

Contextualising the National Anthem Law in Mainland China and Hong Kong

Football as a Field of Political Contention

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Introduction

On 1 October 2017, the National People's Congress passed a new law that punishes people who disrespect the national anthem. Soon after the law was implemented in mainland China, the Congress then inserted it into the Annex III of the Hong Kong Basic Law in its amendment on 4 November 2017, requiring the Special Administrative Region to apply it "locally by way of promulgation or legislation."⁽¹⁾ The decision came at a time when Hong Kong football fans, in the wake of the Umbrella Movement in 2014, have been booing and jeering the Chinese national anthem during matches since early 2015. Amplified by a series of criticisms directed at the booing in recent months, the prospect of local legislation has aroused substantial public attention to and long-lasting debate over issues such as freedom of speech, the practicality of law enforcement, retroactive criminalisation, and the potential threats to the city's rule of law.

Divided into two parts, this current affairs article seeks to contextualise the controversy over the national anthem law and its implications to Hong Kong society. First, it will provide an overview of the history of football rivalry between mainland China and Hong Kong and argue that the football landscape provides a useful perspective that at once nourishes, reflects, and is shaped by the evolving mainland-Hong Kong political tensions. Second, it will analyse the contexts of the legislation and implementation of the national anthem law in mainland China and Hong Kong by comparing the respective societies' legal frameworks, ongoing legal debates, and people's attitudes toward the anthem. In doing so, this article will highlight the challenges of law enforcement and promoting patriotism in Hong Kong.

Articulating the football landscape: Sports history, fan culture, and the politics of dis-identification

Citing behavioural psychologists who characterise football as an "extreme form of social bonding," Newson (2017: 1) argues that "the football landscape is shown to offer researchers unique opportunities for understanding culture and the human psyche more broadly." Regardless of whether any

national anthems are involved, the collective rituals where football fans overtly perform and politicise their group identities—at the levels of nation, region, and team—during matches are not specific to Hong Kong but a shared phenomenon that appears all over the world (see, e.g., Armstrong and Mitchell 2008; Brandt, Hertel, and Huddleston 2017; Brown 2008; Dunning 2000). While international sporting events have provided an entrenched space for the expression of national identities since the twentieth century (Tomlinson and Young 2006), it can nevertheless be argued that the case of Hong Kong football is rather unique because its development has always been closely intertwined with the city's distinctive status as a British colony before and a Special Administrative Region of China after 1997. And in fact, unlike most other cases of football ritual in matches between nations, the presence of matches between Hong Kong and China—the same nation playing against itself in international sporting events even after the transfer of sovereignty—is indeed a colonial legacy, as the city became a recognised member of the Fédération Internationale de Football Association (FIFA) and the International Olympic Committee (IOC) under British rule (Zuser 2017).

Hong Kong and China first played against each other in an international friendly match in 1978.⁽²⁾ However, it was perhaps the 1986 World Cup's first qualifying round, held at the Workers' Stadium in Beijing, that marked the first occasion of Hong Kong-China football rivalry.⁽³⁾ In the final match of the qualifying round on 19 May 1985, while China only needed a draw to progress, Hong Kong famously, and rather surprisingly, won the game by 2-1: the closest the city has ever got to the World Cup.⁽⁴⁾ Since the Sino-British Joint Declaration was signed a year before the match, football critic Donald Ross suggests that:

1. Legislation Council of the Hong Kong Special Administrative Region of the People's Republic of China, "Applying National Laws in Hong Kong," <https://www.legco.gov.hk/research-publications/english/essentials-1516ise07-applying-national-laws-in-hong-kong.htm> (accessed on 8 January 2018).
2. International Football History and Statistics, "Hong Kong National Football Team: Record v China PR," <https://www.11v11.com/teams/hong-kong/tab/opposingTeams/opposition/China%20PR/> (accessed on 27 December 2017).
3. Frank Chen, "Dark Clouds Loom over HK-China World Cup Qualifier," *EJ Insight*, 19 August 2015, <http://www.ejinsight.com/20150819-dark-clouds-loom-over-hk-china-world-cup-qualifier/> (accessed on 26 December 2017).
4. *Ibid.*

[w]ith the colony's return agreed, one of the final reminders of the 'century of humiliation' was to be removed. Football gave the mainland another chance to demonstrate its strength.⁽⁵⁾

