

立法會
Legislative Council

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by the Administration)

Bills Committee on National Anthem Bill

Minutes of the twelfth meeting
held on Thursday, 2 May 2019, from 2:30 pm to 6:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon CHEUNG Kwok-kwan, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP

Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon CHAN Chun-ying, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS
Hon CHAN Hoi-yan

**Members
absent** : Hon MA Fung-kwok, SBS, JP
Hon CHU Hoi-dick
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon KWONG Chun-yu

**Public Officers
attending** : Mr Patrick NIP Tak-kuen, JP
Secretary for Constitutional and Mainland Affairs

Mr Roy TANG Yun-kwong, JP
Permanent Secretary for Constitutional and Mainland Affairs

Ms Cordelia LAM Wai-ki
Principal Assistant Secretary for Constitutional and Mainland
Affairs

Ms Jocelyn NG Wai-chung
Assistant Secretary for Constitutional and Mainland Affairs

Mr Lawrence PENG Si-yun
Deputy Law Draftsman (Acting)
Department of Justice

Mr Jonathan LUK King-hang
Senior Government Counsel
Department of Justice

Mr Joe CHAN Tung
Chief Superintendent of Police (Cyber Security and
Technology Crime Bureau)
Hong Kong Police Force

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr Kelvin LEE
Senior Assistant Legal Adviser 3

Miss Rachel DAI
Assistant Legal Adviser 2

Ms Jasmine TAM
Senior Council Secretary (2) 3

Mr Dennis HO
Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

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I. Meeting with the Administration

[File Ref. CMAB E4/1/1, LC Paper Nos. CB(3)307/18-19, CB(2)903/18-19(01), CB(2)811/18-19(01) and CB(2)893/18-19(02)]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee completed discussion of clauses 7 and 8 of the Bill at this meeting.

Discussion on offence of insulting behaviour in relation to the national anthem

The offence and definition of "insult"

3. Members noted that the legislative purpose of clause 7 of the Bill was to prohibit acts of publicly and intentionally insulting the national anthem. Members pointed out that many people were worried that they might violate the law inadvertently. The Administration explained that for the offence of insulting the national anthem, the law enforcement agencies would only enforce the law in accordance with clause 7 of the Bill. The Administration further explained that whether a certain act would constitute an offence under clause 7 of the Bill, on top of proving that the behaviour constituted an insulting act stipulated in clause 7 of the Bill (i.e. the actus reus), the prosecution must also prove that the person concerned, with intent to insult the national anthem (i.e. the mens rea), performed such act publicly and intentionally, before prosecution could be instituted under clause 7. These principles would form the basis for determining whether a case contravened the law. The Police would, based on the actual circumstances and the evidence collected in each case, make an assessment in accordance with clause 7. The relevant authorities would only initiate prosecution upon gathering sufficient evidence showing that the relevant act constituted a public and intentional insult of the national anthem. The prosecution would bear the burden of proof, and the courts would apply the usual standard of proof for criminal cases in Hong Kong (i.e. beyond reasonable doubt) in reaching a verdict on the case. The Administration stressed that since the proving of the *mens rea* was required for establishing a contravention of clause 7 of the Bill, there was no need for members of the public to worry about "inadvertently contravening the law" if they did not intend to insult the national anthem.

4. Some members considered the definition of "insult" in clause 7 of the Bill vague and requested the Administration to further explain it. The Administration advised that the offence of insult was provided in over 30 pieces of local legislation but none of them provided a definition of "insult". The Administration further advised that having considered the important constitutional status of the national anthem, the need to preserve the dignity of the national anthem as a unique symbol and sign of the country, and the judgment of the Court of Final Appeal in *HKSAR v. Ng Kung Siu and another* (1999), clause 7(8) of the Bill defined "insult" as "in relation to the national anthem, means to undermine the dignity of the national anthem as a symbol and sign of the People's Republic of China". The effect was that the word "insult" in the relevant provisions could only mean to undermine the dignity of the national anthem as a symbol and sign of the People's Republic of China. This provided certainty to the meaning of the term and a clear basis for the court when adjudicating cases. The Administration stressed that whether a certain act constituted an "insulting act" was a question of fact and had to be assessed based

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on the actual circumstances of each case. The principles as explained in paragraph 3 above would apply.

