

**立法會**  
***Legislative Council***

**(issued by email only)**  
LC Paper No. CB(3) 482/19-20

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Tel : 3919 3300  
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From : Clerk to the Legislative Council  
To : All Members of the Legislative Council

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**Updated table on the debate arrangement for  
National Anthem Bill**

Further to LC Paper Nos. CB(3) 456/19-20 and CB(3) 464/19-20 issued on 25 and 26 May 2020 respectively, Members are invited to note that Dr Hon Fernando CHEUNG has **withdrawn** the notice of his amendment to the above Bill. The attached table on the debate arrangement for the Bill has been updated accordingly.

(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.

<b>Debate</b>	<b>: Clauses with no amendment and clauses with amendments proposed by 4 Members</b>	<b>- Clauses 1 to 14 and Schedules 1 to 3</b>
Joint debate on all clauses, Schedules and the amendments thereto.		
The gist of the <b>21 amendments</b> proposed by 4 Members is in the <b>Annex</b> , 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.		

4 Members : Hon Alvin YEUNG, Hon CHAN Chi-chuen, Hon Kenneth LEUNG and proposing Hon WU Chi-wai amendments

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

**National Anthem Bill**  
**21 admissible amendments**  
**(proposed by four Members)**

The **21** admissible amendments may be divided into the following **six groups**:

<b>Group</b>	<b>Number of amendments</b>	<b>Matters</b>	<b>Clauses of the Bill</b>
<b>(A)</b>	5	Occasions on which national anthem (“NA”) must be played and sung	Clause 5
<b>(B)</b>	4	Offence of misuse of NA	Clause 6
<b>(C)</b>	5	Offence of insulting behaviour	Clause 7
<b>(D)</b>	3	Inclusion of NA in primary and secondary education	Clause 9
<b>(E)</b>	3	Inclusion of NA in broadcasting services	Clause 10
<b>(F)</b>	1	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)

<b>Member</b>	<b>Gist of amendments</b>
<b>Hon CHAN Chi-chuen</b> (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.
<b>Hon Kenneth LEUNG</b> (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.
<b>Hon CHAN Chi-chuen</b> (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.
<b>Hon CHAN Chi-chuen</b> (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.
<b>Hon CHAN Chi-chuen</b> (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)

<b>Member</b>	<b>Gist of amendments</b>
<b>Hon CHAN Chi-chuen</b> (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).
<b>Hon Kenneth LEUNG</b> (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)

<b>Member</b>	<b>Gist of amendments</b>
<b>Hon CHAN Chi-chuen</b> (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).

<b>Member</b>	<b>Gist of amendments</b>
<b>Hon Kenneth LEUNG</b> (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.
<b>Hon WU Chi-wai</b> (1 amendment)	To delete clause 7(7) on time limits for commencing proceedings for an offence under clause 7.
<b>Hon CHAN Chi-chuen</b> (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.
<b>Hon CHAN Chi-chuen</b> (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)

<b>Member</b>	<b>Gist of amendments</b>
<b>Hon CHAN Chi-chuen</b> (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)

<b>Member</b>	<b>Gist of amendments</b>
<b>Hon CHAN Chi-chuen</b> (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.
<b>Hon CHAN Chi-chuen</b> (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) 1 amendment relating to supplementary provisions on application of laws in Hong Kong**  
(Clause 11)

<b>Member</b>	<b>Gist of amendment</b>
<b>Hon Alvin YEUNG</b> (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.

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**Legislative Council**

**(issued by email only)**  
LC Paper No. CB(3) 456/19-20

Ref : CB(3)/B/CMA/2 (18-19)  
Tel : 3919 3300  
Date : 25 May 2020  
From : Clerk to the Legislative Council  
To : All Members of the Legislative Council

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**Council meeting of 27 May 2020**

**Proposed amendments to National Anthem Bill**

In accordance with the President's ruling under LC Paper No. CB(3) 454/19-20 issued earlier today, subject to the above Bill receiving its Second Reading at the above meeting, the following Members are allowed to move amendments to the Bill:

