



本署檔號 Our Ref : CMAB E4/1/1
電話 Tel No : 2810 2333
傳真 Faxline : 2524 7437

(By email and fax)
(Fax no.: 2509 9055)

[English Translation]

Ms Joanne MAK
Clerk to Bills Committee on National Anthem Bill
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

28 February 2019

Dear Ms MAK,

Supplementary Information on the National Anthem Bill

Regarding the questions raised by members at the meeting of the Bills Committee on 19 February this year, our reply is set out below.

2. In the process of the local legislation of the Law of the People's Republic of China on the National Anthem (National Anthem Law), the Government has been listening to the public's views through various channels. We consulted the Panel on Constitutional Affairs of the Legislative Council (CA Panel) on the outline of the proposed content of the Bill in March last year, and attended two special meetings of the CA Panel in April and May respectively to listen to the views of the public and deputations. In the past year, we have also met with political parties, professional bodies and scholars, etc. with a view to listening to and incorporating their views.

3. Clause 5 of the National Anthem Bill (the Bill) stipulates that on each occasion set out in Schedule 3 of the Bill, the national anthem must

be played and sung. With reference to the content of Article 4 of the National Anthem Law and with adjustments made in the light of the actual circumstances in Hong Kong, the occasions in Schedule 3 include official occasions of the Government, the oath-taking ceremonies of principal members of the executive authorities, legislature and judiciary when they assume office, national flag raising ceremonies, major sporting events held by the Government, and the Ceremonial Opening of the Legal Year.

4. In respect of the oath-taking ceremonies of judicial officers when they assume office, considering that the Judiciary normally does not express views on the content of local legislation publicly, we have communicated with the Judiciary and sought their views during the drafting stage of the Bill, including operational issues.

5. Legislative Council (LegCo) has the power and responsibilities to scrutinise draft legislations submitted by the Government. Its role and function are different from those of the Judiciary. In respect of including the oath-taking ceremony of LegCo members when they assume office in Schedule 3 of the Bill, we have, during the drafting stage of the Bill, met with the LegCo President. We have also explained the proposal at various meetings with LegCo members of different political parties to listen to their views. Currently, LegCo has already formed a Bills Committee on the Bill, and the Government will explain the content of the Bill (including the occasions on which the national anthem must be played and sung) when the Committee scrutinises the Bill. The Bill has to be submitted to the meeting of the full Council for discussion and voting before being passed. In fact, in the past year, apart from consulting the CA Panel for members' views on the outline of the proposed content of the Bill, we have been liaising with LegCo members of different political parties and listening to their views on the legislative directions, content and progress of the Bill.

6. LegCo members have to declare to uphold the Basic Law and pledge allegiance to the HKSAR of the People's Republic of China when they stand for election and take the oath when assuming office. Under the premise of upholding "one country, two systems", LegCo members should respect the national anthem, a symbol and sign of the country, and take part in the playing and singing of the national anthem at the oath-taking ceremony.

7. As for the enforcement undertaken by the Mainland authorities in relation to the National Anthem Law, we understand that since the National Anthem Law came into force in the Mainland on 1 October

2017, the relevant Mainland security authorities have detained two Mainlanders who contravened the National Anthem Law on online platforms for five days and 15 days respectively.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Cordelia Lam', written in a cursive style.

(Ms Cordelia LAM)

for Secretary for Constitutional and Mainland Affairs

c.c. Secretary for Justice

(Attn: Mr Lawrence PENG, Fax no.: 3918 4613

Mr Jonathan LUK, Fax no.: 3918 4613)