5. Some members urged the Administration to ensure clarity when drafting provisions of a bill, particularly the acts that the bill sought to prohibit so that people would not commit the relevant offence inadvertently or have to speculate the meaning of the relevant provisions of the law. They suggested that the Administration should make reference to the National Flag and National Emblem Ordinance which stipulated concrete prohibited acts (e.g. mutilating, scrawling on, defiling or trampling on the national flag or national emblem) and should try its best to list out as many possible kinds of insulting behaviour as possible in relation to the national anthem, rather than using the expression "in any way", in clause 7(2).

6. The Administration responded that the expression "in any way" was also found in some 280 existing local legislation. The Administration pointed out that unlike the national flag and national emblem, which were physical objects, the national anthem was a piece of music. It was impossible to specify all the prohibited ways of insulting the national anthem exhaustively in the Bill. Moreover, clause 7(8) of the Bill had already provided a definition of "insult" in relation to national anthem which meant "to undermine the dignity of the national anthem as a symbol and sign of the People's Republic of China". The Administration considered that this would provide a clear basis for the courts to determine whether an accused person had committed an offence under clause 7. Moreover, the elements of the offence had all been clearly set out in clause 7.

On-line publishing

7. Members noted that clause 7(3) and 7(4) prohibited the act of publishing in relation to insulting the national anthem, and their construction was similar to that of clause 7(1) and 7(2). A definition of "publish" was provided in clause 7(8). Mr Kenneth LEUNG, Mr Charles MOK and Dr Helena WONG raised questions on whether merely forwarding a video clipping or a hyperlink with materials that insulted the national anthem, or showing a "Like" and sharing the clip with one's group on social media on the Internet, would contravene clause 7(3) and 7(4). The Administration responded that apart from proving that the behaviours concerned constituted a "publishing" act provided in clause 7(3) or 7(4) of the Bill, prosecutors would also need to prove that the person concerned had, with intent to insult the national anthem, intentionally published the relevant materials, in order to initiate prosecution under clause 7(3) or 7(4) of the Bill.

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8. Referring to clause 7(8)(b), Dr Helena WONG enquired about the definition of "public". She asked whether it would contravene the law if a person only shared the allegedly unlawful materials amongst members of the person's Whatsapp group. The Administration explained that it would depend on the number of members of the group involved and the circumstances of the case. In reply to Dr WONG's further enquiry on the above scenario, the Administration said that it could not give a definite answer on the number of members of a group that qualified it to mean "public".

9. In reply to Mr Jeremy TAM's enquiry, the Administration advised that based on the legal principle generally applied in Hong Kong, the Bill did not have retrospective effect. If, after the Bill came into effect, a person, with intent to insult the national anthem, intentionally published materials which insulted the national anthem as provided in clause 7(3) or 7(4), even though those materials were produced before the Bill came into effect, the person concerned might still contravene clause 7 of the Bill, since the act of publishing took place after the Bill had come into effect. If a person continued to publish materials which insulted the national anthem in order to insult the national anthem after the Bill had come into effect, it might amount to contravention of clause 7 of the Bill.

10. Mr Alvin YEUNG asked that, while a person who produced materials which insulted the national anthem before the Bill came into effect would not be held responsible, whether the Police would request the removal of such materials if they had been uploaded onto the Internet. The Administration said that if the Police spotted such materials during cyber inspection, they would contact the Internet Service Providers to remove the materials. This would be done without court proceedings. This approach was consistent with the handling of other illegal materials published on the Internet.

Prosecution time bar

11. The Administration explained that the enforcement agencies considered that contraventions of clause 7 might likely involve large crowds or the use of the Internet, which required longer investigation time. To strike a balance between effective law enforcement and reasonable prosecution time bar, clause 7(7) of the Bill set the prosecution time bar to one year after the date on which the offence was discovered by, or came to the notice of, the Commissioner of Police, or two years after the date on which the offence was committed, whichever was the earlier. Mr HUI Chi-fung asked whether this prosecution time bar was the longest compared with those provided under the existing legislation of Hong Kong that were not indictable offences. The Administration advised that the Mandatory Provident Fund Schemes Ordinance (Cap. 485) provided that proceedings in respect of an offence (other than an indictable offence) under Cap. 485 or any subsidiary legislation under Cap. 485 might be brought within

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3 years after the commission of the offence. In addition, prosecution for an offence under the Copyright Ordinance (Cap. 528) might be commenced within 3 years from the date of commission of the offence.