And in response to the unanticipated result, Chinese football fans barred the Hong Kong team from exiting the stadium, leading to a riot known as the May 19 Incident (*wuyiju shijian* 五一九事件),⁽⁶⁾ where "[a]t least 40 people were injured, 25 cars and a dozen buses were burned or overturned, and a nearby subway station was also partially damaged,"⁽⁷⁾ and "eventually 127 people were arrested."⁽⁸⁾ Given the event's severity, Frank Chen states that it was "the first known case of football hooliganism in China's history."⁽⁹⁾

Thirty years after Hong Kong's famous win, another World Cup qualifying match between Hong Kong and China in 2015 was perhaps the next football event that most exemplified the transformation of Hong Kong-mainland relations. Partly due to Hong Kong (145th in FIFA's world ranking) holding China (84th) in a surprise 0-0 draw in the first match in Shenzhen on 3 September,⁽¹⁰⁾ and with China needing to win the next game "to keep its qualification hopes alive,"⁽¹¹⁾ the second match at home on 17 November prompted one of the largest displays of community solidarity among Hong Kong people since the Umbrella Movement in 2014. But unlike the violent disturbance in 1985, and apart from some Hong Kong fans booing the Chinese national anthem, holding signs stating "Support Your Own People," "Hong Kong is not China," and "Boo," and chanting "We are Hong Kong" in the stadium,⁽¹²⁾ this time public sentiment was further conveyed through community organising in support for the Hong Kong team—and arguably the city in general—beyond the football field.⁽¹³⁾ Reacting against the official decision that the game be played at the 6,700-seat Mong Kok Stadium instead of the 40,000-seat Hong Kong Stadium, local citizens unprecedentedly staged a number of public live screenings in various locations across the class divide, including the Western District, Mei Foo, Ngau Tau Kok, Shatin, the campuses of the University of Hong Kong, the Chinese University of Hong Kong, and Hang Seng Management College, as well as Tung Chau Street in Sham Shui Po, where many homeless people live.⁽¹⁴⁾ In the end, Hong Kong held another 0-0 draw against the stronger rival, keeping China from progressing to the next round and delaying the materialisation of President Xi Jinping's three wishes for Chinese football development voiced in 2011: "For China to qualify for the World Cup finals, host a World Cup, and win a World Cup."⁽¹⁵⁾

Other than the games played against China where "only one anthem had to be played before kick-off" (Zuser 2017), the booing and jeering of the Chinese national anthem whenever it is used to represent the Hong Kong team has "become a fixed ritual at every single home game" (*ibid.*) since 2015: from World Cup qualifiers against Bhutan and Qatar,⁽¹⁶⁾ and Asian Cup qualifiers against Lebanon and Malaysia,⁽¹⁷⁾ to friendly matches against Bahrain and Laos.⁽¹⁸⁾ Despite the Hong Kong Football Association (HKFA) being fined twice (CHF5,000 and CHF10,000) by FIFA in 2015 and 2016,⁽¹⁹⁾ and US\$3,000 by the Asian Football Confederation (AFC) in 2017 for violating the football governing bodies' disciplinary codes,⁽²⁰⁾ such actions did not seem to influence Hong Kong football fans, who have been repeatedly warned about the consequences of their behaviour. And it is anticipated that their anti-mainland sentiments and dis-identification with mainland China as expressed through booing are unlikely to change even after the national anthem law has been locally legislated and enforced.

The national anthem law: Background, contexts, and debates

Approved by the Standing Committee of the National People's Congress on 1 September 2017, the national anthem law came into force in main-

