

Opening remarks by SCMA at press conference on National Anthem Bill (with photo/video)

Following are the opening remarks by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, today (January 9) at the press conference on the National Anthem Bill:

The Standing Committee of the 12th National People's Congress (NPCSC) adopted on November 4, 2017, the decision to add the Law of the People's Republic of China on National Anthem Law (National Anthem Law) to Annex III to the Basic Law. According to 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.

The Chief Executive in Council at its meeting yesterday (January 8) agreed that the National Anthem Bill should be introduced into the Legislative Council to implement the National Anthem Law in Hong Kong by local legislation.

Having regard to the common law system practised in Hong Kong, as well as the actual circumstances in Hong Kong, the national anthem law in the HKSAR will be implemented by local legislation. This approach fully demonstrates the spirit of the "one country, two systems" principle.

The National Anthem Law consists of 16 clauses. Apart from Articles 9, 14 and 16, all the rest 13 clauses have been suitably reflected in the National Anthem Bill of the HKSAR. I will further elaborate on this later.

The legislative principle of the National Anthem Bill is to fully reflect the purpose and intent of the National Anthem 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 the common law system practised in Hong Kong, as well as the actual circumstances in Hong Kong.

The crux of the National Anthem Bill is two-pronged: (A) to state that the national anthem is the symbol and sign of the People's Republic of China and to lead people to respect the national anthem by directional provisions; (B) to introduce penalties for people who publicly and intentionally insult the national anthem.

Overall speaking, the main spirit of the National Anthem Bill is respect, a behaviour which is natural, easily understood and not hard to display. As such, the Bill will not affect the daily life of the general public.

Nonetheless, for those with an intent to insult the national anthem, and publicly and intentionally perform acts to insult the national anthem, there is a need to introduce punitive provisions in the Bill with a view to deterring such behaviours.

In the course of drafting the Bill, we have listened carefully to the views of various sectors of the community. We consulted the Panel on Constitutional Affairs of the Legislative Council in March last year, and attended two public hearings in April and May respectively during which individuals and organisations were invited to give their views. Besides, we also exchanged views and conducted discussions with different political parties, sector representatives including the education sector, the performing arts and culture sector, as well as representatives and academics of the legal sector.

We will submit the Bill to the Legislative Council for First Reading on January 23. We will listen to the views of members of the Legislative Council during the deliberation at the Bills Committee to be set up later.

