

**For discussion
on 18 February 2021**

Legislative Council Panel on Constitutional Affairs

**Legislative Amendments to the
National Flag and National Emblem Ordinance**

PURPOSE

This paper seeks to consult members on the proposed direction and outline of the amendments to the National Flag and National Emblem Ordinance.

BACKGROUND

2. The amendments to the Law of the People’s Republic of China on the National Flag (“National Flag Law”) and the Law of the People’s Republic of China on the National Emblem (“National Emblem Law”) were endorsed at the 22nd session of the Standing Committee of the 13th National People’s Congress (“NPCSC”) on 17 October 2020. The amended National Flag Law and the National Emblem Law have come into force since 1 January 2021, and the provisions are at **Annex 1**¹.

3. The National Flag Law and the National Emblem Law have been listed in Annex III to the Basic Law² and applied locally in the Hong Kong Special Administrative Region (“HKSAR”) by way of legislation through the enactment of the National Flag and National

¹ The official Chinese texts are attached. The official English translations are not yet available.

² According to Article 18(2) 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.

Emblem Ordinance. The HKSAR Government will suitably amend the National Flag and National Emblem Ordinance, with a view to implementing provisions that are applicable to the HKSAR and fulfilling the constitutional responsibility of the HKSAR.

PRINCIPLE OF LEGISLATIVE AMENDMENTS

4. We have already commenced the legislative work on drafting the National Flag and National Emblem (Amendment) Bill (“Amendment Bill”). The principle of the legislative amendments is to fully reflect the provisions, principles and spirit of the amended National Flag Law and the National Emblem Law, safeguard the proper use and preserve the dignity of the national flag and the national emblem which are the symbols and signs of our country, so as to promote respect among citizens for the national flag and national emblem, enhance the sense of national identity among citizens and promote patriotism, whilst taking into account our common law system and the actual circumstances in Hong Kong.

5. Based on the above principle, we have prepared a proposed outline of the Amendment Bill (see **Annex 2**) to summarise HKSAR Government’s drafting direction. We are following up with the relevant bureaux and departments on the drafting of the Amendment Bill, and plan to submit it to the Legislative Council for scrutiny within the current legislative session as soon as practicable.

PROMOTING THE BACKGROUND OF THE NATIONAL FLAG AND THE NATIONAL EMBLEM AND THE ETIQUETTE FOR DISPLAYING THE NATIONAL FLAG

6. To complement the legislative work of the Amendment Bill and reflect the provisions of the amended National Flag Law and the National Emblem Law in respect of promoting the knowledge of the national flag and the national emblem, we will conduct the related

publicity and educational work, such as producing Announcements in the Public Interests (“APIs”) on television and radio to promote the background of the national flag and the national emblem, as well as the etiquette for displaying the national flag.

ADVICE SOUGHT

7. Members are welcome to give their views on the proposed direction of the Amendment Bill. We will consider Members’ views thoroughly in the process of drafting the Amendment Bill as appropriate.

Constitutional and Mainland Affairs Bureau
February 2021

《中華人民共和國國旗法》及《中華人民共和國國徽法》全文

I. 《中華人民共和國國旗法》

(1990年6月28日第七屆全國人民代表大會常務委員會第十四次會議通過 根據2009年8月27日第十一屆全國人民代表大會常務委員會第十次會議《關於修改部分法律的決定》第一次修正 根據2020年10月17日第十三屆全國人民代表大會常務委員會第二十二次會議《關於修改〈中華人民共和國國旗法〉的決定》第二次修正)

第一條 為了維護國旗的尊嚴，規範國旗的使用，增強公民的國家觀念，弘揚愛國主義精神，培育和踐行社會主義核心價值觀，根據憲法，制定本法。

第二條 中華人民共和國國旗是五星紅旗。

中華人民共和國國旗按照中國人民政治協商會議第一屆全體會議主席團公布的國旗製法說明製作。

第三條 國旗的通用尺度為國旗製法說明中所列明的五種尺度。特殊情況使用其他尺度的國旗，應當按照通用尺度成比例適當放大或者縮小。

國旗、旗杆的尺度比例應當適當，並與使用目的、周圍建築、周邊環境相適應。

第四條 中華人民共和國國旗是中華人民共和國的象徵和標誌。

每個公民和組織，都應當尊重和愛護國旗。

第五條

下列場所或者機構所在地，應當每日升掛國旗：

- (一) 北京天安門廣場、新華門；
- (二) 中國共產黨中央委員會，全國人民代表大會常務委員會，國務院，中央軍事委員會，中國共產黨中央紀律檢查委員會、國家監察委員會，最高人民法院，最高人民檢察院；中國人民政治協商會議全國委員會；
- (三) 外交部；
- (四) 出境入境的機場、港口、火車站和其他邊境口岸，邊防海防哨所。

第六條

下列機構所在地應當在工作日升掛國旗：

- (一) 中國共產黨中央各部門和地方各級委員會；
- (二) 國務院各部門；
- (三) 地方各級人民代表大會常務委員會；
- (四) 地方各級人民政府；
- (五) 中國共產黨地方各級紀律檢查委員會、地方各級監察委員會；
- (六) 地方各級人民法院和專門人民法院；
- (七) 地方各級人民檢察院和專門人民檢察院；
- (八) 中國人民政治協商會議地方各級委員會；
- (九) 各民主黨派、各人民團體；
- (十) 中央人民政府駐香港特別行政區有關機構、中央人民政府駐澳門特別行政區有關機構。