Follow-up actions required of the Administration

12. The Administration was requested to provide a written response on the following issues raised by members:

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- (a) regarding clause 7(2) of the Bill, the Administration was requested to provide examples of criminal offences in existing laws in Hong Kong with the expression "in any way" ("以任何方式") for members' reference;
 - (b) regarding clause 7(6) of the Bill, the Administration was requested to confirm whether the level of penalty was the same for secondary offence including incitement, aiding and abetting; and
 - (c) regarding clause 7(7)(a) of the Bill, the Administration was requested to explain in writing the meaning of "the date on which the offence is discovered by, or comes to the notice of, the Commissioner of Police".

(Some members drew to the attention of the Chairman/Deputy Chairman at 2:50 pm, 3:51 pm and 6:01 pm respectively that a quorum was not present. The Chairman/Deputy Chairman ordered the ringing of the quorum bell to summon members to the meeting. The meeting resumed when a quorum was present.)

(In response to a point of order raised by Mr Andrew WAN at 5:35 pm in relation to the remarks made by Mr CHAN Han-pan, the Chairman ruled that he did not consider that Mr CHAN had introduced matter irrelevant to the subject under discussion in contravention of Rule 41(1) of the Rules of Procedure ("RoP") or imputed improper motives to another Member in contravention of RoP 41(5).)

II. Any other business

13. There being no other business, the meeting ended at 6:28 pm.

**Proceedings of the twelfth meeting of the
Bills Committee on National Anthem Bill
on Thursday, 2 May 2019, from 2:30 pm to 6:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)/Discussion	Action required
000530 - 000640	Chairman	Opening remarks	
000641 - 001130	Chairman Mr Jeremy TAM Administration	Continuation of clause-by-clause examination of the National Anthem Bill ("the Bill") Part 3 – Protection of National Anthem <u>Examination of clauses 7 and 8</u> Query about whether clause 7(1) and 7(2) could be merged into one single clause.	
001131 – 001525	Chairman Mr Kenneth LEUNG Administration	Query about whether clause 7(5) meant that the mere sharing of a video of the national anthem played and sung in a distorted or disrespectful way on social media would not contravene clause 7.	
001526 - 002005	Chairman Dr KWOK Ka-ki Administration	Discussion on whether persons with disabilities would have to stand up during the playing and singing of the national anthem.	
002006 - 002329	Chairman Mr Gary FAN Administration	Discussion on the interpretation of "in any way" in clause 7(2) and whether clause 7(2) had extended the scope of Article 15 of the Law of the People's Republic of China on National Anthem ("National Anthem Law").	
002330 - 002828	Chairman Dr KWOK Ka-ki	Quorum call	
002829 - 003343	Chairman Mr HUI Chi-fung Administration	Discussion on whether a person who declared that he intended to insult the national anthem, regardless of the way he behaved, would be considered having committed an offence under clause 7(2).	
003344 - 003708	Chairman Mr WU Chi-wai Administration	Discussion on the enforcement of clause 7 by the Police.	
003709 - 005442	Chairman Mr CHAN Chi-chuen Mr Jeremy TAM Mr Alvin YEUNG Mr Charles Peter MOK Mr LUK Chung-hung Administration	Discussion on the enforcement of clause 7 in relation to publishing materials that insulted the national anthem on the Internet and the responsibility for removing such materials.	

Time Marker	Speaker(s)	Subject(s)/Discussion	Action required
005443 - 010148	Chairman Dr KWOK Ka-ki Dr Fernando CHEUNG Administration	Queries about whether a person who quoted a part of the lyrics of the national anthem in his/her article, or wrote such words in a slogan/banner with some alterations, would be covered by clause 7(1)(a).	
010149 - 010539	Chairman Mr HUI Chi-fung Administration	Discussion on Mr HUI Chi-fung's suggestion to replace "以任何方式侮辱國歌" in clause 7(2) with "以任何令人客觀地認為是侮辱國歌的方式侮辱國歌". The Chairman's request for the Administration to provide a written response to Mr HUI's request for examples of criminal offences in existing laws in Hong Kong with the expression "in any way" ("以任何方式").	Admin (para. 12(a) of minutes)
010540 - 010904	Chairman Mr Kenneth LEUNG Administration	Query about the meaning of "publicly" in clause 7 and whether an alleged act of insulting the national anthem performed in a private club would be regarded as being done "publicly".	
010905 - 011211	Chairman Mr IP Kin-yuen Administration	Discussion on the drafting approach of clause 7(5).	
011212 - 011536	Chairman Mr CHAN Chi-chuen Administration	Query about whether the case of 楊凱莉(the mainlander who contravened Article 15 of the National Anthem Law in October 2018 when conducting online live-streaming at home), if occurred in Hong Kong after enactment of the National Anthem Ordinance, would be regarded to have contravened clause 7.	
011537 - 011818	Chairman Mr WU Chi-wai Administration	Query about whether a person who declared that he intended to insult the national anthem but did not perform any act to insult the national anthem would contravene clause 7.	
011819 - 012051	Chairman Mr Jeremy TAM Administration	Further discussion on the enforcement of clause 7 and the removal of published materials that insulted the national anthem on the Internet.	
012052 - 013246	Deputy Chairman Dr KWOK Ka-ki Administration	<i>(The Deputy Chairman took the chair in the absence of the Chairman)</i> Query about whether using the lyrics of the national anthem as a means to express one's opinions would be covered by clause 7(1)(a). Quorum call	
013247 - 013618	Chairman Ms Claudia MO Administration	<i>(The Chairman resumed the chair at this juncture)</i> Discussion on the use of the national anthem in commercial products.	
013619 - 013820	Chairman Mr KWOK Wai-keung	Expression of views on the interpretation of "insult" and "disrespect".	