5. Donald Ross, "The 5.19 Incident: China's Doomed Attempt to Qualify for Mexico'86," *Wild East Football*, 5 October 2017, <https://wildeastfootball.net/2017/10/5-19-incident-chinas-doomed-attempt-qualify-mexico86/> (accessed on 27 December 2017).
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. Frank Chen, *op. cit.*
10. James Porteous, "Against All Odds, Hong Kong Hold China to 0-0 Draw in World Cup Qualifier – Live Blog," *South China Morning Post*, 3 September 2015, <http://www.scmp.com/sport/hong-kong/article/1855037/china-v-hong-kong-world-cup-qualifier-live-blog> (accessed on 4 January 2018); Isabella Steger, "Tensions High Ahead of Hong Kong vs. China Soccer Match," *The Wall Street Journal*, 17 November 2015, <https://blogs.wsj.com/chinarealtime/2015/11/17/tensions-run-high-ahead-of-hong-kong-vs-china-soccer-match/> (accessed on 2 January 2018).
11. *Ibid.*
12. Isabella Steger and Marco Huang, "In 0-0 Draw, Hong Kong Soccer Fans 'Boo' Chinese Anthem – On Paper," *The Wall Street Journal*, 18 November 2015, <https://blogs.wsj.com/chinarealtime/2015/11/18/in-0-0-draw-hong-kong-soccer-fans-boo-chinese-anthem-on-paper/> (accessed on 2 January 2018).
13. James Porteous, "Recap: How Hong Kong Delighted Home Fans with 0-0 Draw against China in Frantic World Cup Qualifier," *South China Morning Post*, 17 November 2015, <http://www.scmp.com/sport/hong-kong/article/1879851/hong-kong-v-china-follow-all-action-live> (accessed on 2 January 2018).
14. "【港中大戰】全城撐港隊 中國作客再遭香港迫和" (*Gang Zhong dazhan*) *quan cheng cheng gangdai Zhongguo zuoke zai zao xianggang po he*, [Hong Kong-China War] The whole city supports the Hong Kong team, Hong Kong holds China [the home team] a draw], *In-Media*, 17 November 2015, <http://www.inmediahk.net/node/1038952> (accessed on 2 January 2018).
15. Isabella Steger and Marco Huang, "In 0-0 Draw, Hong Kong Soccer Fans 'Boo' Chinese Anthem – On Paper," *The Wall Street Journal*, 18 November 2015, <https://blogs.wsj.com/chinarealtime/2015/11/18/in-0-0-draw-hong-kong-soccer-fans-boo-chinese-anthem-on-paper/> (accessed on 2 January 2018).
16. Jin Kai, "Why Do Hong Kong Football Fans Boo the Chinese National Anthem?," *The Diplomat*, 14 November 2017, <https://thediplomat.com/2017/11/why-do-hong-kong-fans-boo-the-chinese-national-anthem/> (accessed on 3 January 2018); James Porteous, "Hong Kong Football Association Fined Again by Fifa for Booing China National Anthem," *South China Morning Post*, 14 January 2016, <http://www.scmp.com/sport/hong-kong/article/1901082/hong-kong-football-association-fined-again-fifa-booing-china> (accessed on 3 January 2018).
17. Kris Cheng, "Video: Defiant Hong Kong Football Fans Boo Chinese National Anthem at Asian Cup Match against Lebanon," *Hong Kong Free Press*, 14 November 2017, <https://www.hongkongfp.com/2017/11/14/just-defiant-hong-kong-football-fans-boo-chinese-national-anthem-asian-cup-match-lebanon/> (accessed on 3 January 2018).
18. Chan Kin-wa, "Hardcore Fans Boo National Anthem Before Hong Kong Friendly Soccer Match Against Laos," *South China Morning Post*, 5 October 2017, <http://www.scmp.com/sport/hong-kong/article/2114181/hardcore-fans-boo-national-anthem-hong-kong-friendly-soccer-match> (accessed on 3 January 2018); Benjamin Haas, "Defiant Hong Kong Football Fans Boo China's National Anthem," *The Guardian*, 9 November 2017, <https://www.theguardian.com/world/2017/nov/09/defiant-hong-kong-football-fans-boo-china-national-anthem> (accessed on 3 January 2018); Christy Leung and Tony Cheung, "Don't Boo Chinese National Anthem, Hong Kong Football Authority Begs Fans While Admitting its Hands Tied," *South China Morning Post*, 6 October 2017, <http://www.scmp.com/news/hong-kong/community/article/2114309/dont-boo-chinese-national-anthem-hong-kong-football> (accessed on 3 January 2018).
19. Chan Kin-wa, "Hong Kong Fans Ignore Warnings and Again Boo the National Anthem – This Time Before an Asian Cup Qualifier," *South China Morning Post*, 10 October 2017, <http://www.scmp.com/sport/soccer/article/2114782/hong-kong-fans-ignore-warnings-and-again-boo-national-anthem-time-asian> (accessed on 3 January 2018); Kris Cheng, "HKFA Fined Again over National Anthem Jeers at November Home Match against China," *Hong Kong Free Press*, 14 January 2016, <https://www.hongkongfp.com/2016/01/14/hkfa-fined-again-over-national-anthem-jeers-at-november-home-match-against-china/> (accessed on 3 January 2018); James Porteous, "Hong Kong Football Association Fined Again by Fifa for Booing China National Anthem," *South China Morning Post*, 14 January 2016, <http://www.scmp.com/sport/hong-kong/article/1901082/hong-kong-football-association-fined-again-fifa-booing-china> (accessed on 3 January 2018).
20. Chan Kin-wa, "Hong Kong Handed US\$3,000 Slap on the Wrist by AFC for Fans Booing the National Anthem," *South China Morning Post*, 20 December 2017, <http://www.scmp.com/sport/hong-kong/article/2125035/hong-kong-handed-us3000-slap-wrist-afc-fans-booing-national-anthem> (accessed on 4 January 2018); Kris Cheng, "Hong Kong Football Association Fined US\$3,000 After Fans Boo National Anthem at Lebanon Match," *Hong Kong Free Press*, 20 December 2017, <https://www.hongkongfp.com/2017/12/20/hong-kong-football-association-fined-us3000-fans-boo-national-anthem-lebanon-match/> (accessed on 3 January 2018).

