

**National Flag and National Emblem Ordinance  
(Instrument A401)**

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# National Flag and National Emblem Ordinance

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An Ordinance to provide for the use and protection of the national flag and national emblem, and for the promotion of the national flag and national emblem, in the Hong Kong Special Administrative Region and for incidental matters.

*(Amended 31 of 2021 s. 3)*

[1 July 1997]

*(Enacting provision omitted—E.R. 1 of 2017)*

*(Format changes—E.R. 1 of 2017)*

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**Editorial Note:**

This instrument was not given a chapter number under the Legislation Publication Ordinance (Cap. 614). An unofficial reference number, however, is assigned to this instrument in Hong Kong e-Legislation (<https://www.elegislation.gov.hk>) for identification purpose. This also enables users to carry out a search by reference to the unofficial reference number.

**Preamble**

WHEREAS—

- (1) the national flag and national emblem of the People's Republic of China are a symbol and sign of the People's Republic of China;
- (2) all individuals and organizations should respect and cherish the national flag and national emblem, and use the national flag and its design on appropriate occasions; and
- (3) this Ordinance is enacted to preserve the dignity of the national flag and national emblem, to regulate the use of the national flag and national emblem, to enhance citizen awareness of the People's Republic of China, and to promote patriotism:

*(Added 31 of 2021 s. 4)*

**1. Short title**

- (1) This Ordinance may be cited as the National Flag and National Emblem Ordinance.
- (2) *(Omitted as spent—E.R. 1 of 2017)*

**2. Interpretation**

- (1) In this Ordinance, unless the context otherwise requires—

***national emblem*** (國徽) means the national emblem of the People's Republic of China adopted by the Eighth Session of the Central People's Government Committee on 28 June 1950;

***national flag*** (國旗) means the national flag of the People's Republic of China adopted by resolution of the First Plenary Session of the Chinese People's Political Consultative Conference on 27 September 1949;

***specifications*** (規格) means the relevant specifications for the national flag or the national emblem set out in Schedules 1 and 2.

- (2) The specifications for the national flag are set out in Schedule 1.
- (3) The specifications for the national emblem are set out in Schedule 2.

**3. Use of national flag and national emblem etc.**

*(Amended 31 of 2021 s. 5)*

- (1) The national flag or the national emblem or both must be displayed at main Government buildings.
- (2) The Chief Executive may stipulate the organizations which must display or use the national flag and the national emblem, and the other places at which, the occasions on which, the

manner in which and the conditions under which, the national flag and the national emblem must be displayed or used. The Chief Executive may also authorize, restrict or prohibit the display or use of the national flag, the national emblem or their designs in the stipulation.

- (2A) The Chief Executive may stipulate the organizations that must use the design of the national emblem in a prominent position on the home page of their websites. *(Added 31 of 2021 s. 5)*
- (3) The Chief Executive may stipulate the organizations that must include the design of the national emblem in their seals. The Chief Executive may stipulate other uses to which the national emblem may be applied.
- (3A) The Chief Executive may make stipulations in relation to the recovery and disposal of national flags and national emblems. *(Added 31 of 2021 s. 5)*
- (3B) The Government may provide on a website of the Government a standard version of the design of the national flag and national emblem for online use. *(Added 31 of 2021 s. 5)*
- (4) Schedule 3 specifies— *(Amended 31 of 2021 s. 5)*
  - (a) the conditions under which the national flag is flown at half staff;
  - (b) the priority of the national flag;
  - (c) the raising and lowering of the national flag;
  - (d) the use of the national flag at mourning ceremonies; and
  - (e) the method for using the design of the national emblem in foreign affairs activities. *(Amended 31 of 2021 s. 5)*

**4. National flag and national emblem not to be used inappropriately etc.**

*(Amended 31 of 2021 s. 6)*

- (1) A national flag or a national emblem which is damaged, defiled, faded or substandard must not be displayed or used. *(Amended 31 of 2021 s. 6)*
- (2) A national flag or a national emblem must not be displayed upside down, and must not be displayed or used in any way that undermines the dignity of the national flag or the national emblem. *(Added 31 of 2021 s. 6)*
- (3) A national flag or a national emblem must not be discarded at will. *(Added 31 of 2021 s. 6)*
- (4) A national flag or a national emblem that is damaged, defiled, faded or substandard must be recovered or disposed of in the manner stipulated by the Chief Executive. *(Added 31 of 2021 s. 6)*
- (5) After an event in which national flags or national emblems are used, the organizer must, in the manner stipulated by the Chief Executive, recover or dispose of the national flags or national emblems used on the site of the event. *(Added 31 of 2021 s. 6)*

**4A. Etiquette for taking part in or attending national flag raising ceremony**

When the national flag is being raised during a national flag raising ceremony, the etiquette to be followed by the persons who take part in or attend the ceremony is—

- (a) to stand solemnly facing the national flag;
- (b) to look at the national flag with respectful attention or to salute the national flag in an appropriate manner (as the case requires); and
- (c) to not behave in a way that undermines the dignity of the national flag.

