

**For discussion  
on 23 March 2018**

**Legislative Council Panel on Constitutional Affairs**

**Local Legislation to Implement the National Anthem Law**

**PURPOSE**

This paper seeks to consult Members on the proposed content of the local legislation to implement the Law of the People's Republic of China on the National Anthem (the National Anthem Law).

**BACKGROUND**

2. The National Anthem Law was adopted at the 29th session of the Standing Committee of the 12th National People's Congress (NPCSC) on 1 September 2017, and has come into force nationwide since 1 October 2017. On 4 November 2017, the NPCSC adopted the decision to add the National Anthem Law to Annex III of the Basic Law. The provisions of the National Anthem Law are at **Annex 1**<sup>1</sup>.

3. In accordance with Article 18(2) of the Basic Law, the national laws listed in Annex III to the Basic Law shall be applied locally by way of promulgation or legislation by the Hong Kong Special Administrative Region (HKSAR).

4. The HKSAR will implement the National Anthem Law by local legislation.

**LEGISLATIVE PRINCIPLE**

5. We have already commenced work on the local legislation to

---

<sup>1</sup> The official Chinese version is attached. The official English translation is not yet available.

implement the National Anthem Law, and are preparing to draft the National Anthem Bill. Our legislative principle is to maintain the purpose and intent of the National Anthem Law to fully reflect its spirit and to preserve the dignity of the national anthem, so that our citizens would respect the national anthem, whilst taking into account our common law system and the actual circumstances in Hong Kong.

6. Based on the above principle, we have prepared an outline of the proposed content of the National Anthem Bill (see **Annex 2**) to summarise the Government's proposed drafting direction. We will follow up with relevant bureaux and departments on the actual drafting of the National Anthem Bill. We plan to submit the bill to the Legislative Council for scrutiny within the current legislative session.

## **PROMOTING THE BACKGROUND OF AND THE ETIQUETTE FOR THE PERFORMANCE AND SINGING OF THE NATIONAL ANTHEM**

7. To complement the legislative work of the National Anthem Bill, we will broadcast Announcements in the Public Interests (APIs) on television and radio in the second quarter of this year to promote the background of the national anthem, as well as the etiquette for the performance and singing of the national anthem.

## **ADVICE SOUGHT**

8. Members are welcome to give their views on the proposed content of the National Anthem Bill. We will consider Members' views thoroughly in the process of our drafting of the bill.

**Constitutional and Mainland Affairs Bureau**  
**March 2018**

## 中華人民共和國國歌法

(2017年9月1日第十二屆全國人民代表大會常務委員會第二十九次會議通過)

**第一條** 為了維護國歌的尊嚴，規範國歌的奏唱、播放和使用，增強公民的國家觀念，弘揚愛國主義精神，培育和踐行社會主義核心價值觀，根據憲法，制定本法。

**第二條** 中華人民共和國國歌是《義勇軍進行曲》。

**第三條** 中華人民共和國國歌是中華人民共和國的象徵和標誌。一切公民和組織都應當尊重國歌，維護國歌的尊嚴。

**第四條** 在下列場合，應當奏唱國歌：

- (一) 全國人民代表大會會議和地方各級人民代表大會會議的開幕、閉幕；  
中國人民政治協商會議全國委員會會議和地方各級委員會會議的開幕、閉幕；
- (二) 各政黨、各人民團體的各級代表大會等；
- (三) 憲法宣誓儀式；
- (四) 升國旗儀式；
- (五) 各級機關舉行或者組織的重大慶典、表彰、紀念儀式等；
- (六) 國家公祭儀式；
- (七) 重大外交活動；
- (八) 重大體育賽事；
- (九) 其他應當奏唱國歌的場合。