<b>Amendment movers</b> (set out in order of receipt of amendment(s))	<b>Number of admissible amendment(s)</b>	<b>Appendix</b>
Hon Alvin YEUNG	1	<b>1</b>
Hon CHAN Chi-chuen	16	<b>2</b>
Dr Hon Fernando CHEUNG	1	<b>3</b>
Hon Kenneth LEUNG	3	<b>4</b>
Hon WU Chi-wai	1	<b>5</b>

2. Members' admissible amendments together with this circular will be uploaded onto the Legislative Council website.
3. Members will be informed of the debate and voting arrangements for the Bill as soon as possible.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

National Anthem Bill

**Committee Stage**

Amendment to be moved by the Honourable Alvin YEUNG

Clause

Amendment Proposed

11

By adding—

“(1A) The provisions in this Ordinance should be governed by and interpreted in accordance with solely the laws of Hong Kong.”.



National Anthem Bill

**Committee Stage**

Amendment to be moved by the Honourable CHAN Chi-chuen

Clause

Amendment Proposed

5 By deleting subclause (2).

National Anthem Bill

**Committee Stage**

Amendments to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
6(1)(b)	By deleting “; or” and substituting a full stop.
6(1)	By deleting paragraph (c).
6	By deleting subclause (5).

National Anthem Bill

**Committee Stage**

Amendment to be moved by the Honourable CHAN Chi-chuen

Clause

Amendment Proposed

7 By deleting subclause (6) and substituting—

“(6) A person who commits an offence under this section is liable on conviction to a fine at level 1 and to imprisonment for 1 month.”.

National Anthem Bill

**Committee Stage**

Amendments to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
7(7)(a)	By deleting “1 year” and substituting “30 days”.
7(7)(b)	By deleting “2 years” and substituting “60 days”.

National Anthem Bill

**Committee Stage**

Amendments to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
9(1)(b)(i)	By deleting “; and” and substituting a semicolon.
9(1)(b)(ii)	By deleting the full stop and substituting “; and”.
9(1)(b)	By adding — “(iii) on the biography and cause of death of the lyricist and composer of the national anthem.”.

National Anthem Bill

**Committee Stage**

Amendment to be moved by the Honourable CHAN Chi-chuen

Clause

Amendment Proposed

10(4) By adding “, but the total number of date or dates so stipulated must not be more than 36 days in a calendar year” after “subsection (3)”.

National Anthem Bill

**Committee Stage**

Amendments to be moved by the Honourable CHAN Chi-chuen

Clause

Amendment Proposed

- |    |   |
|----|---|
| 10 | By deleting subclause (4) and substituting —<br><br>“(4) The Chief Executive in Council may by notice published in the Gazette stipulate a date for the purposes of subsection (3).”. |
| 10 | By deleting subclause (5).  |

National Anthem Bill

**Committee Stage**

Amendment to be moved by the Honourable CHAN Chi-chuen

Clause

Amendment Proposed

5(2) By adding “, but the occasion of religious services must not be set out in Schedule 3” after “amend Schedule 3”.



National Anthem Bill

**Committee Stage**

Amendment to be moved by the Honourable CHAN Chi-chuen

Clause

Amendment Proposed

5 By adding —

“(5) Before amending Schedule 3, the Chief Executive in Council must consult the public for not less than 3 months about the proposed amendment to Schedule 3.”.

National Anthem Bill

**Committee Stage**

Amendment to be moved by the Honourable CHAN Chi-chuen

Clause

Amendment Proposed

5 By adding —

“(5) For the purposes of section 7, calling for not attending or taking part in the occasions on which the national anthem must be played and sung is not regarded as insulting the national anthem.”.

National Anthem Bill

**Committee Stage**

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

Clause

Amendment Proposed

11

By deleting subclause (1)

National Anthem Bill

**Committee Stage**

Amendments to be moved by the Honourable Kenneth LEUNG

<u>Clause</u>	<u>Amendment Proposed</u>
5(2)	By adding “subject to the approval of the Legislative Council” after “The Chief Executive in Council may”.
6(5)	By adding “subject to the approval of the Legislative Council” after “The Chief Executive in Council may”.
7(6)	By deleting “and to imprisonment for 3 years”.

National Anthem Bill

**Committee Stage**

Amendment to be moved by the Honourable WU Chi-wai

Clause

Amendment Proposed

7

By deleting subclause (7).