學校除寒假、暑假和休息日外，應當每日升掛國旗。
有條件的幼兒園參照學校的規定升掛國旗。

圖書館、博物館、文化館、美術館、科技館、紀念館、展覽館、體育館、青少年宮等公共文化體育設施應當在開放日升掛、懸掛國旗。

第七條

國慶日、國際勞動節、元旦、春節和國家憲法日等重要節日、紀念日，各級國家機關、各人民團體以及大型廣場、公園等公共活動場所應當升掛國旗；企業事

業組織，村民委員會、居民委員會，居民院（樓、小區）有條件的應當升掛國旗。

民族自治地方在民族自治地方成立紀念日和主要傳統民族節日應當升掛國旗。

舉行憲法宣誓儀式時，應當在宣誓場所懸掛國旗。

第八條 舉行重大慶祝、紀念活動，大型文化、體育活動，大型展覽會，可以升掛國旗。

第九條 國家倡導公民和組織在適宜的場合使用國旗及其圖案，表達愛國情感。

公民和組織在網絡中使用國旗圖案，應當遵守相關網絡管理規定，不得損害國旗尊嚴。

網絡使用的國旗圖案標準版本在中國人大網和中國政府網上發布。

第十條 外交活動以及國家駐外使館領館和其他外交代表機構升掛、使用國旗的辦法，由外交部規定。

第十一條 中國人民解放軍和中國人民武裝警察部隊升掛、使用國旗的辦法，由中央軍事委員會規定。

第十二條 民用船舶和進入中國領水的外國船舶升掛國旗的辦法，由國務院交通主管部門規定。

執行出入境邊防檢查、邊境管理、治安任務的船舶升掛國旗的辦法，由國務院公安部門規定。

國家綜合性消防救援隊伍的船舶升掛國旗的辦法，由國務院應急管理部門規定。

第十三條 依照本法第五條、第六條、第七條的規定升掛國旗的，應當早晨升起，傍晚降下。

依照本法規定應當升掛國旗的，遇有惡劣天氣，可以不升掛。

第十四條 升掛國旗時，可以舉行升旗儀式。

舉行升旗儀式時，應當奏唱國歌。在國旗升起的過程中，在場人員應當面向國旗肅立，行注目禮或者按照規定要求敬禮，不得有損害國旗尊嚴的行為。

北京天安門廣場每日舉行升旗儀式。

學校除假期外，每週舉行一次升旗儀式。

第十五條 下列人士逝世，下半旗誌哀：

- (一) 中華人民共和國主席、全國人民代表大會常務委員會委員長、國務院總理、中央軍事委員會主席；
- (二) 中國人民政治協商會議全國委員會主席；
- (三) 對中華人民共和國作出傑出貢獻的人；
- (四) 對世界和平或者人類進步事業作出傑出貢獻的人。

舉行國家公祭儀式或者發生嚴重自然災害、突發公共衛生事件以及其他不幸事件造成特別重大傷亡的，可以在全國範圍內下半旗誌哀，也可以在部分地區或者特定場所下半旗誌哀。

依照本條第一款第三項、第四項和第二款的規定下半旗，由國務院有關部門或者省、自治區、直轄市人民政府報國務院決定。

依照本條規定下半旗的日期和場所，由國家成立的治喪機構或者國務院決定。

- 第十六條** 下列人士逝世，舉行哀悼儀式時，其遺體、靈柩或者骨灰盒可以覆蓋國旗：
- (一) 本法第十五條第一款第一項至第三項規定的人士；
 - (二) 烈士；
 - (三) 國家規定的其他人士。

覆蓋國旗時，國旗不得觸及地面，儀式結束後應當將國旗收回保存。

- 第十七條** 升掛國旗，應當將國旗置於顯著的位置。

列隊舉持國旗和其他旗幟行進時，國旗應當在其他旗幟之前。

國旗與其他旗幟同時升掛時，應當將國旗置於中心、較高或者突出的位置。

在外事活動中同時升掛兩個以上國家的國旗時，應當按照外交部的規定或者國際慣例升掛。

- 第十八條** 在直立的旗杆上升降國旗，應當徐徐升降。升起時，必須將國旗升至杆頂；降下時，不得使國旗落地。

下半旗時，應當先將國旗升至杆頂，然後降至旗頂與杆頂之間的距離為旗杆全長的三分之一處；降下時，應當先將國旗升至杆頂，然後再降下。

- 第十九條** 不得升掛或者使用破損、污損、褪色或者不合規格的國旗，不得倒掛、倒插或者以其他有損國旗尊嚴的方式升掛、使用國旗。

不得隨意丟棄國旗。破損、污損、褪色或者不合規格的國旗應當按照國家有關規定收回、處置。大型群眾性活動結束後，活動主辦方應當收回或者妥善處置活動現場使用的國旗。

第二十條 國旗及其圖案不得用作商標、授予專利權的外觀設計和商業廣告，不得用於私人喪事活動等不適宜的情形。

第二十一條 國旗應當作為愛國主義教育的重要內容。

中小學應當教育學生了解國旗的歷史和精神內涵、遵守國旗升掛使用規範和升旗儀式禮儀。

新聞媒體應當積極宣傳國旗知識，引導公民和組織正確使用國旗及其圖案。

第二十二條 國務院辦公廳統籌協調全國範圍內國旗管理有關工作。地方各級人民政府統籌協調本行政區域內國旗管理有關工作。

各級人民政府市場監督管理部門對國旗的製作和銷售實施監督管理。

縣級人民政府確定的部門對本行政區域內國旗的升掛、使用和收回實施監督管理。

外交部、國務院交通主管部門、中央軍事委員會有關部門對各自管轄範圍內國旗的升掛、使用和收回實施監督管理。

第二十三條 在公共場合故意以焚燒、毀損、塗劃、玷污、踐踏等方式侮辱中華人民共和國國旗的，依法追究刑事責任；情節較輕的，由公安機關處以十五日以下拘留。

第二十四條 本法自 1990 年 10 月 1 日起施行。

附件：

國旗製法說明

(1949年9月28日中國人民政治協商會議
第一屆全體會議主席團公布)

國旗的形狀、顏色兩面相同，旗上五星兩面相對。為便利計，本件僅以旗杆在左之一面為說明之標準。對於旗杆在右之一面，凡本件所稱左均應改右，所稱右均應改左。

(一) 旗面為紅色，長方形，其長與高為三與二之比，旗面左上方綴黃色五角星五顆。一星較大，其外接圓直徑為旗高十分之三，居左；四星較小，其外接圓直徑為旗高十分之一，環拱於大星之右。旗杆套為白色。

(二) 五星之位置與畫法如下：

甲、為便於確定五星之位置，先將旗面對分為四個相等的長方形，將左上方之長方形上下劃為十等分，左右劃為十五等分。

乙、大五角星的中心點，在該長方形上五下五、左五右十之處。其畫法為：以此點為圓心，以三等分為半徑作一圓。在此圓周上，定出五個等距離的點，其一點須位於圓之正上方。然後將此五點中各相隔的兩點相聯，使各成一直線。此五直線所構成之外輪廓線，即為所需之大五角星。五角星之一個角尖正向上方。