- 第五條** 國家倡導公民和組織在適宜的場合奏唱國歌，表達愛國情感。
- 第六條** 奏唱國歌，應當按照本法附件所載國歌的歌詞和曲譜，不得採取有損國歌尊嚴的奏唱形式。
- 第七條** 奏唱國歌時，在場人員應當肅立，舉止莊重，不得有不尊重國歌的行為。
- 第八條** 國歌不得用於或者變相用於商標、商業廣告，不得在私人喪事活動等不適宜的場合使用，不得作為公共場所的背景音樂等。
- 第九條** 外交活動中奏唱國歌的場合和禮儀，由外交部規定。  
軍隊奏唱國歌的場合和禮儀，由中央軍事委員會規定。
- 第十條** 在本法第四條規定的場合奏唱國歌，應當使用國歌標準演奏曲譜或者國歌官方錄音版本。  
外交部及駐外外交機構應當向有關國家外交部門和有關國際組織提供國歌標準演奏曲譜和國歌官方錄音版本，供外交活動中使用。  
國務院體育行政部門應當向有關國際體育組織和賽會主辦方提供國歌標準演奏曲譜和國歌官方錄音版本，供國際體育賽會使用。  
國歌標準演奏曲譜、國歌官方錄音版本由國務院確定的部門組織審定、錄製，並在中國人大網和中國政府網上發布。
- 第十一條** 國歌納入中小學教育。  
中小學應當將國歌作為愛國主義教育的重要內容，組織學生學唱國歌，教育學生了解國歌的歷史和精神內涵、遵守國歌奏唱禮儀。
- 第十二條** 新聞媒體應當積極開展對國歌的宣傳，普及國歌奏唱禮儀知識。
- 第十三條** 國慶節、國際勞動節等重要的國家法定節日、紀念日，中央和省、自治區、直轄市的廣播電台、電視台應當按

照國務院廣播電視主管部門規定的時點播放國歌。

**第十四條** 縣級以上各級人民政府及其有關部門在各自職責範圍內，對國歌的奏唱、播放和使用進行監督管理。

**第十五條** 在公共場合，故意篡改國歌歌詞、曲譜，以歪曲、貶損方式奏唱國歌，或者以其他方式侮辱國歌的，由公安機關處以警告或者十五日以下拘留；構成犯罪的，依法追究刑事責任。

**第十六條** 本法自 2017 年 10 月 1 日起施行。

附件：中華人民共和國國歌(五線譜版)

中華人民共和國國歌

(義勇軍進行曲)

進行曲速度

田漢作詞  
冼星海作曲

起

來！不願做奴隸的人們！把我們的血肉，

築成我們新的長城！中華民族

到了最危險的時候，每個人被迫着發出

最後的吼聲。起來！起來！起來！

我們萬眾一心，冒着敵人的炮火前進！

冒着敵人的炮火前進！前進！前進！進！

附件：中華人民共和國國歌(簡譜版)

中華人民共和國國歌

(義勇軍進行曲)

1=G 4/4

進行曲速度

田漢作詞  
冼星海作曲

(1. 3 5 5 | 6 5 | 3. 1 5 5 5 | 3 1 | 5 5 5 5 5 5 | 1 ) 0 5 |

起

1. 1 | 1. 1 5 6 7 | 1 1 | 0 3 1 2 3 | 5 5 |  
來！ 不 願 做 奴 隸 的 人 們！ 把 我 們 的 血 肉，

3. 3 1. 3 | 5. 3 2 | 2 - | 6 5 | 2 3 |  
築 成 我 們 新 的 長 城！ 中 華 民 族

> > 5 3 0 5 | 3 2 3 1 | 3 0 | 5. 6 1 1 | 3. 3 5 5 |  
到 了 最 危 險 的 時 候， 每 個 人 被 迫 着 發 出

2 2 2 6 | 2. 5 | 1. 1 | 3. 3 | 5 - |  
最 後 的 吼 聲。 起 來！ 起 來！ 起 來！

1. 3 5 5 | 6 5 | 3. 1 5 5 5 | 3 0 1 0 | 5 1 |  
我 們 萬 眾 一 心， 冒 著 敵 人 的 炮 火 前 進！

3. 1 5 5 5 | 3 0 1 0 | 5 1 | 5 1 | 5 1 | 1 0 ||  
冒 著 敵 人 的 炮 火 前 進！ 前 進！ 前 進！ 進！