land China on 1 October 2017.⁽²¹⁾ According to the new law, the anthem should only “be sung at formal political gatherings,”⁽²²⁾ such as the Party’s meetings and official ceremonies (e.g., flag-raising and constitutional oath-taking), as well as at important diplomatic and sports events. To ensure the proper use of the anthem, the law bans the playing of the song on occasions that are considered inappropriate such as funerals, “commercials, or as background music in public places,”⁽²³⁾ and would detain offenders “who maliciously modify the lyrics, play or sing the national anthem in a distorted or disrespectful way (...) for up to 15 days, even be held criminally liable.”⁽²⁴⁾ Deeming the 15-day detention too low a punishment, members of the National People’s Congress voted on and approved an amendment on 4 November 2017 that extended the scope of punishment to “include deprivation of political rights, criminal detention, and imprisonment of up to three years.”⁽²⁵⁾ In their understanding of the swift change to the law, Chris Buckley and Keith Bradsher of *The New York Times* suggest that “the move reflects the deepening demands for patriotic devotion that have been encouraged by Xi Jinping, the president and party leader who has made the ‘Chinese Dream’ his signature political theme.”⁽²⁶⁾

Prior to the *March of the Volunteers* (*Yiyongjun Jinxingqu* 义勇军进行曲) becoming the provisional national anthem shortly before the People’s Republic of China was established in 1949 (Chi 2007), it was first featured in the patriotic film *Children of Troubled Times* (*Fengyun Ernu* 风云儿女) in 1935. With the lyrics written by the famous playwright Tian Han while he was imprisoned for his political activism in Nanjing in 1934, the song “exploits the then-newfangled technical form of the sound film in its effort to mobilize its audience into mass political action” (Chi 2007: 223), such as during the second Sino-Japanese War that broke out in 1937.⁽²⁷⁾ The song came under attack during the Cultural Revolution, and Tian was imprisoned as a counterrevolutionary in 1966 and died in 1968. Although it was allowed to be sung again after the Cultural Revolution, the National People’s Congress rewrote the lyrics in 1978, replacing Tian’s “explicit thematization of the endangered body and voice” (Chi 2007: 230) with “the formalistic waving of flags and the abstractions of rushing, constructing, defending, and struggling” (*ibid.*). Failing “to supplant the older lyrics in the minds, hearts, memories, or mouths of many people” (*ibid.*), the 1978 decision was eventually overturned and the *March of the Volunteers* finally gained its status as the official national anthem of China in 1982, as well as of Hong Kong after the transfer of sovereignty in 1997.

Other than affecting mainland China, the amendment also inserted the national anthem law into Annex III of the Basic Law, meaning that the Hong Kong government must draft a local law forbidding abuse of the anthem. This move reflects the Chinese government’s attempt to promote patriotism in Hong Kong, despite the fact that the Special Administrative Region does not share China’s twentieth century revolutionary past that the anthem is based on. According to the *South China Morning Post*, Patrick Nip Tak-kuen, the Secretary for Constitutional and Mainland Affairs, “hinted that no formal consultation would be held over the local anthem law, despite pan-democrat appeals for one,”⁽²⁸⁾ and instead, “the government will first table the draft law to the Legislative Council by the first quarter of 2018, then get the Executive Council’s approval before moving it to the Legco bills committee for further scrutiny.”⁽²⁹⁾ Despite the fact that Carrie Lam Cheng Yuet-ngor, the Chief Executive of Hong Kong, has remarked that “the law would only forbid the deliberate insulting of the