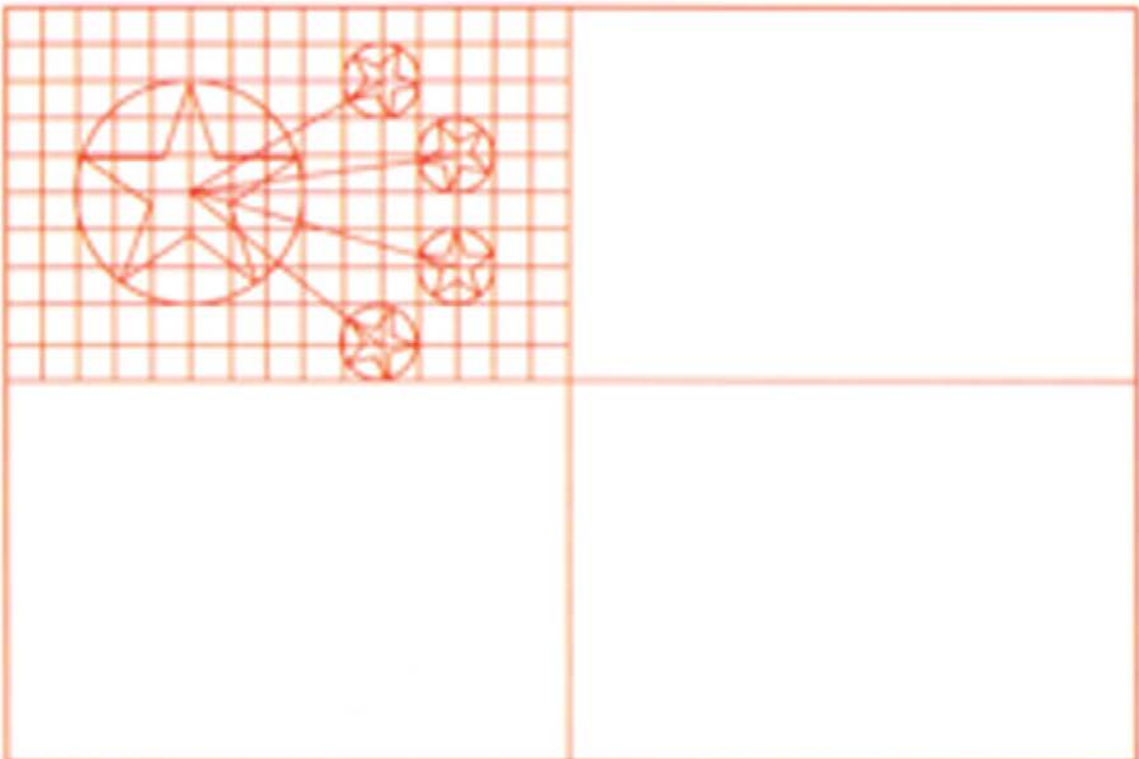
丙、四顆小五角星的中心點，第一點在該長方形上二下八、左十右五之處，第二點在上四下六、左十二右三之處，第三點在上七下三、左十二右三之處，第四點在上九下一、左十右五之處。其畫法為：以以上四點為圓心，各以一等分為半徑，分別作四個圓。在每個圓上各定出五個等距離的點，其中均須各有一點位於大五角星中心點與以上四個圓心的各聯結線上。然後用構成大五角星的同樣方法，構成

小五角星。此四顆小五角星均各有一個角尖正對大五角星的中心點。

(三) 國旗之通用尺度定為如下五種，各界酌情選用：

- 甲、長 288 公分，高 192 公分。
- 乙、長 240 公分，高 160 公分。
- 丙、長 192 公分，高 128 公分。
- 丁、長 144 公分，高 96 公分。
- 戊、長 96 公分，高 64 公分。

國旗製法圖案



II. 《中華人民共和國國徽法》

(1991年3月2日第七屆全國人民代表大會常務委員會第十八次會議通過 根據2009年8月27日第十一屆全國人民代表大會常務委員會第十次會議《關於修改部分法律的決定》第一次修正 根據2020年10月17日第十三屆全國人民代表大會常務委員會第二十二次會議《關於修改〈中華人民共和國國徽法〉的決定》第二次修正)

第一條 為了維護國徽的尊嚴，正確使用國徽，增強公民的國家觀念，弘揚愛國主義精神，培育和踐行社會主義核心價值觀，根據憲法，制定本法。

第二條 中華人民共和國國徽，中間是五星照耀下的天安門，周圍是穀穗和齒輪。

中華人民共和國國徽按照1950年中央人民政府委員會通過的《中華人民共和國國徽圖案》和中央人民政府委員會辦公廳公布的《中華人民共和國國徽圖案製作說明》製作。

第三條 中華人民共和國國徽是中華人民共和國的象徵和標誌。

一切組織和公民，都應當尊重和愛護國徽。

第四條 下列機構應當懸掛國徽：

- (一) 各級人民代表大會常務委員會；
- (二) 各級人民政府；
- (三) 中央軍事委員會；
- (四) 各級監察委員會；
- (五) 各級人民法院和專門人民法院；
- (六) 各級人民檢察院和專門人民檢察院；
- (七) 外交部；
- (八) 國家駐外使館、領館和其他外交代表機構；
- (九) 中央人民政府駐香港特別行政區有關機構、中央人民政府駐澳門特別行政區有關機構。

國徽應當懸掛在機關正門上方正中處。

第五條

下列場所應當懸掛國徽：

- (一) 北京天安門城樓、人民大會堂；
- (二) 縣級以上各級人民代表大會及其常務委員會會議廳，鄉、民族鄉、鎮的人民代表大會會場；
- (三) 各級人民法院和專門人民法院的審判庭；
- (四) 憲法宣誓場所；
- (五) 出境入境口岸的適當場所。

第六條

下列機構的印章應當刻有國徽圖案：

- (一) 全國人民代表大會常務委員會，國務院，中央軍事委員會，國家監察委員會，最高人民法院，最高人民檢察院；
- (二) 全國人民代表大會各專門委員會和全國人民代表大會常務委員會辦公廳、工作委員會，國務院各部、各委員會、各直屬機構、國務院辦公廳以及國務院規定應當使用刻有國徽圖案印章的辦事機構，中央軍事委員會辦公廳以及中央軍事委員會規定應當使用刻有國徽圖案印章的其他機構；
- (三) 縣級以上地方各級人民代表大會常務委員會、人民政府、監察委員會、人民法院、人民檢察院，專門人民法院，專門人民檢察院；
- (四) 國家駐外使館、領館和其他外交代表機構。

第七條

本法第六條規定的機構應當在其網站首頁顯著位置使用國徽圖案。

網站使用的國徽圖案標準版本在中國人大網和中國政府網上發布。

第八條

下列文書、出版物等應當印有國徽圖案：

- (一) 全國人民代表大會常務委員會、中華人民共和國主席和國務院頒發的榮譽證書、任命書、外交文書；
- (二) 中華人民共和國主席、副主席，全國人民代表大會常務委員會委員長、副委員長，國務院總理、副總理、國務委員，中央軍事委員會主席、副主席，國家監察委員會主任，最高人民法院院長和最高人民檢察院檢察長以職務名義對外使用的信封、信箋、請柬等；
- (三) 全國人民代表大會常務委員會公報、國務院公報、最高人民法院公報和最高人民檢察院公報的封面；
- (四) 國家出版的法律、法規正式版本的封面。