**Outline of the Proposed Content of  
the National Anthem Bill of the Hong Kong Special Administrative Region**

<b>Law of the People’s Republic of China on the National Anthem<sup>1</sup></b>	<b>Outline of the Proposed Content of the National Anthem Bill of the Hong Kong Special Administrative Region</b>
<p><b>Article 1</b> This Law is enacted according to the Constitution, so as to preserve the dignity of the national anthem; to regulate the performance, singing, playing, and the use of the national anthem; to enhance the sense of nation among citizens; to promote patriotism; and to cultivate and practise the core values of socialism.</p>	<p>To suitably incorporate this article into the Preamble of the Bill.</p>
<p><b>Article 2</b> The national anthem of the People’s Republic of China is the “March of the Volunteers”.</p>	<p>The national anthem of the People’s Republic of China is the “March of the Volunteers”.</p>
<p><b>Article 3</b> The national anthem of the People’s Republic of China is the national symbol of the People’s Republic of China.</p> <p>All citizens and organisations shall respect the national anthem and preserve the dignity of the national anthem.</p>	<p>To suitably incorporate this article into the Preamble of the Bill.</p>
<p><b>Article 4</b> The national anthem shall be performed and sung on the following occasions:</p> <p>(1) The opening and closing of the National People’s Congress and all tiers of local people’s congresses; and the opening and closing of the National Committee, and all tiers of local committees, of the Chinese People’s Political Consultative Conference;</p>	<p>The Chief Executive shall prescribe the occasions where the national anthem must be performed and sung. (With reference to the National Flag and National Emblem Ordinance)</p>

<sup>1</sup> There is as yet no official English translation of the National Anthem Law. This English translation is prepared by the Constitutional and Mainland Affairs Bureau.

Law of the People's Republic of China on the National Anthem <sup>1</sup>	Outline of the Proposed Content of the National Anthem Bill of the Hong Kong Special Administrative Region
<p>(2) All tiers of congresses of all political parties and people's organisations;</p> <p>(3) Oath-taking ceremonies to pledge allegiance to the Constitution;</p> <p>(4) Flag-raising ceremonies;</p> <p>(5) Major celebrations, award ceremonies, commemorative ceremonies, etc.;</p> <p>(6) National memorial activities;</p> <p>(7) Major diplomatic activities;</p> <p>(8) Major sporting events;</p> <p>(9) Other occasions where the national anthem shall be performed and sung.</p>	
<p><b>Article 5</b> The State encourages citizens and organisations to perform and sing the national anthem on appropriate occasions to express patriotism.</p>	<p>The Government encourages citizens and organisations to perform and sing the national anthem on appropriate occasions.</p>
<p><b>Article 6</b> The performance and singing of the national anthem shall follow the lyrics and score in the Attachment to this Law, and it must not be performed or sung in a manner harmful to the dignity of the national anthem.</p>	<p>The performance and signing of the national anthem shall follow the lyrics and score in the Attachment to this Ordinance, and it must not be performed or sung in a manner harmful to the dignity of the national anthem.</p>
<p><b>Article 7</b> When the national anthem is performed and sung, those present shall stand and deport themselves respectfully, and must not display any behaviour that is disrespectful to the nation anthem.</p>	<p>Every person who takes part in, or is present at, the occasion where the national anthem is performed or sung, must stand and deport themselves respectfully, and must not display any behaviour that is disrespectful to the nation anthem.</p>

Law of the People's Republic of China on the National Anthem <sup>1</sup>	Outline of the Proposed Content of the National Anthem Bill of the Hong Kong Special Administrative Region
<p><b>Article 8</b> The national anthem must not be used, or be used indirectly, in trademarks or commercial advertisements, or at inappropriate occasions including private funerals, or as background music in public venues, etc.</p>	<p>(1) The national anthem must not be used –</p> <ul style="list-style-type: none"> <li>(a) in trademarks or commercial advertisements;</li> <li>(b) at private funerals;</li> <li>(c) as background music in public venues; or</li> <li>(d) on occasions prescribed by the Chief Executive.</li> </ul> <p>(2) A person commits an offence if the person contravenes the aforementioned provision, and is liable on conviction –</p> <ul style="list-style-type: none"> <li>(a) for an offence under (1)(a) – to a fine at level 5<sup>2</sup>; or</li> <li>(b) for an offence under (1)(b), (c) or (d) – to a fine at level 2<sup>3</sup>.</li> </ul> <p>(With reference to the National Flag and National Emblem Ordinance)</p>
<p><b>Article 9</b> The occasions and etiquette for performing and singing the national anthem in diplomatic activities shall be prescribed by the Ministry of Foreign Affairs. The occasions and etiquette for military performances and singing of the national anthem shall be prescribed by the Central Military Commission.</p>	<p>This article will not be included in the National Anthem Bill. According to Article 13 and 14 of the Basic Law, foreign affairs and defence are not within the autonomy of the HKSAR.</p>
<p><b>Article 10</b> When performing or singing the national anthem on occasions stated in Article 4 of this Law, the official standard score or the official recorded version of the national anthem shall be used.</p> <p>The Ministry of Foreign Affairs and diplomatic institutions stationed abroad shall provide the foreign affairs departments of relevant countries and relevant international organisations with the official standard score and the official recorded version of the national anthem for use in diplomatic</p>	<p>On any occasion where the national anthem must be performed or sung as stipulated by the Chief Executive, the official standard score or the official recorded version of the national anthem must be used.</p> <p>The official standard score and the official recorded version of the national anthem shall be published on the website of the HKSAR Government.</p>

