

# Government issues notice to LegCo Secretariat indicating intention to resume Second Reading debate on National Anthem Bill

In response to media enquiries, a spokesman for the Constitutional and Mainland Affairs Bureau said today (May 12) that the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, issued a notice to the Legislative Council (LegCo) Secretariat today indicating the Government's intention to resume the Second Reading debate of the National Anthem Bill (the Bill) at the LegCo meeting on May 27.

The spokesman said, "The national anthem is the symbol and sign of the country. The Standing Committee of the 12th National People's Congress adopted the decision to add the Law of the People's Republic of China on National Anthem (National Anthem Law) to Annex III to the Basic Law on November 4, 2017. In accordance with Article 18 of the Basic Law, the national laws listed in Annex III to the Basic Law shall be applied locally by way of promulgation or legislation by the Hong Kong Special Administrative Region (HKSAR). It is thus the constitutional responsibility of the HKSAR Government to implement the National Anthem Law locally.

"Having regard to Hong Kong's common law system and the actual circumstances in Hong Kong, the HKSAR Government decided to implement the National Anthem Law in Hong Kong by local legislation. This approach fully reflects the spirit of 'one country, two systems'.

"The legislative principle of the National Anthem Bill is clear, that is to fully reflect the legislative purpose and intent of the National Anthem Law, a national law, which is to preserve the dignity of the national anthem and promote respect for the national anthem, and at the same time to give due regard to Hong Kong's common law system as well as the actual circumstances in Hong Kong."

The spokesman stressed that the spirit of the National Anthem Bill was "respect", adding that a person would only commit an offence if the person expressed his views by publicly and intentionally insulting the national anthem. He said it was completely untrue for some people to claim that the law was "suppressing the freedom of speech" and was 'draconian'."

"In the course of drafting the Bill, we had consulted the LegCo Panel on Constitutional Affairs and attended two special panel meetings lasting for a total of about 15 hours, during which we have listened to the views from 190 members of the public and representatives of various organisations. We have also met with different political parties, professional groups, representatives from the legal sector and the academia to listen to and take in their views," the spokesman said.

"The Bill was introduced to the LegCo in January 2019 for First Reading and Second Reading. The relevant Bills Committee has subsequently convened 17 meetings and used over 50 hours to scrutinise the Bill clause-by-clause. Also, members of the public were invited to express their views at one of the meetings. In the process, the Government has listened attentively to the views of members of the Bills Committee and the public."

"We hope that the LegCo can pass the Bill as soon as possible," the spokesman added.