第九條

標示國界線的界樁、界碑和標示領海基點方位的標誌碑以及其他用於顯示國家主權的標誌物可以使用國徽圖案。

中國人民銀行發行的法定貨幣可以使用國徽圖案。

第十條

下列證件、證照可以使用國徽圖案：

- (一) 國家機關工作人員的工作證件、執法證件等；
- (二) 國家機關頒發的營業執照、許可證書、批准證書、資格證書、權利證書等；
- (三) 居民身份證，中華人民共和國護照等法定出入境證件。

國家機關和武裝力量的徽章可以將國徽圖案作為核心圖案。

公民在莊重的場合可以佩戴國徽徽章，表達愛國情感。

- 第十一條** 外事活動和國家駐外使館、領館以及其他外交代表機構對外使用國徽圖案的辦法，由外交部規定，報國務院批准後施行。
- 第十二條** 在本法規定的範圍以外需要懸掛國徽或者使用國徽圖案的，由全國人民代表大會常務委員會辦公廳或者國務院辦公廳會同有關主管部門規定。
- 第十三條** 國徽及其圖案不得用於：
- (一) 商標、授予專利權的外觀設計、商業廣告；
 - (二) 日常用品、日常生活的陳設佈置；
 - (三) 私人慶弔活動；
 - (四) 國務院辦公廳規定不得使用國徽及其圖案的其他場合。
- 第十四條** 不得懸掛破損、污損或者不合規格的國徽。
- 第十五條** 國徽應當作為愛國主義教育的重要內容。
- 中小學應當教育學生了解國徽的歷史和精神內涵。
- 新聞媒體應當積極宣傳國徽知識，引導公民和組織正確使用國徽及其圖案。
- 第十六條** 懸掛的國徽由國家指定的企業統一製作，其直徑的通用尺度為下列三種：
- (一) 一百厘米；
 - (二) 八十厘米；
 - (三) 六十厘米。
- 需要懸掛非通用尺度國徽的，應當按照通用尺度成比例適當放大或者縮小，並與使用目的、所在建築物、周邊環境相適應。

第十七條 國務院辦公廳統籌協調全國範圍內國徽管理有關工作。地方各級人民政府統籌協調本行政區域內國徽管理有關工作。

各級人民政府市場監督管理部門對國徽的製作和銷售實施監督管理。

縣級人民政府確定的部門對本行政區域內國徽的懸掛、使用和收回實施監督管理。

第十八條 在公共場合故意以焚燒、毀損、塗劃、玷污、踐踏等方式侮辱中華人民共和國國徽的，依法追究刑事責任；情節較輕的，由公安機關處以十五日以下拘留。

第十九條 本法自 1991 年 10 月 1 日起施行。

附件：

中華人民共和國國徽圖案
(1950年6月28日中央人民政府委員會第八次會議通過)

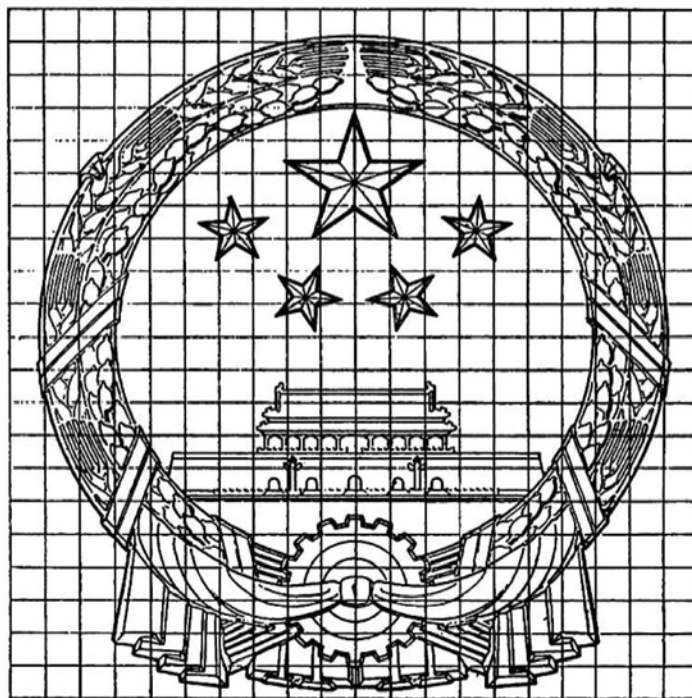


說明：國徽的內容為國旗、天安門、齒輪和麥稻穗，象徵中國人民自“五四”運動以來的新民主主義革命鬥爭和工人階級領導的以工農聯盟為基礎的人民民主專政的新中國的誕生。

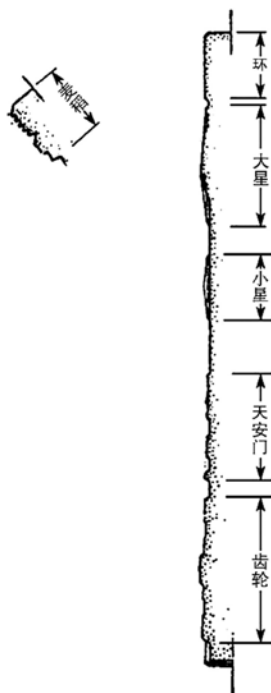
中華人民共和國國徽圖案製作說明

(1950年9月20日中央人民政府委員會辦公廳公布)

- 一、 兩把麥稻組成正圓形的環。齒輪安在下方麥稻杆的交叉點上。齒輪的中心交結著紅綬。紅綬向左右縮住麥稻而下垂，把齒輪分成上下兩部。
- 二、 從圖案正中垂直畫一直線，其左右兩部分，完全對稱。
- 三、 圖案各部分之地位、尺寸，可根據方格墨線圖之比例，放大或縮小。
- 四、 如製作浮雕，其各部位之高低，可根據斷面圖之比例放大或縮小。
- 五、 國徽之塗色為金紅二色：麥稻、五星、天安門、齒輪為金色，圓環內之底子及垂綬為紅色；紅為正紅（同於國旗），金為大赤金（淡色而有光澤之金）。



