

立法會
Legislative Council

(issued by email only)
LC Paper No. CB(3) 464/19-20

Ref : CB(3)/B/CMA/2 (18-19)

Tel : 3919 3300

Date : 26 May 2020

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 27 May 2020

**Debate arrangement for
National Anthem Bill**

Further to LC Paper Nos. CB(3) 456/19-20 and CB(3) 459/19-20 issued on 25 May 2020, I attach a table on the debate arrangement for the captioned Bill for Members' information.

2. Hard copy of the table (same as the Appendix to Part IA of the Script for the meeting) will be placed on Members' desks in the Chamber before the start of the meeting.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

**National Anthem Bill
Debate arrangement**

Object of the Bill : To provide for the playing and singing of the national anthem (“NA”), for the protection of NA, and for the promotion of NA, in Hong Kong; and for incidental matters.

Debate	: Clauses with no amendment and clauses with amendments proposed by 5 Members	- Clauses 1 to 14 and Schedules 1 to 3
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Joint debate on all clauses, Schedules and the amendments thereto.

The gist of the **22 amendments** proposed by 5 Members is in the **Annex**, covering the following matters:

- (a) occasions on which NA must be played and sung;
- (b) offence of misuse of NA;
- (c) offence of insulting behaviour;
- (d) inclusion of NA in primary and secondary education;
- (e) inclusion of NA in broadcasting services; and
- (f) supplementary provisions on application of laws in Hong Kong.

5 Members : Hon Alvin YEUNG, Hon CHAN Chi-chuen, Dr Hon Fernando CHEUNG,
proposing Hon Kenneth LEUNG and Hon WU Chi-wai
amendments

(Amendments set out in LC Paper No. CB(3) 456/19-20 issued on 25 May 2020)

Council Business Division 3
Legislative Council Secretariat
26 May 2020

National Anthem Bill
22 admissible amendments
(proposed by five Members)

The 22 admissible amendments may be divided into the following six groups:

Group	Number of amendments	Matters	Clauses of the Bill
(A)	5	Occasions on which national anthem (“NA”) must be played and sung	Clause 5
(B)	4	Offence of misuse of NA	Clause 6
(C)	5	Offence of insulting behaviour	Clause 7
(D)	3	Inclusion of NA in primary and secondary education	Clause 9
(E)	3	Inclusion of NA in broadcasting services	Clause 10
(F)	2	Supplementary provisions on application of laws in Hong Kong	Clause 11

The gist of amendments (which is based on the contents of the proposed amendments submitted by Members) is provided in the ensuing pages.

(A) 5 amendments relating to occasions on which NA must be played and sung
(Clause 5)

Member	Gist of amendments
Hon CHAN Chi-chuen (1 amendment)	To delete clause 5(2) on the Chief Executive in Council (“CE in Council”) amending Schedule 3 (Occasions on which NA must be played and sung) by notice published in the Gazette.
Hon Kenneth LEUNG (1 amendment)	To amend clause 5(2) to provide that subject to the approval of the Legislative Council (“LegCo”), CE in Council may, by notice published in the Gazette, amend Schedule 3.
Hon CHAN Chi-chuen (1 amendment)	To amend clause 5(2) to provide that CE in Council must not set out the occasion of religious services in Schedule 3.
Hon CHAN Chi-chuen (1 amendment)	To add clause 5(5) to provide that before amending Schedule 3, CE in Council must consult the public for not less than three months on the relevant amendment.
Hon CHAN Chi-chuen (1 amendment)	To add clause 5(5) to provide that for the purposes of clause 7 (Offence of insulting behaviour), calling for not attending or taking part in the occasions on which NA must be played and sung is not regarded as insulting NA.

(B) 4 amendments relating to offence of misuse of NA
(Clause 6)

Member	Gist of amendments
Hon CHAN Chi-chuen (3 amendments)	To delete clauses 6(1)(c) and 6(5) which provide that NA, or its lyrics or score, must not be used on an occasion, at a place, or for a purpose prescribed by CE in Council, and to make corresponding textual amendment to clause 6(1)(b).
Hon Kenneth LEUNG (1 amendment)	To amend clause 6(5) to provide that subject to LegCo’s approval, CE in Council may, by notice published in the Gazette, prescribe an occasion, place or purpose that NA, or its lyrics or score, must not be used.

(C) 5 amendments relating to offence of insulting behaviour
(Clause 7)

Member	Gist of amendments
Hon CHAN Chi-chuen (1 amendment)	To amend clause 7(6) to provide that a person who commits an offence under clause 7 (Offence of insulting behaviour) is liable on conviction to a fine at level 1 (instead of level 5) and to imprisonment for one month (instead of three years).

Member	Gist of amendments
Hon Kenneth LEUNG (1 amendment)	To amend clause 7(6) to provide that a person who commits an offence under clause 7 is liable on conviction to a fine at level 5 but not to imprisonment.
Hon WU Chi-wai (1 amendment)	To delete clause 7(7) on time limits for commencing proceedings for an offence under clause 7.
Hon CHAN Chi-chuen (1 amendment)	To amend clause 7(7)(a) to provide that proceedings may only be commenced for an offence under clause 7 before the end of the period of 30 days (instead of one year) after the date on which the offence is discovered by, or comes to the notice of, the Commissioner of Police.
Hon CHAN Chi-chuen (1 amendment)	To amend clause 7(7)(b) to provide that proceedings may only be commenced for an offence under clause 7 before the end of the period of 60 days (instead of two years) after the date on which the offence is committed.

(D) 3 amendments relating to inclusion of NA in primary and secondary education
(Clause 9)

Member	Gist of amendments
Hon CHAN Chi-chuen (3 amendments)	To amend clause 9(1)(b) to add subclause (iii) requiring the Secretary for Education to give directions to educate the students on the biography and cause of death of the lyricist and composer of NA, and to make corresponding textual amendments.

(E) 3 amendments relating to inclusion of NA in broadcasting services
(Clause 10)

Member	Gist of amendments
Hon CHAN Chi-chuen (2 amendments)	To amend clause 10(4) and delete clause 10(5) to provide that regarding the requirement for the licensee to broadcast NA, CE in Council (instead of CE) may, by notice published in the Gazette, stipulate the relevant date.
Hon CHAN Chi-chuen (1 amendment)	To amend clause 10(4) to provide that, regarding the Communications Authority's requirement for the licensee to broadcast NA by an announcement in the public interest or material in the public interest, the total number of date or dates so stipulated by CE for relevant broadcast must not be more than 36 days in a calendar year.

(F) 2 amendments relating to supplementary provisions on application of laws in Hong Kong
(Clause 11)

Member	Gist of amendments
Dr Hon Fernando CHEUNG (1 amendment)	To delete clause 11(1) which provides that offences in relation to NA in Hong Kong are investigated, and persons are prosecuted, according to the laws of Hong Kong.
Hon Alvin YEUNG (1 amendment)	To add clause 11(1A) to provide that the provisions in the National Anthem Ordinance shall be governed by and interpreted in accordance with solely the laws of Hong Kong.