**Note—**

For the requirement of playing and singing the national anthem at a national flag raising ceremony, please refer to section 5 of, and item 2 of Schedule 3 to, the National Anthem Ordinance (2 of 2020).

*(Added 31 of 2021 s. 7)*

## **5. Manufacture of national flag and national emblem regulated**

- (1) The national emblem for hanging may be manufactured in the Hong Kong Special Administrative Region only by enterprises designated by the Central People's Government.  
*(Amended 31 of 2021 s. 8)*
- (2) The national flag must be manufactured in accordance with the specifications set out in Schedule 1.
- (3) The national emblem must be manufactured in accordance with the specifications set out in Schedule 2. *(Amended 31 of 2021 s. 8)*
- (4) If a person manufactures a national flag or national emblem other than in accordance with this section, the Secretary of Justice may apply to the District Court—
  - (a) for an injunction to prohibit the unauthorized manufacture or manufacture of the flag or emblem that does not meet the specifications; and
  - (b) for an order of forfeiture of the flag, emblem and other materials used in the manufacture of the flag or emblem.
- (5) If the District Court is satisfied that the application is well founded, it may grant the injunction and order that the flag, emblem and other materials used in the manufacture of the flag or emblem be forfeited to the Government.

## **6. Prohibition on certain uses of national flag and national emblem**

- (1) The national flag or its design must not be displayed or used in—

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- (a) trademarks, registered designs or commercial advertisements; (*Replaced 31 of 2021 s. 9*)
    - (b) private funeral activities; or
    - (c) other occasions on which or places at which the display or use of the national flag or its design is restricted or prohibited under a stipulation made by the Chief Executive.
  - (2) The national emblem or its design must not be displayed or used in—
    - (a) trademarks, registered designs or commercial advertisements; (*Replaced 31 of 2021 s. 9*)
    - (b) products in everyday life and furnishings or ornaments in everyday life; (*Amended 31 of 2021 s. 9*)
    - (c) private activities of celebration or condolence; or
    - (d) other occasions on which or places at which the display or use of the national emblem or its design is restricted or prohibited under a stipulation made by the Chief Executive.
  - (3) A person who without lawful authority or reasonable excuse displays or uses the national flag, national emblem or the design of the national flag or of the national emblem contrary to subsection (1) or (2) commits an offence and is liable on summary conviction—
    - (a) for an offence against subsection (1)(a) or (2)(a), to a fine at level 5; and
    - (b) for an offence against subsection (1)(b) or (c) or (2)(b), (c) or (d), to a fine at level 2.
  - (4) In this section—



*registered design* (註冊外觀設計) has the meaning given by section 2(1) of the Registered Designs Ordinance (Cap. 522).  
(Added 31 of 2021 s. 9)

## 7. Protection of national flag and national emblem

- (1) A person commits an offence if the person publicly and intentionally desecrates the national flag or national emblem by burning, mutilating, scrawling on, defiling or trampling on it or its image or in any other way.
- (2) A person commits an offence if, with intent to desecrate the national flag or national emblem, the person intentionally publishes a desecration of the national flag or national emblem by burning, mutilating, scrawling on, defiling or trampling on it or its image or in any other way.
- (3) A person who commits an offence under this section is liable on conviction to a fine at level 5 and to imprisonment for 3 years.
- (4) Except as provided under subsection (2), a person does not commit an offence under this section by publishing a desecration of the national flag or national emblem by burning, mutilating, scrawling on, defiling or trampling on it or its image or in any other way.
- (5) Proceedings may only be commenced for an offence under this section before whichever is the earlier of the following—
  - (a) the end of the period of 1 year after the date on which the offence is discovered by, or comes to the notice of, the Commissioner of Police;
  - (b) the end of the period of 2 years after the date on which the offence is committed.
- (6) In this section—

*desecrate* (侮辱), in relation to the national flag or national emblem, means to undermine the dignity of the national flag or national emblem as a symbol and sign of the People's Republic of China;

*publish* (發布) includes—

- (a) to communicate to the public in any form, including speaking, writing, printing, displaying notices, broadcasting, screening and playing of tapes or other recorded material; and
- (b) to distribute, disseminate or make available to the public.