<sup>2</sup> Level 5 fine is HK\$ 50,000.

<sup>3</sup> Level 2 fine is HK\$ 5,000.

Law of the People's Republic of China on the National Anthem <sup>1</sup>	Outline of the Proposed Content of the National Anthem Bill of the Hong Kong Special Administrative Region
<p>activities.</p> <p>The sports administration departments of the State Council shall provide relevant international sports organisations and organisers of tournaments with the official standard score and the official recorded version of the national anthem for use in international sporting events.</p> <p>The official standard score and the official recorded version of the national anthem shall be determined and produced by the department/organisation designated by the State Council, and shall be published on the websites of the National People's Congress and the Chinese Government.</p>	
<p><b>Article 11</b> The national anthem shall be included in secondary and primary education.</p> <p>Secondary and primary schools shall regard the national anthem as an important component in education to promote patriotism, organise students to learn to sing the national anthem, and teach students on the history and spirit of the national anthem and to observe the etiquette for performing and singing the national anthem.</p>	<p>Secondary and primary schools shall teach students to sing the national anthem, and to understand the history and spirit of the national anthem, as well as to observe the etiquette during the performance and singing of the national anthem.</p>
<p><b>Article 12</b> The news media shall actively publicise the national anthem and promote public understanding of the etiquette for performing and singing the national anthem.</p>	<p>Domestic free and pay television programme service licensees and sound broadcasting service licensees regulated by local ordinances must, pursuant to their respective licence conditions, broadcast materials in the public interest provided by the Government (including the television and radio announcements in the public interest to promote the national anthem) free-of-charge.</p>
<p><b>Article 13</b> On National Days, International Labour Days, and other important national statutory holidays or commemorative days, the radio and television stations of the Central Government and those of the provinces,</p>	<p>If necessary, the Chief Executive may prescribe important national statutory holidays and commemorative days etc on which the national anthem shall be broadcast.</p>

Law of the People's Republic of China on the National Anthem <sup>1</sup>	Outline of the Proposed Content of the National Anthem Bill of the Hong Kong Special Administrative Region
<p>municipalities and autonomous regions shall broadcast the national anthem at times prescribed by the broadcasting and television department of the State Council.</p>	
<p><b>Article 14</b> All tiers of people's governments at or above the county level and their relevant departments shall oversee and manage the performance, singing, playing, and use of the national anthem under their respective duties and powers.</p>	<p>This article will not be included in the National Anthem Bill.</p>
<p><b>Article 15</b> Any person who, in a public venue, deliberately alters the lyrics or the score of the national anthem, or performs or sings the national anthem in a distorted or derogatory manner, or insults the national anthem in any other manner, shall be issued with a warning or be detained for up to 15 days by public security departments. Where the act constitutes a criminal offence, the offender is subject to criminal prosecution in accordance with law.</p>	<p>A person commits an offence and is liable to a fine at level 5<sup>4</sup> and an imprisonment for 3 years if the person publicly and wilfully alters the lyrics or the score of the national anthem, performs or sings the national anthem in a distorted or derogatory manner, or insults the national anthem in any other manner. (With reference to the National Flag and National Emblem Ordinance)</p>
<p><b>Article 16</b> This Law takes effect on 1 October 2017.</p>	<p>This article will not be included in the National Anthem Bill. The National Anthem Bill will take effect after passage of the legislation.</p>

<sup>4</sup> Level 5 fine is HK\$ 50,000.