中華人民共和國國徽方格墨線圖



中華人民共和國國徽縱斷面圖

**Proposed Direction of
the National Flag and National Emblem (Amendment) Bill (“Amendment Bill”)**

1. Law of the People’s Republic of China on the National Flag (“National Flag Law”) (Amended)

Amended National Flag Law ¹ (amendments are highlighted with <i>underline and italic</i> prints)	Proposed Direction of the Amendment Bill
<p>Article 1 (Article 1 prior to amendment) This Law is enacted in accordance with the Constitution to defend the dignity of the national flag, <i>regulate the use of the national flag</i>, enhance citizen awareness of the state, promote patriotism, <i>and cultivate and live by the core socialist values</i>.</p>	<p>Making reference to the drafting of the National Anthem Ordinance, and taking into account the actual circumstances in Hong Kong, to suitably incorporate this article into the Amendment Bill.</p> <p>(Remarks: The legislative purpose and principle of the Amendment Bill is to fully reflect the legislative intent and spirit of the amended National Flag Law and the National Emblem Law, and at the same time to take into account the actual circumstances in Hong Kong, so as to apply the two national laws in a manner that is consistent with the legal system and actual circumstances in Hong Kong. The National Anthem Ordinance adopted the National Anthem Law in consistent with the legal system practised and actual circumstances in Hong Kong. For instance, it did not incorporate into the National Anthem Ordinance Article 1 of the National Anthem Law, which stipulates “cultivate and live by the core socialist values”.)</p>

¹ There is as yet no official English translation of the amended National Flag Law. This English translation is prepared by the Constitutional and Mainland Affairs Bureau.