Time Marker	Speaker(s)	Subject(s)/Discussion	Action required	
013821 - 014246	Chairman Mr James TO Administration	Discussion on the interpretation of "insult".		
014247 - 014712	Chairman Mr AU Nok-hin Administration	Discussion on the criteria to be used to determine whether a piece of music was to be regarded as the national anthem under clause 8.		
014713 - 015050	Chairman Dr Junius HO Administration	Discussion on whether clause 7(5) was redundant.		
015051 - 015401	Chairman Mr James TO Administration	Discussion on whether certain behaviour in different scenarios would amount to insulting the national anthem in contravention of clause 7.		
015402 - 015636	Chairman Mr Gary FAN Administration	Expression of concern about whether the drafting of clause 7(2) had rendered it even wider in scope than that of Article 15 of the National Anthem Law on which clause 7(2) was based, and request for the Administration to give examples of acts that could only be covered by clause 7(2) but not clause 7(1).		
015637 - 015950	Chairman Mr Charles MOK Administration	Discussion on the responsibility of Internet service providers in cases involving online publishing of materials that insulted the national anthem and whether certain online behaviours would contravene clause 7(3) and 7(4).		
015951 - 020304	Chairman Mr AU Nok-hin Administration	Discussion on the meaning of "篡改" in clause 7.		
020305 - 020858	Break			
020859 - 021204	Deputy Chairman Dr Helena WONG Administration	<i>(The Deputy Chairman took the chair in the absence of the Chairman)</i> Discussion on whether certain online behaviours would contravene clause 7(3) and 7(4) and the enforcement of the National Anthem Ordinance (if enacted) by the Police.		
021205 - 021521	Chairman Dr CHENG Chung-tai Administration	<i>(The Chairman resumed the chair at this juncture)</i> Query about the meaning of "歪曲" in clause 7(1)(b) and whether a person who took a knee, as what some American Super Bowl players did, during the performance and singing of the national anthem would be regarded as playing and singing the national anthem in a distorted ("歪曲") way.		
021522 - 021740	Chairman Dr Fernando CHEUNG Administration	Query about whether a person who took a knee during the performance and singing of the national anthem would be regarded as intentionally insulting the national anthem "in any way" under clause 7(2) or just behaving "in a way disrespectful to the national anthem" under clause 4(2)(b).		