playing and singing of the anthem”⁽³⁰⁾ and, hence, people should not “worry about breaking the law accidentally,”⁽³¹⁾ local politicians are deeply concerned with the law’s potential harm to Hong Kong society and its rule of law. For example, Tanya Chan Suk-chong, a pro-democracy legislative councillor and founding member of the Civic Party, said she is worried that “the law will undermine our freedom of expression and infringe on our education system.”⁽³²⁾ Likewise, legal experts have called into question the practicality of law enforcement.⁽³³⁾ At the level of legislation, Dennis Kwok, a legislative councillor representing the legal profession, has pointed out that it is difficult to implement the law’s content in the city, considering that, for example, the legal framework has no such thing as a 15-day administrative detention.⁽³⁴⁾ At the level of everyday life, Craig Choy, a convenor of the Progressive Lawyers Group, and Eric Cheung, a law lecturer at the University of Hong Kong, have both argued that it is unrealistic if the law includes a provision that requires people to stand up when the national anthem is heard.⁽³⁵⁾

Another issue that the public was most concerned about is whether the law will be applied retroactively, although Article 12 (“No retrospective criminal offences or penalties”) of the Hong Kong Bill of Rights Ordinance states that “[n]o one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under Hong Kong or international law, at the time when it was committed.”⁽³⁶⁾ However, Elsie Leung Oi-sie, the former Secretary for Justice and current

21. Xing Bingyin 邢丙银 and Zeng Yaqing 曾雅青, “刑法修正案十表决通过·侮辱国歌情节严重的最高可判三年” (*Xingfa xiuzheng an shi biaojue tongguo, wuru gouge qingjie yanzhong de zuigao kepan sannian*, Amendment to the Criminal Law is passed, insulting the national anthem is a serious offense leading to up to three years imprisonment), *The Paper*, 4 November 2017, http://www.thepaper.cn/newsDetail_forward_1843801 (accessed on 8 January 2018).
22. “China’s National Anthem Law Takes Effect,” *Xinhua*, 1 October 2017, http://news.xinhuanet.com/english/2017-10/01/c_136652827.htm (accessed on 5 January 2018).
23. *Ibid.*
24. *Ibid.*
25. “Disrespecting National Anthem to Get Criminal Punishment,” *Xinhua*, 4 November 2017, http://news.xinhuanet.com/english/2017-11/04/c_136728106.htm (accessed on 5 January 2018).
26. Chris Buckley and Keith Bradsher, “Jail Time for Disrespecting China’s Anthem Jumps from 15 Days to 3 Years,” *The New York Times*, 4 November 2017, <https://www.nytimes.com/2017/11/04/world/asia/china-hong-kong-national-anthem.html> (accessed on 4 January 2018).
27. Oliver Chou, “The Misery Behind China’s National Anthem, *March of the Volunteers*, and What its Growing Presence Means for Hong Kong,” *Young Post*, 3 January 2017, <http://yp.scmp.com/news/china/article/105265/misery-behind-china%E2%80%99s-national-anthem-march-volunteers-and-what-its> (accessed on 5 January 2018).
28. Ng Kang-chung and Chan Kin-wa, “We Might Start Taking Hong Kong Fans’ Names to Curb National Anthem Booing, FA Director Says,” *South China Morning Post*, 8 November 2017, <http://www.scmp.com/news/hong-kong/politics/article/2118985/we-might-start-taking-hong-kong-fans-names-curb-national> (accessed on 4 January 2018).
29. *Ibid.*
30. Tony Cheung and Danny Mok, “Hong Kong National Anthem Law to Punish Only Those Who Deliberately Disrespect it, Carrie Lam Says,” *South China Morning Post*, 7 November 2017, <http://www.scmp.com/news/hong-kong/politics/article/2118722/carrie-lam-says-hong-kong-law-national-anthem-punish-only> (accessed on 6 November 2018).
31. *Ibid.*
32. Benjamin Haas, “Hong Kong Activists Fear Chinese Anthem Law is Latest Curb on Freedom,” *The Guardian*, 31 August 2017, <https://www.theguardian.com/world/2017/aug/31/hong-kong-activists-fear-chinese-anthem-law-is-latest-curb-on-freedom> (accessed on 7 January 2018).
33. Karen Cheung, “Any Law Requiring Hongkongers to Stand for National Anthem Would Be ‘Unrealistic’ and ‘Impractical’ – Legal Experts,” *Hong Kong Free Press*, 6 November 2017, <https://www.hongkongfp.com/2017/11/06/law-requiring-hongkongers-stand-national-anthem-unrealistic-impractical-legal-experts/> (accessed on 7 January 2018).
34. Benjamin Haas, *op. cit.*
35. Karen Cheung, “Any Law Requiring Hongkongers to Stand for National Anthem Would Be ‘Unrealistic’ and ‘Impractical’ – Legal Experts,” *Hong Kong Free Press*, 6 November 2017, <https://www.hongkongfp.com/2017/11/06/law-requiring-hongkongers-stand-national-anthem-unrealistic-impractical-legal-experts/> (accessed on 7 January 2018).
36. *Hong Kong Bill of Rights Ordinance* (Cap. 383).