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 2 (Article 2 prior to amendment) The national flag of the People’s Republic of China shall be a red flag with five stars.</p> <p>The national flag of the People’s Republic of China shall be made according to the Directions for the Making of the National Flag promulgated by the Presidium of the First Plenary Session of the Chinese People’s Political Consultative Conference.</p>	<p>The “Interpretation” section of the National Flag and National Emblem Ordinance in force has already covered the requirements of this article. To adopt the existing provision.</p>
<p>Article 3 (New article) <u>The measurement in common use for the national flag shall include the five sizes specified in the Directions for the Making of the National Flag. The national flag of other sizes to be used under special circumstances shall be appropriately scaled up or down in proportion to the measurement in common use.</u></p> <p><u>The national flag to flagpole size ratio shall be appropriate, and be commensurate with the purposes of use, surrounding buildings and surrounding environment.</u></p>	<p>To suitably incorporate this article into the Amendment Bill.</p>
<p>Article 4 (Article 3 prior to amendment) The national flag of the People’s Republic of China is the symbol and sign of the People’s Republic of China.</p> <p>All citizens and organizations shall respect and care for the national flag.</p>	<p>To suitably incorporate this article into the Amendment Bill.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 5 (Article 5 prior to amendment) The national flag shall be displayed daily in the following places or premises of institutions:</p> <ol style="list-style-type: none"> (1) Tian'anmen Square and Xinhuamen in Beijing; (2) The <u>Central Committee of the Communist Party of China</u>, <u>the</u> Standing Committee of the National People's Congress, the State Council, the Central Military Commission, <u>the CPC Central Commission for Discipline Inspection</u>, <u>the National Supervisory Commission</u>, the Supreme People's Court, and the Supreme People's Procuratorate; National Committee of the Chinese People's Political Consultative Conference; (3) The Ministry of Foreign Affairs; (4) Airports, harbours and railway stations of entry or exit and other frontier ports, frontier stations and coastal defence stations. 	<p>This article and its newly added part are not applicable to the HKSAR, hence, will not be incorporated into the Amendment Bill.</p>
<p>Article 6 (Article 6 prior to amendment) <u>The national flag shall be displayed in working days in the following premises of institutions:</u></p> <ol style="list-style-type: none"> (1) <u>All central departments and local committees at all levels of the Communist Party of China;</u> (2) All departments of the State Council; 	<p>To adopt the provision in the National Flag and National Emblem Ordinance in force, i.e. the Chief Executive may stipulate the organizations which must display or use the national flag, and the other places at which and the occasions on which the national flag must be displayed or used; and publish the relevant stipulations in the Gazette.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>(3) The standing committees of the local people’s congresses at all levels;</p> <p>(4) <u>Local</u> people’s governments <u>at all levels</u>;</p> <p>(5) <u>Local disciplinary inspection committees and local supervisory committees at all levels of the Communist Party of China</u>;</p> <p>(6) <u>Local</u> people’s courts <u>at all levels and special people’s courts</u>;</p> <p>(7) <u>Local</u> people’s procuratorates <u>at all levels and special people’s procuratorates</u>;</p> <p>(8) Local committees at all levels of the Chinese People’s Political Consultative Conference;</p> <p>(9) <u>All democratic parties and people’s organizations</u>;</p> <p>(10) <u>Relevant offices of the Central People’s Government in the Hong Kong Special Administrative Region and relevant offices of the Central People’s Government in the Macao Special Administrative Region.</u></p> <p>Whole day schools <u>Schools</u> shall display the national flag daily, except during winter vacations, summer vacations and <u>Sundays rest days</u>. <u>Kindergartens with relevant facilities shall display the national flag by reference to school rules.</u></p> <p><u>Libraries, museums, cultural centres, art galleries, science and technology museums, memorial halls, exhibition halls,</u></p>	<p>On the requirement of schools raising the national flag, to suitably incorporate this article into the Amendment Bill. Implementation details will be devised and suitably adjusted in accordance with the local circumstances.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p><i>gymnasiums, youth palaces and other public cultural and sports facilities shall display and fly the national flag on open days.</i></p>	
<p>Article 7 (Article 7 prior to amendment) State organs at all levels, and all mass organizations, <i>and public places such as large squares and parks</i> shall display the national flag on the National Day, the International Labour Day, the New Year’s Day, and the Lunar New Year, <i>the National Constitution Day and other important festivals and anniversaries</i>; and the national flag may <i>shall</i> be raised, when conditions permit, in premises of enterprises and public institutions, villagers’ committees and residents’ committees, <i>and</i> residential compounds (buildings <i>and</i> communities) and in public places such as squares and parks.</p> <p><i>In minority nationality areas where the Lunar New Year is not a traditional festival, whether the national flag is raised during the Lunar New Year shall be prescribed by the authorities practising self-governance in the ethnic autonomous areas.</i></p> <p>In an ethnic autonomous area, the national flag may <i>shall be</i> raised on the anniversary of the founding of the ethnic autonomous area and during major traditional festivals of the ethnic minorities.</p> <p><i>When a constitutional oath ceremony is held, the national flag shall be raised at the place where the oath is taken.</i></p>	<p>To adopt the provision in the National Flag and National Emblem Ordinance in force, i.e. the Chief Executive may stipulate the festivals and places at which the national flag must be displayed or used; and publish the relevant stipulations in the Gazette.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 8 (Article 8 prior to amendment) The national flag may be raised when important celebration and commemorative activities, large-scale cultural and sports activities and major exhibitions are held.</p>	<p>To adopt the provision in the National Flag and National Emblem Ordinance in force, i.e. the Chief Executive may stipulate the large-scale activities and exhibitions at which the national flag can be displayed or used; and publish the relevant stipulations in the Gazette.</p>
<p>Article 9 (New article) <i>The state encourages citizens and organizations to use the national flag and its design on appropriate occasions for expressing patriotism.</i></p> <p><i>Citizens and organizations shall abide by relevant provisions of network administration when using the design of the national flag on the Internet, and should not undermine the dignity of the national flag.</i></p> <p><i>The standard version of the design of the national flag used online shall be posted on the official websites of the National People's Congress and the Chinese government.</i></p>	<p>To suitably incorporate this article into the Amendment Bill.</p>
<p>Article 10 (Article 9 prior to amendment) Measures for the raising and use of the national flag in diplomatic activities and by the Chinese embassies and consulates stationed in foreign countries and other diplomatic representative agencies shall be prescribed by the Ministry of Foreign Affairs.</p>	<p>Foreign affairs are not within the autonomy of the HKSAR, hence, it is not appropriate to incorporate into the Amendment Bill the part on foreign affairs in this article.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <i><u>underline and italic</u></i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 11 (Article 10 prior to amendment) <i>Measures for the raising and use of the national flag by the Chinese People’s Liberation Army and the Chinese People’s Armed Police Force shall be prescribed by The national flag shall be raised by military organs at barracks and on military vessels in accordance with the relevant provisions of the Central Military Commission.</i></p>	<p>Defence affairs are not within the autonomy of the HKSAR, hence, this article is not applicable to the HKSAR and will not be incorporated into the Amendment Bill.</p>
<p>Article 12 (Article 11 prior to amendment) Measures for the raising of the national flag by civilian vessels or foreign vessels entering Chinese territorial waters shall be prescribed by the competent department in charge of transportation under the State Council.</p> <p>Measures for the raising of the national flag by public security vessels on frontier defence exit-entry frontier inspection, border administration, and public security or fire control duties shall be prescribed by the public security department under the State Council.</p> <p><i>Measures for the raising of the national flag by vessels of national integrated fire and rescue teams shall be prescribed by the emergency management department under the State Council.</i></p>	<p>The part on vessel arrangements is not applicable to the HKSAR, hence, will not be incorporated into the Amendment Bill.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 13 (Article 12 prior to amendment) The national flag, when raised under Articles 5, 6 and 7 of this Law, shall be hoisted in the morning and lowered in the evening.</p> <p>Where the national flag shall be raised under this Law, when the weather is inclement, it is permissible that the flag not be raised.</p>	<p>To suitably incorporate this article into the Amendment Bill.</p>
<p>Article 14 (Article 13 prior to amendment) When the national flag is raised, a flag-raising ceremony may be held.</p> <p><i><u>The national anthem shall be played and sung when When a flag-raising ceremony is held. When the national flag is being raised, persons present shall stand solemnly facing the flag, and salute, and the national anthem may be played or sung while the national flag is being raised gaze at the flag or salute the flag in accordance with the requirement, and must not behave in a way disrespectful to the national flag.</u></i></p> <p><i><u>Flag-raising ceremonies shall be held daily in the Tian'anmen Square in Beijing.</u></i></p> <p><i><u>Whole-day secondary and primary schools Schools</u> shall hold a flag-raising ceremony once a week, except during vacations.</i></p>	<p>To suitably incorporate this article into the Amendment Bill.</p> <p>On the requirement of schools holding flag-raising ceremonies, to suitably incorporate this article into the Amendment Bill. Implementation details will be devised and suitably adjusted in accordance with the local circumstances.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 15 (Article 14 prior to amendment) The national flag shall be lowered to the half-staff as a token of mourning when the following persons pass away:</p> <ol style="list-style-type: none"> (1) 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; (2) Chairman of the National Committee of the Chinese People’s Political Consultative Conference; (3) Persons who have made outstanding contributions to the People’s Republic of China; or (4) Persons who have made outstanding contributions to world peace or the cause of human progress. <p><i>When a state memorial ceremony is held, or serious natural calamities, public health emergencies or any other unfortunate events occur, When unfortunate events causing especially serious casualties occur or when serious natural calamities have caused heavy casualties, the national flag may be flown at half-staff as a token of mourning <u>nationwide or in certain areas or specific places.</u></i></p> <p>The half-staffing of the national flag in accordance with paragraph 1(3) and (4) and paragraph 2 of this article shall be <i>reported by the relevant departments of the State Council or the</i></p>	<p>To suitably incorporate the newly amended part of this article into the Amendment Bill.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p><u>people’s governments of provinces, autonomous regions, and municipalities directly under the Central Government to decided <u>by</u> the State Council for decision.</u></p> <p>Dates and places for the half-staffing of the national flag under this article shall be decided by the funeral organ established by the state, or shall be decided by the State Council.</p>	
<p>Article 16 (New article) <u>When mourning ceremonies for the following persons who have passed away are held, their remains, coffins or urns may be covered with the national flag:</u></p> <p>(1) <u>The persons provided for in paragraph 1(1) to (3) of Article 15 of this Law;</u> (2) <u>Martyrs;</u> (3) <u>Other persons provided for by the state.</u></p> <p><u>The national flag covering the remains, coffins or urns may not touch the ground, and shall be taken back for safekeeping after the ceremonies.</u></p>	<p>To suitably incorporate this article into the Amendment Bill.</p>
<p>Article 17 (Article 15 prior to amendment) When the national flag is raised, it shall be placed in a prominent position.</p>	<p>Schedule 3 (Priority of National Flag) to the National Flag and National Emblem Ordinance in force has already covered the requirement of this article. To adopt the existing provisions.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>The national flag, when carried in a procession with other national flags or flags, shall be in front of the other flags.</p> <p>The national flag, when raised with other flags, shall be either at the centre, above the other flags, or in a position of prominence.</p> <p>When the national flags of two or more nations are raised in foreign affairs activities, relevant provisions of the Ministry of Foreign Affairs or the international practice shall be followed.</p>	
<p>Article 18 (Article 16 prior to amendment) 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.</p> <p>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.</p>	<p>Schedule 3 (Raising and Lowering National Flag) to the National Flag and National Emblem Ordinance in force has already covered the requirement of this article. To adopt the existing provisions.</p>
<p>Article 19 (Article 17 prior to amendment) No damaged, defiled, faded or substandard national flag shall be raised <i>or used</i>, <i>and the national flag shall not be displayed upside down, inserted</i></p>	<p>To suitably incorporate the newly added part of this article into the Amendment Bill.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p><i>upside down, or be raised or used in any other manner that undermines the dignity of the national flag.</i></p> <p><i>The national flag shall not be discarded at will. The damaged, defiled, faded or substandard national flag shall be taken back and disposed of in accordance with relevant requirements issued by the state. After a large-scale mass activity comes to an end, the organizer of the activity shall take back or properly dispose the national flags used on site.</i></p>	
<p>Article 20 (Article 18 prior to amendment) The national flag and its design shall not be used as trademarks, <i>designs for which patent right is granted</i>, and <i>commercial</i> advertisements, and shall not be used in private funeral activities <i>or under other inappropriate circumstances</i>.</p>	<p>To suitably incorporate the newly added part of this article into the Amendment Bill.</p>
<p>Article 21 (New article) <i>The national flag shall be taken as an important part of education in patriotism.</i></p> <p><i>Primary and secondary schools shall educate their students on the history and connotation of the national flag, and obey the rules for raising and using of the national flag and the etiquette in a flag-raising ceremony.</i></p>	<p>Making reference to the drafting of the National Anthem Ordinance, to suitably incorporate this article into the Amendment Bill.</p> <p>(Remarks: The legislative purpose and principle of the Amendment Bill is to fully reflect the legislative intent and spirit of the amended National Flag Law and the National Emblem Law, and at the same time to take into account the actual circumstances in Hong Kong, so as to apply the two national laws in a manner</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p><u>News media shall actively publicize the knowledge on the national flag and guide citizens and organizations in the correct use of the national flag and its design.</u></p>	<p>that is consistent with the legal system and actual circumstances in Hong Kong. The National Anthem Ordinance adopted the National Anthem Law in respect of national anthem education in consistent with the actual circumstances in Hong Kong. It stipulated the legislative intent and spirit of the National Anthem Law, including educating students to respect the national anthem and understand its history and spirit, while the actual operation would be dealt with along the existing mechanism of the HKSARG.)</p>
<p>Article 22 (Article 4 prior to amendment) <u>The General Office of the State Council shall coordinate the work concerning the administration of the national flag nationwide. The local people’s governments at all levels shall coordinate the work concerning the administration of the national flag within their respective administrative regions.</u></p> <p><u>The market regulatory departments of the people’s governments at all levels shall oversee and supervise the making and sale of the national flag.</u></p> <p>The departments <u>determined by the local</u> people’s governments at county all <u>levels</u> shall oversee and supervise the display, and <u>use and retrieval</u> of the national flag within their respective administrative regions.</p>	<p>With regard to the circumstances of the HKSARG, to suitably incorporate this article into the Amendment Bill.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <i><u>underline and italic</u></i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>The Ministry of Foreign Affairs, the transport department of the State Council and the <i><u>relevant departments of the Central Military Commission General Political Department of the Chinese People's Liberation Army</u></i> shall oversee and supervise the display, <i><u>and</u></i> use <i><u>and retrieval</u></i> of the national flag within their respective jurisdictions.</p> <p><i><u>The national flag shall be made by enterprises designated by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.</u></i></p>	
<p>Article 23 (Article 19 prior to amendment) Whoever desecrates the national flag of the People's Republic of China by publicly and wilfully burning, mutilating, scrawling on, defiling or trampling on it shall be investigated for criminal responsibilities according to law; where the offence is relatively minor, he shall be detained for not more than 15 days by the public security organ.</p>	<p>To suitably amend section 7 of the National Flag and National Emblem Ordinance in force with reference to the National Anthem Ordinance.</p>
<p>Article 24 (Article 20 prior to amendment) This Law shall enter into force on October 1, 1990.</p>	<p>This article will not be incorporated into the Amendment Bill. The Amendment Bill will enter into force after passage of legislation.</p>
<p>Appendix: Directions for the making of the national flag (Promulgated by the Presidium of the First Plenary Session of the</p>	<p>The terms in item 1 and 2 of Schedule 1 (Specifications for the National Flag of the People's Republic of China) to the National Flag and National Emblem Ordinance in force are same as the</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Chinese People’s Political Consultative Conference on September 28, 1949)</p> <p>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 directions 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 directions shall all be changed to “right”, while the word “right” referring to direction shall all be changed to “left”.</p> <p>(1) The face of the flag shall be red and rectangular; the proportion 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 three-tenth 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 one-tenth 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.</p> <p>(2) The five stars shall be positioned and drawn as follows:</p> <p>a. To determine the position of the five stars, the face of the Flag shall be first folded both ways to form four</p>	<p>Appendix to the amended National Flag Law, hence, will adopt the existing provisions.</p>