Time Marker	Speaker(s)	Subject(s)/Discussion	Action required
021741 - 022031	Chairman Mr Alvin YEUNG Administration	Query about whether it was also an offence to incite, aid and abet others to contravene clause 7. The Chairman's request for the Administration to provide a written response to Mr Alvin YEUNG's request for confirmation that the level of penalty provided in clause 7(6) was the same for secondary offence including incitement, aiding and abetting.	Admin (para. 12(b) of minutes)
022032 - 022345	Chairman Ms Claudia MO Administration	Discussion on the use of the national anthem in commercial products and query about the appropriateness of using "alters"/"altered" as the English equivalent of "篡改" in clause 7.	
022346 - 022610	Chairman Mr AU Nok-hin Administration	Discussion on the rationale behind the use of the term "篡改" in clause 7.	
022611 - 022817	Chairman Dr CHENG Chung-tai Administration	Discussion on the prosecution time bar for the offence of insulting the national anthem provided in clause 7(7).	
022818 - 023058	Chairman Mr HUI Chi-fung Administration	Discussion on the drafting issues in relation to clause 7(2).	
023059 - 023255	Chairman Mr CHAN Chi-cheun Administration	Further discussion on the enforcement of clause 7 and the removal of published materials that insulted the national anthem on the Internet.	
023256 - 023442	Chairman Dr Helena WONG Administration	Discussion on whether certain online behaviours would contravene clause 7(3) and 7(4) and the enforcement of clause 7.	
023443 - 023640	Chairman Mr Gary FAN Administration	Discussion on whether there should be regulations for the person or organization in charge of the playing and singing of the national anthem on occasions not listed in Schedule 3 to the Bill to follow.	
023641 - 023920	Chairman Mr AU Nok-hin Administration	Query about the interpretation of the term "alters" in the Bill and in other pieces of local legislation.	
023921 - 024048	Chairman Dr CHENG Chung-tai Administration	Further discussion on the prosecution time bar for the offence of insulting the national anthem provided in clause 7(7).	
024049 - 024233	Chairman Dr Helena WONG Administration	Discussion on the definition of "public" in clause 7(8)(b).	
024234 - 024415	Chairman Dr Fernando CHEUNG Administration	Discussion on whether certain online behaviours would contravene clause 7.	

Time Marker	Speaker(s)	Subject(s)/Discussion	Action required
024416 - 024556	Chairman Mr AU Nok-hin Administration	Further discussion on the meaning of the term "alters" in the Bill and in other pieces of local legislation.	
024557 - 024734	Chairman Mr Gary FAN Administration	Further discussion on whether there should be regulations for the person or organization in charge of the playing and singing of the national anthem on occasions not listed in Schedule 3 to the Bill to follow.	
024735 - 024840	Chairman Mr AU Nok-hin Administration	Discussion on whether a person who declared that he intended to insult the national anthem but did not perform any act to insult the national anthem would contravene clause 7.	
024841 - 025018	Chairman Dr Helena WONG Administration	Further discussion on the enforcement of the National Anthem Ordinance (if enacted) by the Police.	
025019 - 025131	Chairman Mr Gary FAN Administration	Query about the applicability of clause 7 to news reporting by the media.	
025132 - 025327	Chairman Mr WU Chi-wai Administration	Query about the concept of "the offence is discovered" in clause 7(7)(a).	
025328 - 025524	Chairman Dr Fernando CHEUNG Administration	<p>Query about whether the offence of insult was provided in other pieces of local legislation.</p> <p>Expression of the view that the judgment of whether an act had the effect of undermining the dignity of the national anthem was very subjective and abstract; and a suggestion that it should be a "reasonable defence" if what the suspect had expressed through the alleged unlawful act was objective facts.</p>	
025525 - 025650	Chairman Mr HUI Chi-fung Administration	Discussion on whether Article 15 of the National Anthem Law in the Mainland also covered online behaviours.	
025651 - 025825	Chairman Mr WU Chi-wai Administration	Further discussion on the concept of "the offence is discovered" in clause 7(7)(a) and the Chairman's request for the Administration to explain in writing the meaning of "the date on which the offence is discovered by, or comes to the notice of, the Commissioner of Police" in clause 7(7)(a).	Admin (para. 12(c) of minutes)
025826 - 030053	Chairman Ms Claudia MO Administration	Query about the meaning of "intent" and "intentionally" in clause 7(1).	
030054 - 030203	Chairman Mr CHAN Chi-chuen Administration	Discussion on the enforcement of clause 7 and the removal of published materials that insulted the national anthem on the Internet.	
030204 - 030717	Chairman Mr Andrew WAN Administration	Query about whether it would contravene clause 7(4) if the national anthem was used in religious or political commentary programmes.	