*(Replaced 31 of 2021 s. 10)*

## **7A. Education in national flag and national emblem**

(1) The Secretary for Education must—

- (a) give directions for the inclusion of the national flag and national emblem in primary education and in secondary education to educate the students—
  - (i) on the history and spirit of the national flag and national emblem;
  - (ii) on the regulation of displaying and using the national flag; and
  - (iii) on the etiquette to be followed in a national flag raising ceremony; and
- (b) give directions to specified schools for matters relating to the daily display of the national flag and the weekly conduct of a national flag raising ceremony.

(2) For dealing with matters relating to the daily display of the national flag and the weekly conduct of a national flag raising ceremony, a post secondary education institution must make reference to the directions given under subsection (1)(b).

(3) In this section—

***post secondary education institution*** (專上院校)—

(a) means—

(i) an institution specified in section 2 of the Education Ordinance (Cap. 279); or

(ii) a school that provides post secondary education as defined by section 3(1) of that Ordinance; but

(b) does not include a school that solely provides regulated courses as defined by section 2(1) of the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493);

***primary education*** (小學教育) has the meaning given by section 3(1) of the Education Ordinance (Cap. 279);

***school*** (學校) has the meaning given by section 3(1) of the Education Ordinance (Cap. 279);

***secondary education*** (中學教育) has the meaning given by section 3(1) of the Education Ordinance (Cap. 279);

***specified school*** (指明學校) means a school that provides primary education or secondary education, or nursery education or kindergarten education as defined by section 3(1) of the Education Ordinance (Cap. 279).

*(Added 31 of 2021 s. 11)*

## **7B. Inclusion in sound broadcasting and domestic television programme services**

(1) This section applies if, under the terms and conditions of a broadcasting licence, the licensee may be required by a determination or direction of the Communications Authority to broadcast announcements in the public interest, or to include material in the public interest, in the licensed service.

- (2) By a determination or direction that has been made in relation to the broadcasting licence, the licensee may be required to promote the national flag, the national emblem and their designs by an announcement in the public interest, or material in the public interest, in the licensed service.
- (3) The Communications Authority must make a determination or direction in relation to the broadcasting licence, requiring the licensee to promote the national flag, the national emblem and their designs by an announcement in the public interest, or material in the public interest, in the licensed service in accordance with any direction on broadcasting arrangements that is or may be given under subsection (4).
- (4) The Chief Executive may give directions on broadcasting arrangements for the purposes of subsection (3).
- (5) A direction under subsection (4) is not subsidiary legislation.
- (6) In this section—

***broadcasting licence*** (廣播牌照) means—

- (a) a licence granted under section 13C(2) of the Telecommunications Ordinance (Cap. 106), or such a licence renewed under section 13E(2) of that Ordinance; or
- (b) a licence granted under sections 8(1) and 10(1) of the Broadcasting Ordinance (Cap. 562), or such a licence extended or renewed under section 11(1) of that Ordinance;

***Communications Authority*** (通訊事務管理局) means the Communications Authority established by section 3 of the Communications Authority Ordinance (Cap. 616).

*(Added 31 of 2021 s. 11)*

## 8. Copy of national flag or national emblem

A copy of the national flag or national emblem that is not an exact copy but that so closely resembles the national flag or national emblem as to lead to the reasonable belief that the copy in question is the national flag or national emblem is taken to be the national flag or national emblem for the purposes of this Ordinance.

*(Amended 31 of 2021 s. 12)*

## 9. Application of regional laws

- (1) Offences in relation to the national flag and the national emblem in the Hong Kong Special Administrative Region are investigated and persons are prosecuted according to the laws in force in the Hong Kong Special Administrative Region.
- (2) If there are inconsistencies between this Ordinance and a relevant national law, this Ordinance is to be interpreted and applied as a special application or adaptation of the national law. *(Amended 31 of 2021 s. 13)*
- (3) In this section—

***National Emblem Law*** (《國徽法》) means the Law of the People's Republic of China on the National Emblem adopted at the 18th Meeting of the Standing Committee of the Seventh National People's Congress on 2 March 1991, as amended by—