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>equal rectangles; then the rectangle on the upper left shall be vertically divided into ten equal sections and horizontally divided into fifteen.</p> <p>b. The central point of the big five-pointed star shall be at a point in the rectangle where the fifth line from above (or the fifth line from below), and the fifth line from the left (or the tenth 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.</p> <p>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 second line from above (or the eighth line from below), and the tenth line from the left (or the fifth line from the right) meet; the second shall be at a point</p>	

<p align="center">Amended National Flag Law¹ (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>where the fourth line from above (or the sixth line from below), and the twelfth line from the left (or the third line from the right) meet; the third shall be at a point where the seventh line from above (or the third line from below), and the twelfth line from the left (or the third line from the right) meet; the fourth shall be at a point where the ninth line from above (or the first line from below), and the tenth line from the left (or the fifth 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.</p> <p>(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:</p> <p>a. 288 cm in length, 192 cm in height;</p>	

Amended National Flag Law¹ (amendments are highlighted with <u>underline and italic</u> prints)	Proposed Direction of the Amendment Bill
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.	

2. Law of the People’s Republic of China on the National Emblem (“National Emblem Law”) (Amended)

<p align="center">Amended National Emblem Law² (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 1 (Article 1 prior to amendment) This Law is enacted in accordance with the Constitution to preserve the dignity of the national emblem, <u><i>and</i></u> ensure the correct use of the national emblem, <u><i>enhance citizen awareness of the state, promote patriotism, and cultivate and live by the core socialist values.</i></u></p>	<p>Making reference to the drafting of the National Anthem Ordinance, and taking into account the actual circumstances in Hong Kong, to suitably incorporate this article into the Amendment Bill.</p> <p>(Remarks: The legislative purpose and principle of the Amendment Bill is to fully reflect the legislative intent and spirit of the amended National Flag Law and the National Emblem Law, and at the same time to take into account the actual circumstances in Hong Kong, so as to apply the two national laws in a manner that is consistent with the legal system and actual circumstances in Hong Kong. The National Anthem Ordinance adopted the National Anthem Law in consistent with the legal system practised and actual circumstances in Hong Kong. For instance, it did not incorporate into the National Anthem Ordinance Article 1 of the National Anthem Law, which stipulates “cultivate and live by the core socialist values”.)</p>

² There is as yet no official English translation of the amended National Emblem Law. This English translation is prepared by the Constitutional and Mainland Affairs Bureau.

