

National Anthem Bill

**Committee Stage**

Amendments to be moved by Dr. the Honourable Fernando CHEUNG Chiu-hung

| <u>Clause</u> | <u>Amendment Proposed</u>   |
|---------------|---|
| Preamble      | <p>By deleting the subsection (2) and substituting-</p> <p>"(2) Chinese citizens should respect the national anthem, preserve the dignity of the national anthem, and play and sing the national anthem on appropriate occasions; and".</p> <p>By deleting the subsection (3) and substituting-</p> <p>"(3) an Ordinance is to be enacted to preserve the dignity of the national anthem, to regulate the playing and singing, the broadcast and the use of the national anthem, to enhance citizen awareness of the People's Republic of China".</p>   |
| 4             | <p>By deleting the subsection (2) and substituting-</p> <p>"(2) 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—</p> <ul style="list-style-type: none"><li>(a) to deport themselves with dignity; and</li><li>(b) to not behave in a way disrespectful to the national anthem".</li></ul>  |
| 6             | <p>By deleting the clause and substituting-</p> <p>"6. Misuse of national anthem</p> <ul style="list-style-type: none"><li>(1) The national anthem, or the lyrics or score of the national anthem, must not be used—<ul style="list-style-type: none"><li>(a) in a trade mark or commercial advertisement;</li><li>(b) at a private funeral event; or</li><li>(c) on an occasion, at a place, or for a purpose, prescribed under subsection (3).</li></ul></li><li>(2) The national anthem must not be used as background music in a public place.</li><li>(3) The Chief Executive in Council may, by notice published in the Gazette, prescribe an occasion, place or purpose, for the purposes of subsection (1)(c).</li><li>(4) In this section—</li></ul> |

**public place** (公眾場所) means a place to which the public or a section of the public may or are permitted to have access from time to time, whether by payment or otherwise.”.

7

By deleting the clause and substituting-

**“7. Insulting behaviour**

(1) No person shall intent to insult the national anthem, or publicly and intentionally—

- (a) alters the lyrics or score of the national anthem; or
- (b) plays and sings the national anthem in a distorted or disrespectful way.

(2) No person shall publicly and intentionally insults the national anthem in any way.

(3) No person shall intent to insult the national anthem, or intentionally publish—

- (a) altered lyrics or an altered score of the national anthem; or
- (b) the national anthem played and sung in a distorted or disrespectful way.

(4) No person shall intent to insult the national anthem, or intentionally publish the insulting in any way of the national anthem.

(5) Except as provided under subsection (3) or (4), a person does not contravene of any of the provisions of this section by publishing—

- (a) altered lyrics or an altered score of the national anthem;
- (b) the national anthem played and sung in a distorted or disrespectful way; or
- (c) the insulting in any way of the national anthem.

(6) In this section—

**insult** (侮辱), 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;

**publish** (發布) includes—

- (a) to communicate to the public in any form, including speaking, writing, printing, displaying notices, broadcasting, screening and playing of tapes or other recorded material; and

(b) to distribute, disseminate or make available to the public.”.

9

In the proposed clause 9(1)(b)(ii), by deleting ”.” and substituting—  
“;and

(iii) Patriotism is love of one's country, not of a government.”

11

By deleting the subsection (1).

## National Anthem Bill

### Committee Stage

#### Amendments to be moved by Dr. the Honourable Fernando CHEUNG Chiu-hung (Explanatory Memorandum)

| <u>Clause</u> | <u>Amendment Proposed</u>   |
|---------------|---|
| 8             | By deleting the clause and substituting-<br>“Clause 6 prohibits misuse of the national anthem or its lyrics or score.”  |
| 9             | By deleting the clause and substituting-<br>“Clause 7 prohibits a person from publicly and intentionally altering the lyrics or score of the national anthem, and from so playing and singing the national anthem in a distorted or disrespectful way, with intent to insult the national anthem. This clause also prohibits a person from publicly and intentionally insulting the national anthem in any way. It further prohibits a person from intentionally publishing the altered lyrics or score, intentionally publishing the national anthem played and sung in a distorted or disrespectful way, or intentionally publishing the insulting in any way of the national anthem, with intent to insult the national anthem. Clause 7(8) contains the definitions of insult and publish for the purposes of the prohibitions. ” |