- (a) the Decision of the Standing Committee of the National People's Congress on Amending Some Laws adopted at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on 27 August 2009; and
- (b) the Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on the National Emblem adopted at the 22nd Meeting of the Standing Committee of the

Thirteenth National People's Congress on 17 October 2020;

***National Flag Law*** (《國旗法》) means the Law of the People's Republic of China on the National Flag adopted at the 14th Meeting of the Standing Committee of the Seventh National People's Congress on 28 June 1990, as amended by—

- (a) the Decision of the Standing Committee of the National People's Congress on Amending Some Laws adopted at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on 27 August 2009; and
- (b) the Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on the National Flag adopted at the 22nd Meeting of the Standing Committee of the Thirteenth National People's Congress on 17 October 2020;

***relevant national law*** (有關全國性法律) means the National Flag Law or the National Emblem Law. (*Added 31 of 2021 s. 13*)

#### **10. Stipulations not subsidiary legislation**

A stipulation made by the Chief Executive under this Ordinance is not subsidiary legislation. The stipulation must be published in the Gazette as soon as is reasonably practicable after it is made.

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## **Schedule 1**

[ss. 2 & 5]

### **Specifications for the National Flag of the People's Republic of China**

The shape and colour of either side of the national flag shall be identical, whereas the five stars on both sides of the flag shall be opposite to each other. For the sake of convenience, these specifications shall take the circumstances where the staff is on the left as the basis for illustration. Where the staff is on the right, the word “left” used in these specifications shall all be changed to “right”, while the word “right” referring to direction shall all be changed to “left”.

(1) The face of the flag shall be red and rectangular; the proportions of its length and height shall be 3 to 2. The upper left of the face of the flag shall be studded with five yellow five-pointed stars. One of the stars shall be bigger than the others, with its circumcircle's diameter being 3/10ths of the height of the flag, and shall be placed in the left; the four other stars shall be smaller, with their circumcircle's diameter being 1/10th of the height of the flag, encircling the big star on its right in the shape of an arc. The cover of the staff shall be white.

(2) The five stars shall be positioned and drawn as follows:

a. To determine the position of the five stars, the face of the flag shall be first folded both ways to form four equal rectangles; then the rectangle on the upper left shall be vertically divided into 10 equal sections and horizontally divided into 15.

b. The central point of the big five-pointed star shall be at a point in the rectangle where the 5th line from above (or the 5th line from below), and the 5th line from the left (or the 10th line from the right) meet. The method of drawing shall be: taking this point as the centre and the length of three such equals as the radius to make a circle. On the circumference of this circle, five points with equal distances from each other shall be determined, one of the points must be in the right above position of the circle. Then connect each of the five points with every other point to form a straight line respectively. The outline formed by these five straight lines shall be the required big five-pointed star. An angle of the five-pointed star shall point in the right above direction.

c. The centres of the four small five-pointed stars shall be as follows: the first shall be at a point, in the rectangle, where the 2nd line from above (or the 8th line from below), and the 10th line from the left (or the 5th line from the right) meet; the second shall be at a point where the 4th line from above (or the 6th line from below), and the 12th line from the left (or the 3rd line from the right) meet; the third shall be at a point where the 7th line from above (or the 3rd line from below), and the 12th line from the left (or the 3rd line from the right) meet; the fourth shall be at a point where the 9th line from above (or the 1st line from below), and the 10th line from the left (or the 5th line from the right) meet. The method for drawing shall be : taking each of the above four points as the centre and the length of one such equal as the radius to make four circles. On each circle, five points with equal distances from each other shall be determined. One of such points must be on the line linking the centre of the circle with the centre of the big five-pointed star. Then the same methods used in forming the big five-pointed star shall be used to form the small five-pointed stars. The four small five-pointed stars shall respectively have an angle pointing right at the centre of the big five-pointed star.

(3) The measurement in common use for the national flag, from which people from various circles may choose at their discretion shall be as follows:



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- a. 288 cm in length, 192 cm in height;
- b. 240 cm in length, 160 cm in height;
- c. 192 cm in length, 128 cm in height;
- d. 144 cm in length, 96 cm in height;
- e. 96 cm in length, 64 cm in height.

