain the reason for temporary suspension and to hear the opinion of the managing party.<sup>12</sup> According to Chris Chan, ADC supported the notion of management period being three years in order for the objectives of community art projects to be achieved. Green Wave Art started its management in 2016 on a two-year contract, which had subsequently been extended for one year. ADC’s delay in finalizing the requirements for the new round of call-for-proposal rendered Green Wave Art impossible to submit a new application before the completion of its tenure. During its discussion of the new application requirements, the visual arts art-form group came to the awareness that it could no longer shy away from the Licence issue because of the attention drawn by the emergence of new art spaces in the last decade. Yet for the Licence requirements to be met, the ArtSpace has to be renovated and would be closed for at least one year. Also discussed by the visual arts art-form group was the feasibility of temporary licences, and to reduce the risk by having the future management organizations to bear the responsibility of Licence application.

Sanmu Chan believed that the suspension decision concerned not only Green Wave Art, but the autonomy of independent art spaces in general. If the (lack of) Licence was the reason to terminate operation, it was indeed a worrying phenomenon. When one could not secure the only experimental base, namely Green Wave Art, on what basis could one talk about establishing more spaces of similar nature? The Green Wave Art case set a precedent and would have an impact on Cattle Depot, Chingchun Warehouse, among others. It was therefore a problem concerning the entire art field. Green Wave Art has repeatedly expressed to ADC that the insufficiency of the grant for in-depth community engagement. The few thousand dollars required for every Licence application was beyond its means. Even if ADC would provide additional funding to cover Licence expenses, such resources was in effect transferred from ADC to Food and Environmental Hygiene Department (FEHD) instead of deployed for community engagement.

Auyeung Tung reported that in December, Green Wave Art had been twice visited by officers of FEHD. In a written reply to “Hong Kong Cultural Monitor” dated February 2, 2019, FEHD stated that “from newspaper coverage the Department becomes aware of the fact that there might have been performances, open to public participation, taking place at the afore-mentioned location and acts as such would have infringed the ‘Places of Public Entertainment Licence.’ In view of the situation, our officers visited the location on December 7. No violation of Licence has been identified during the visit. Our officers had verbally warned the person-in-charge not to infringe the ‘Places of Public Entertainment Licence’ or else he/she will be liable to prosecution.”<sup>13</sup> Sanmu Chan was doubtful whether the responsibility of Licence application should fall on Green Wave Art, or should it not be that of ADC’s? “First of all, ADC should take up the responsibility of not resolving the problem for the past twenty years; secondly, Green Wave Art is not the tenant. ADC pays the rent to the government. The

11 News coverage, *Apple Daily*, December 27, 2018. <https://hk.news.appledaily.com/local/realtime/article/20181227/59070996>.

12 The discussion took place between 4 to 6pm on December 28, 2018. Representatives of *Hong Kong Visual Arts Yearbook* were present. Part of the discussion content is transcribed and published in this section.

13 FEHD’s written reply to the email inquiry made by Yeung Suet-ying Clarisse on January 16, 2019.

landlord of this unit is Lands Department. Green Wave Art is the party executing the management.” Since October, Green Wave Art has twice initiated meeting invitations to the ADC manager-in-charge, on dates stipulated by the invitee, who has never shown up.<sup>14</sup>

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› January 24

In the middle of December, 2018, *The Stand News* made inquiries to ADC on its plans concerning the Artspace. ADC repeatedly pushed back responding, claiming that there were many other things to be taken care of. Not until January 22, ADC replied that “Visual art art-form group reviews the long-term development of ‘Shanghai Street Artspace Exhibition Hall Project’ by considering the current situation of the visual art field, including the usage of the space and grantees. The decision was to extend CCCD’s management contract to April 30, 2019 with the intention of in-depth investigation of the Project’s direction. We actively seek out the optimal management model so as to support the development of the arts.” *The Stand News* described the reply as “wide off the mark.” In a written reply to *The Stand News*, the Lands Department pointed out that it was the tenant’s responsibility to apply for licences concerning regulated usage of the space. The Lands Department would not make licence application on behalf of the landlord, and that “the Department has never been requested by ADC to provide assistance in any kind of licence application concerning the afore-mentioned venue.”<sup>15</sup>

Chris Chan claimed that the delayed release of the new round of call-for-proposal was due to the incorporation of the suggestions by Woofer Ten, the managing organization before Green Wave Art, into the requirements. *The Stand News* pointed out that “it had been over three years since Woofer Ten left the Artspace in the end of 2015. And it has been over five years since Woofer Ten failed to have its contract renewed in 2013. What has taken ADC so long for the new call-for-proposal to be drafted, for the Licence issue to be resolved?”<sup>16</sup>

Practicing lawyer Wong Hok-ming Alan told *The Stand News* that “entertainment” as in “Places of Public Entertainment Licence” has been too broadly defined. There exists ample grey areas. Should someone launch a complaint or make things difficult for others on malicious purposes, the Licence enables hasty cancellation of events. He questioned, “Is it really necessarily to obtain a Licence for a talk?” Wong found that the current Licence requirement “hinders (the possibility) of one-off and short-term community activities.”<sup>17</sup> He stressed that FEHD should clarify what “entertainment” entailed and closely examined the likelihood of its over-aggressive definition in the context of the Licence. While Wong agreed that there the legislation and regulations should play governance purposes, when the terms were excessively board “rendering nothing feasible,” such policies should be reviewed.

<sup>14</sup> See note 12.

<sup>15</sup> News coverage, *The Stand News*, January 24, 2019. <https://thestandnews.com/culture/碧波押-被指受藝發局審查終止運作-民選委員陳錦成否認-來龍去脈是甚麼>.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.