Time Marker	Speaker(s)	Subject(s)/Discussion	Action required
030718 - 031633	Chairman Mr CHAN Han-pan Mr Andrew WAN Mr HUI Chi-fung Administration	Mr CHAN Han-pan's response to the remarks made by Mr Andrew WAN. The Chairman's ruling on a point of order raised by Mr Andrew WAN.	
031634 - 031846	Chairman Dr CHENG Chung-tai Administration	Discussion on whether stopping or obstructing others to play and sing the national anthem would constitute an offence under the Bill.	
031847 - 032009	Chairman Ms Claudia MO Administration	Discussion on the appropriateness of using "disrespectful" as the English equivalent of "貶損" in clause 7(3)(b).	
032010 - 032157	Chairman Mr HUI Chi-fung Administration	Discussion on the prosecution time bar for the offence of insulting the national anthem provided in clause 7(7).	
032158 - 032307	Chairman Mr CHAN Chi-chuen Administration	Discussion on whether stopping or obstructing others to play and sing the national anthem would constitute an offence under the Bill.	
032308 - 032454	Chairman Mr WU Chi-wai Administration	Discussion on the prosecution time bar for the offence of insulting the national anthem provided in clause 7(7).	
032455- 032606	Chairman Ms Claudia MO Administration	Query about whether it would contravene the law if a person shared materials that allegedly insulted the national anthem amongst members of the person's Whatsapp group.	
032607 - 032723	Chairman Dr Fernando CHEUNG	Response to the remarks made by Mr CHAN Han-pan.	
032724 - 032830	Chairman Mr AU Nok-hin	Expression of the view that the Bill would impact on the freedom of speech and of expression and concern that the difference in the interpretation of the term "alters" in different pieces of legislation would give rise to ambiguities in the burden of proof.	
032831- 033021	Chairman Mr Gary FAN Administration	Discussion on the scope of clause 7(2).	
033022 - 033158	Chairman Mr CHAN Chi-chuen Administration	Discussion on whether tearing the score of the national anthem to pieces would be regarded as an act of insulting the national anthem.	
033159 - 033350	Chairman Ms Claudia MO Administration	Discussion on the scope of clause 7(2).	
033351 - 033504	Chairman Dr Fernando CHEUNG Administration	Query about the definition of "dignity" in clause 7(8) and the concept of the dignity of a country.	

Time Marker	Speaker(s)	Subject(s)/Discussion	Action required
033505 - 034137	Chairman Mr Gary FAN Administration	Quorum call	
034138 - 034334	Chairman Ms Claudia MO Administration	Discussion on the appropriateness of using "傳布" as the Chinese equivalent of "disseminate" in clause 7(8)(b).	
034335 - 034436	Chairman Mr CHAN Chi-chuen Administration	Discussion on Mr CHAN Chi-chuen's suggestion of amending the relevant legislation to provide that all cases relating to the offence of insulting the national anthem should be tried by jury.	
034437 - 034626	Chairman Mr Gary FAN Administration	Query about seeking the Department of Justice's legal advice on investigation of offences under the Bill with cross-border elements.	
034627 - 034754	Chairman Ms Claudia MO Administration	Discussion on the appropriateness of using "insulting" as the English equivalent of "侮辱" in the heading of clause 7.	
034755 - 034905	Chairman Mr CHAN Chi-chuen Administration	Discussion on whether booing the persons who played and sang the national anthem on an occasion not listed in Schedule 3 to the Bill would constitute an offence.	
034906 - 035039	Chairman Mr Alvin YEUNG Administration	Query about the seizure of properties subsequent to the investigation of offences under the Bill that were committed on the Internet.	
035040 - 035144	Chairman Mr Gary FAN Administration	Discussion on whether leaving comments on a derivative work of the national anthem published on the Internet would constitute an offence.	
035145 - 035325	Chairman Ms Claudia MO Administration	Discussion on the appropriateness of using "distorted" as the English equivalent of "歪曲" in clause 7(3)(b).	
035326 - 035418	Chairman Ir Dr LO Wai-kwok Administration	Expression of views on the usage of the term "傳布".	
035419 - 035529	Chairman Mr Charles Peter MOK Administration	Query about whether forwarding a hyperlink with materials that insulted the national anthem would contravene clause 7(3) and 7(4).	
035530 - 035803	Chairman Dr Fernando CHEUNG Administration	Discussion on the impact of the Bill on the freedom of speech and of expression.	
035804 - 035909	Chairman Mr CHAN Chi-chuen Administration	Query about the collection of evidence in the investigation of offences under the Bill.	
035910 - 040025	Chairman Mr Gary FAN Administration	Query about the meaning of "collective needs" mentioned in the Administration's response to the letter dated 22 March 2019 from Ms Tanya CHAN [CB(2)1127/18-19(27)].	

Time Marker	Speaker(s)	Subject(s)/Discussion	Action required
040026 - 040208	Chairman Ms Claudia MO Administration	Query about how the Administration could prove whether a person had "intent to insult the national anthem".	
040209 - 040227	Chairman	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
3 December 2019