(4) If national flags of nonstandard sizes are required in special circumstances, they are to be of a scaled-up or a scaled-down size. *(Added 31 of 2021 s. 14)*

(5) The size of the national flag must be proportional to the staff, and be commensurate with the purpose of use, the surrounding buildings and the surrounding environment. *(Added 31 of 2021 s. 14)*



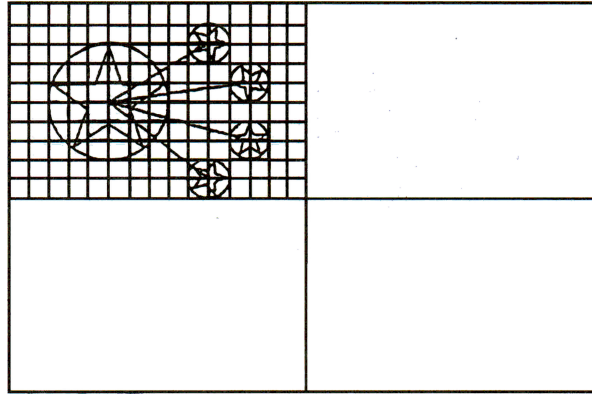
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Design for making the national flag

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## Schedule 2

[ss. 2 & 5]

### Specifications for the National Emblem of the People's Republic of China



#### The People's Republic of China's National Emblem

The national emblem consists of a national flag, Tian'anmen, a cogwheel and wheat and rice stems and heads, symbolizing the birth of New China under people's democratic dictatorship which is led by the working class and based on the alliance of workers and peasants through the Chinese people's new-democratic revolutionary struggle ever since the May 4th Movement.

1. Two bunches of wheat and rice form a round ring. A cogwheel is

placed where the wheat and rice stems cross at the base. Red ribbon forms a knot in the centre of the cogwheel. The red ribbon coils up the wheat and rice on the left and right of the cogwheel and hangs down, dividing the cogwheel into an upper and a lower part.

2. If a vertical straight line is drawn in the centre of the design, the left and right parts are completely symmetrical.

3. The positions and measurements of the various parts of the design may be enlarged or reduced to the scale of the squared ink line sketch.

4. If a relief sculpture is made, the height of the various parts may be magnified or lessened to the scale of the sectional drawing.

5. The national emblem is in red and gold: the wheat and rice, the five stars, Tian'anmen and the cogwheel are in gold, the base of the part within the round ring and the hanging ribbon are in red; the red is pure red (the same as the national flag); the gold is pure gold (light and bright).

6. The diameters of the usual dimensions of the national emblem for display or use are as follows:

- (a) 100 cm
- (b) 80 cm
- (c) 60 cm.

7. If national emblems of nonstandard sizes are required in special

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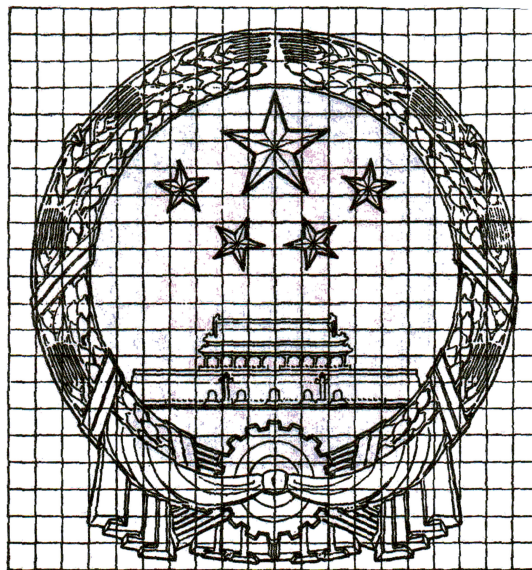
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circumstances, they are to be of a scaled-up or a scaled-down size, and be commensurate with the purpose of use, the buildings where they are hung and the surrounding environment. (*Added 31 of 2021 s. 15*)