Deputy Director of the Hong Kong Basic Law Committee, said that “the city’s Bill of Rights Ordinance does not ban retroactive laws,”⁽³⁷⁾ and remarked that “if there is large-scale breach before legislation, (...) the Legislative Council has the right to make it retroactive after [the government] submits a draft bill if necessary.”⁽³⁸⁾ Responding to Leung’s suggestion, which “came as local football fans have been criticised for continuously jeering the national anthem,”⁽³⁹⁾ Grenville Cross, the former Director of Public Prosecutions and Leung’s top aide while in government, nevertheless dismissed the possibility by saying that “[i]f the proposed national anthem legislation contained a retrospective criminal offence, it would inevitably be struck down by the courts on the basis that it was unconstitutional.”⁽⁴⁰⁾ He added that “any suggestion to apply criminal laws retroactively would be inconsistent with an international covenant enshrined in the Basic Law”⁽⁴¹⁾ — such as the International Covenant on Civil and Political Rights (ICCPR). Despite Cross’ assertion, Ronny Tong Ka-wah, a non-official member of the Executive Council, suggested otherwise; he said, “The constitutional status of ICCPR is not as high as the anthem law.”⁽⁴²⁾

Conclusion

As shown in the above discussion, the ambiguous and somehow unpredictable conversion of the national anthem law from mainland China’s legal context to Hong Kong’s has sparked a controversial series of debates over the potential problems and effects of local implementation. While politicians of the pan-democratic camp and much of the general public in Hong Kong are seen to have a pessimistic view of the local legislation, the process, at the time of writing, is nevertheless only in its early stage and is expected to undergo waves of negotiation among different parties in the coming

months. And even if local voices are overwhelmed in the legislative process, the football field will perhaps continue to serve its present function as a site for advocacy and crystallisation of political contention in the foreseeable future.

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37. Elizabeth Cheung, “Backdating Hong Kong’s National Anthem Law Could Be Constitutional, Basic Law Committee Vice-chairwoman Insists,” *South China Morning Post*, 15 November 2017, <http://www.scmp.com/news/hong-kong/politics/article/2120028/backdating-hong-kongs-national-anthem-law-would-be> (accessed on 8 January 2018).
38. Shirley Zhao, “‘Large-scale’ Breach of New Anthem Rules Could See Law Applied Retroactively, Top Beijing Adviser Elsie Leung Says,” *South China Morning Post*, 12 November 2017, <http://www.scmp.com/news/hong-kong/politics/article/2119554/large-scale-breach-new-anthem-rules-could-see-law-applied> (accessed on 8 January 2018).
39. Kris Cheng, “Hong Kong Public to Be Consulted on Law Criminalising ‘Disrespect’ of National Anthem, but Retroactive Effect Unclear,” *Hong Kong Free Press*, 1 November 2017, <https://www.hongkongfp.com/2017/11/01/hong-kong-public-consulted-law-criminalising-disrespect-national-anthem-retroactive-effect-unclear/> (accessed on 10 January 2018).
40. Stuart Lau, “Applying National Anthem Law Retroactively in Hong Kong is Unconstitutional, Says Former Prosecutor,” *South China Morning Post*, 14 November 2017, <http://www.scmp.com/news/hong-kong/politics/article/2119693/applying-national-anthem-law-retroactively-hong-kong> (accessed on 6 January 2018).
41. *Ibid.*
42. *Ibid.*

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