

Government responds to enquiries on National Anthem Bill

In response to media enquiries on the National Anthem Bill, a spokesman for the Hong Kong Special Administrative Region (HKSAR) Government said today (January 10) that it is the constitutional responsibility of the HKSAR Government to implement the Law of the People's Republic of China on National Anthem (National Anthem Law) locally. In implementing the National Anthem Law by local legislation, the Government has given full consideration to Hong Kong's common law system and actual circumstances. The main spirit of the National Anthem Bill (the Bill) is "respect", which bears absolutely no relations to "restricting freedom of speech" as claimed by certain members of the community and definitely not a so-called "evil law".

The spokesman said, "The Standing Committee of the 12th National People's Congress adopted the decision to add the 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 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, i.e. to fully reflect the legislative purpose and intent of the National Anthem Law, which is to preserve the dignity of the national anthem so that members of the community would respect the national anthem, whilst taking into account Hong Kong's common law system and actual circumstances.

"During the drafting of the Bill, we have consulted the Legislative Council (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 adopt their views.

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

The spokesman emphasised that the drafting of the Bill had undergone stringent procedures during which views from various sectors of the community were gauged and adopted. The HKSAR Government will introduce the Bill to the LegCo for resuming Second Reading debate at an appropriate time.