The squared ink line sketch of the People's Republic of China's national emblem

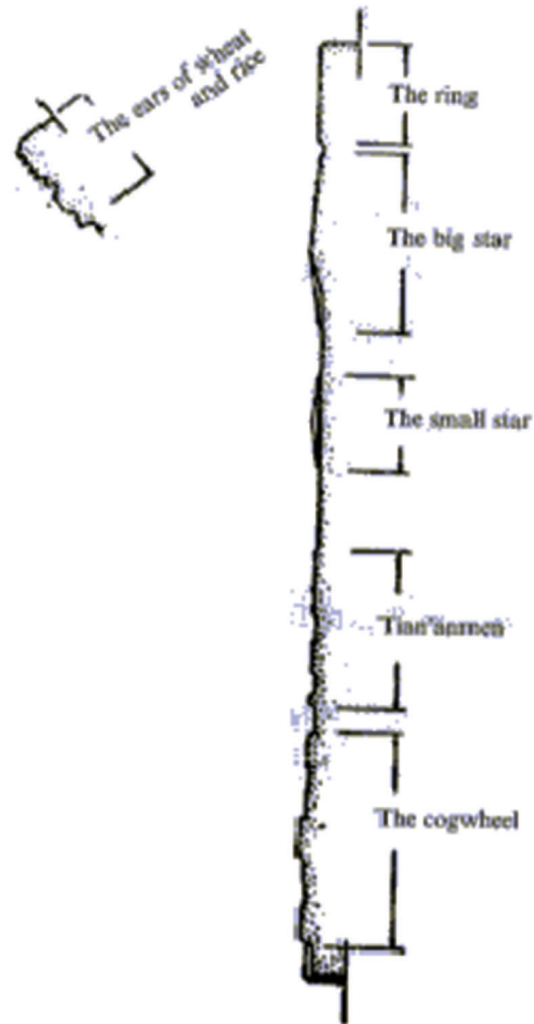
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The sectional drawing of the People's Republic of China's national emblem

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## Schedule 3

[s. 3]

### **Conditions for Flying the National Flag at Half Staff, the Priority of the National Flag and the Raising and Lowering of the National Flag, etc.**

*(Amended 31 of 2021 s. 16)*

#### **Flying national flag at half staff**

1. The national flag must be lowered to the half staff as a token of mourning when the following persons pass away—
  - (a) President of the People's Republic of China, Chairman of the Standing Committee of the National People's Congress, Premier of the State Council and Chairman of the Central Military Commission.
  - (b) Chairman of the National Committee of the Chinese People's Political Consultative Conference.
  - (c) Persons who have made outstanding contributions to the People's Republic of China as the Central People's Government advises the Chief Executive.
  - (d) Persons who have made outstanding contributions to world peace or the cause of human progress as the Central People's Government advises the Chief Executive.
  
2. The national flag may be flown at half staff as a token of mourning when the Central People's Government advises the Chief Executive

that national memorial ceremonies are held or that serious natural calamities, public health emergencies or other unfortunate events have occurred and caused especially serious casualties. (*Amended 31 of 2021 s. 16*)

### **Priority of national flag**

1. When the national flag is displayed, it shall be placed in a prominent position.
2. The national flag, when raised or carried in a procession with another flag or flags, shall be in front of the other flag or flags.
3. The national flag, when displayed with another flag or flags, shall be either at the centre, above the other flag or flags, or in a position of prominence.
4. When the national flags of two or more nations are displayed in foreign affairs activities, relevant provisions of the Ministry of Foreign Affairs or the international practice shall be followed.

### **Raising and lowering national flag**

1. The national flag, when hoisted or lowered from a vertical staff, shall be hoisted or lowered slowly. When hoisted, the national flag must reach the peak of the staff; when lowered, it may not touch the ground.



2. The national flag, when flown at half staff, shall be first hoisted to the peak of the staff and then lowered to a point where the distance between the top of the flag and the peak of the staff is one third of the length of the staff; the flag, when lowered, shall be again hoisted to the peak before it is lowered.
3. If the national flag is displayed pursuant to section 3(1) or (2), the national flag must, as far as practicable, be raised in the morning and lowered in the evening. (*Added 31 of 2021 s. 16*)
4. Despite any other provision of this Ordinance, the display of the national flag may be dispensed with in case of inclement weather. (*Added 31 of 2021 s. 16*)

### **Use of national flag at mourning ceremonies**

1. When holding a mourning ceremony for a specified person who has passed away, the remains, coffin or urn of the person may be covered with a national flag.
2. ***Specified person*** (指明人士) means, as the Central People's Government advises the Chief Executive, a person who—
  - (a) has made outstanding contributions to the People's Republic of China;
  - (b) is a martyr; or
  - (c) is a person stipulated by the Central People's Government.
3. When covering the remains, coffin or urn with a national flag, the flag must not touch the ground.

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4. After the ceremony concerned ends, the national flag must be recovered for safekeeping.

*(Added 31 of 2021 s. 16)*

### **Method for using design of national emblem in foreign affairs activities**

1. The method for the use of the design of the national emblem in foreign affairs activities is to be implemented in accordance with the provision of the Ministry of Foreign Affairs.

*(Added 31 of 2021 s. 16)*