

政制及內地事務局
政府總部
香港添馬添美道2號
政府總部東翼



CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU
GOVERNMENT SECRETARIAT
EAST WING
CENTRAL GOVERNMENT OFFICES
2 TIM MEI AVENUE, TAMAR
HONG KONG

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

29 March 2019

Dear Ms MAK,

**Re: Follow-up Questions on Offence of
Behaviour of Insulting the National Anthem**

Regarding the letter from Hon LEE Kok-long, Joseph of 22 March, our reply is set out below.

Applicability of the National Anthem Bill

2. The legislative principle of the National Anthem Bill (the Bill) is to implement the National Anthem Law in the Hong Kong Special Administrative Region. The Bill applies to everyone in Hong Kong. The focus of the Bill is two-pronged. Firstly, to provide that the national anthem is a symbol and sign of the People's Republic of China, and to promote respect for the national anthem by means of directional provisions. Secondly, to prescribe the penalties for publicly and intentionally insulting the national anthem or misusing the national anthem. Members of the public, regardless of knowing Chinese or not,

should respect the national anthem and should not publicly and intentionally insult the national anthem or misuse the national anthem.

3. Clause 4 of the Bill stipulates that while the national anthem is being played and sung, the etiquette to be followed by the persons who take part in or attend the occasion is (a) to stand solemnly and deport themselves with dignity; and (b) to not behave in a way disrespectful to the national anthem. Such etiquette is easy to follow for the general public, including those who do not know Chinese.

Clause 9 of the Bill

4. The spirit of Clause 9 of the Bill is to educate students to respect the national anthem. Students' improper behaviour within the school premises should be left to the professional judgement of the school and teachers and be dealt with in such a way that the purpose of education is served. For behaviour that shows disrespect for the national anthem, schools should, in light of their own context and usual counselling and guidance arrangements, handle the case in a reasonable, fair and lawful manner.

5. As we stated in paragraph 15 of LC Paper No. CB(2)995/18-19(01), Clause 9 or other provisions of the Bill do not make a contravention against the directions given by the Secretary for Education regarding Clause 9 a criminal offence and thus there are no sanctions. The Education Bureau (EDB) has all along had administrative measures in place, for example, giving verbal/written advice and warnings, to follow up on irregularities identified in school operation (including not complying with the directions given by the Secretary for Education). If individual schools still do not comply with the requirements and make rectifications, power is conferred by relevant provisions of the Education Ordinance to follow up. It is the inherent responsibility of school education to cultivate in students a sense of national identity. At primary and secondary levels, students are taught to sing the national anthem and the learning contents of the national anthem are covered in the subject curricula. Society has no objection to educating students to respect the national anthem. We do not envisage that schools will violate the directions given by the Secretary for Education in enforcing Clause 9 of the Bill. Schools have all along been complying with the Education Ordinance, relevant legislation and the guidelines from the EDB. We trust that they will do the same in the implementation of the National Anthem Ordinance.

Ringtone of mobile phones

6. There is no provision in the Bill prohibiting the use of the national anthem as ringtone of phones. If there is ringing of phone with the national anthem as the ringtone when using public transport, since such scenario is not an occasion on which the national anthem is played and sung, the etiquette stipulated in clause 4 of the Bill does not apply.

Yours sincerely,



(Ms Cordelia LAM)

for Secretary for Constitutional and Mainland Affairs

c.c. Secretary for Education

(Attn: Mrs HONG CHAN Tsui-wah, Fax no.: 3428 6034)

Secretary for Justice

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

Mr Jonathan LUK, Fax no.: 3918 4613)