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[English Translation]

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

15 March 2019

Dear Ms MAK,

**Re: Procedures for adding the National Anthem Law
to Annex III to the Basic Law**

Regarding the letter from Hon AU Nok-hin of 6 March 2019, our reply is set out below.

Details of the procedures for adding the National Anthem Law to Annex III to the Basic Law

2. The Standing Committee of the National People's Congress (NPCSC) has consulted the Government of the Hong Kong Special Administrative Region (HKSAR) in accordance with Article 18 of the Basic Law before adding the Law of the People's Republic of China on the National Anthem (the National Anthem Law) to Annex III to the Basic Law. The HKSAR Government agreed with the proposal. Hon AU requested making public the full text of the opinions submitted by the Government to the NPCSC on the addition of the National Anthem Law, as well as details of the communication between the Government and the NPCSC on this subject. We wish to reiterate that the Government will

not make public the communication and discussion between the Government and Mainland authorities.

3. Chapter IV of the Constitution of the People's Republic of China (the Constitution) stipulates the national flag, national anthem, national emblem and capital of the People's Republic of China. The national flag, national anthem and national emblem are the symbol and sign of the country. The Law of the People's Republic of China on the National Flag and the Law of the People's Republic of China on the National Emblem were added to Annex III to the Basic Law on 1 July 1997, and the HKSAR enacted the National Flag and National Emblem Ordinance to implement the two national laws in Hong Kong through local legislation. As for the national anthem, Article 141 of the Constitution stipulates that the national anthem of the People's Republic of China is the March of the Volunteers. On 4 November 2017, the 12th NPCSC adopted the decision to add the National Anthem Law to Annex III to the Basic Law. The HKSAR Government decides to implement the National Anthem Law in Hong Kong by local legislation instead of by promulgation. This approach reflects the purpose and intent of the National Anthem Law, which is to preserve the dignity of the national anthem and promote respect to the national anthem; and at the same time gives due regard to the common law system practised in Hong Kong, as well as the actual circumstances in Hong Kong. It also allows the Government to take into account views from the public during the local legislative process.

Public consultation on the addition of national laws to Annex III to the Basic Law

4. In general, if the Government considers that a national law proposed to be added to Annex III to the Basic Law requires special application or adaptation based on actual circumstances of Hong Kong for implementation in the HKSAR, we will implement the national law by way of local legislation. Any such draft legislation will only come into force after passage by the Legislative Council (LegCo). During the local legislative process, we will bring up the issues for discussion at the relevant Panel(s) of the LegCo and consult relevant stakeholders. If the national law does not require special application or adaptation for implementation in the HKSAR, after the national law is added to Annex III to the Basic Law, the Government will implement the national law by promulgation, which will come into effect on the day of the promulgation. If a national law proposed to be implemented by way of promulgation has actual impact on Hong Kong, the HKSAR Government will bring up the issues for discussion at the relevant Panel(s) of the LegCo before the national law is added to Annex III to the Basic Law.

Yours sincerely,



(Ms Cordelia LAM)

for Secretary for Constitutional and Mainland Affairs

c.c. Secretary for Justice

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