<p align="center">Amended National Emblem Law² (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 2 (Article 2 prior to amendment) The national emblem of the People’s Republic of China shall comprise the design of Tian’anmen in its centre illuminated by five stars and encircled by ears of grain and a cogwheel.</p> <p>The national emblem of the People’s Republic of China shall be made in accordance with the Design of the National Emblem of the People’s Republic of China adopted by the Central People’s Government Council in 1950, and the Directions for the Making of the Design of the National Emblem of the People’s Republic of China promulgated by the General Office of the Central People’s Government Council in the same year.</p>	<p>The “Interpretation” section of the National Flag and National Emblem Ordinance in force has already covered the requirements of this article. To adopt the existing provision.</p>
<p>Article 3 (Article 3 prior to amendment) The national emblem of the People’s Republic of China is the symbol and sign of the People’s Republic of China.</p> <p>All organizations and citizens shall respect and care for the national emblem.</p>	<p>To suitably incorporate this article into the Amendment Bill.</p>
<p>Article 4 (Article 4 prior to amendment) The following organs shall hang the national emblem:</p> <p>(1) The standing committees of the people’s congresses at or <i>above the county level all levels</i>;</p>	<p>To adopt the provision in the National Flag and National Emblem Ordinance in force, i.e. the Chief Executive may stipulate the organizations which must display or use the national emblem, and the other places at which and the occasions on which the national</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>(2) The people’s governments at <i>or above the county level all levels;</i></p> <p>(3) The Central Military Commission;</p> <p>(4) <u><i>The supervisory committees at all levels;</i></u></p> <p>(5) The people’s courts at all levels and the special people’s courts;</p> <p>(6) The people’s procuratorates at all levels and the special people’s procuratorates;</p> <p>(7) The Ministry of Foreign Affairs;</p> <p>(8) Chinese embassies and consulates and other diplomatic missions stationed in other countries;</p> <p>(9) <u><i>Relevant offices of the Central People’s Government in the Hong Kong Special Administrative Region and relevant offices of the Central People’s Government in the Macao Special Administrative Region.</i></u></p> <p><u><i>The people’s governments of townships, nationality townships and towns may hang the National Emblem, specific measures for which shall be stipulated by the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government in light of their actual circumstances.</i></u></p> <p>The national emblem shall be hung right in the middle on top of the front gate of the organ concerned.</p>	<p>emblem must be displayed or used; and publish the relevant stipulations in the Gazette.</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 5 (Article 5 prior to amendment) The national emblem shall be hung in the following places:</p> <ol style="list-style-type: none"> (1) The rostrum of Tian’anmen and the Great Hall of the People in Beijing; (2) The conference halls of the people’s congresses at or above the county level and their standing committees, <i>and the venues of the people’s congresses of townships, ethnic townships and towns;</i> (3) Courtrooms of the people’s courts at all levels and of the special people’s courts; (4) <i>The place where a public oath to the Constitution is taken;</i> (5) Appropriate places of ports of exit or entry. 	<p>To adopt the provision in the National Flag and National Emblem Ordinance in force, i.e. the Chief Executive may stipulate the places where a public oath to the Constitution is taken must display or use the national emblem; and publish the relevant stipulations in the Gazette.</p>
<p>Article 6 (Article 6 prior to amendment) The seals of the following organs shall include the design of the national emblem:</p> <ol style="list-style-type: none"> (1) The Standing Committee of the National People’s Congress, the State Council, the Central Military Commission, <i>the National Supervisory Commission</i>, the Supreme People’s Court and the Supreme People’s Procuratorate; (2) The special committees of the National People’s Congress and the General Office and the working commission of the Standing Committee of the National People’s Congress, the ministries and commissions under the State Council, 	<p>To adopt the provision in the National Flag and National Emblem Ordinance in force, i.e. the Chief Executive may stipulate the organizations that must include the design of the national emblem in their seals; and publish the relevant stipulations in the Gazette.</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>departments directly under the State Council, the General Office of the State Council and the administrative offices that shall, as prescribed by the State Council, use seals including the design of the national emblem, as well as the General Office of the Central Military Commission and other organs that shall, as prescribed by the Central Military Commission, use seals including the design of the national emblem;</p> <p>(3) The standing committees of the local people’s congresses, the local people’s governments, <u>the local supervisory commissions</u>, the local people’s courts, and the local people’s procuratorates at or above the county level, as well as the special people’s courts and the special people’s procuratorates; and</p> <p>(4) Chinese embassies and consulates and other diplomatic missions stationed in other countries.</p>	
<p>Article 7 (New article) <u>The organs as prescribed in Article 6 of this Law shall use the design of the national emblem in conspicuous positions on the homepages of their websites.</u></p> <p><u>The standard version of the design of the national emblem used on websites shall be posted on the official websites of the National People’s Congress and the Chinese government.</u></p>	<p>To suitably incorporate this article in the Amendment Bill.</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 8 (Article 7 prior to amendment) There shall be printed on the following documents and publications the design of the national emblem:</p> <ol style="list-style-type: none"> (1) Certificates of honour, letters of appointment and diplomatic documents issued by the Standing Committee of the National People’s Congress, the President of the People’s Republic of China, and the State Council; (2) Envelopes, correspondence paper and invitation cards, among others, used in foreign affairs by the President <u>and Vice-President</u> of the People’s Republic of China; the Chairman <u>and Vice-Chairman</u> of the Standing Committee of the National People’s Congress; the Premier, <u>Vice-Premiers and State Councilors of the State Council</u>; the Chairman <u>and Vice-Chairman</u> of the Central Military Commission; <u>the Chairman of the National Supervisory Commission</u>; the President of the Supreme People’s Court and the Procurator-General of the Supreme People’s Procuratorate in their respective capacities; (3) Front covers of bulletins of the Standing Committee of the National People’s Congress, the State Council, the Supreme People’s Court and the Supreme People’s Procuratorate; and (4) Front covers of the official editions of laws and regulations published by the state. 	<p>The documents and publications mentioned in this article are not applicable to the HKSAR, hence, will not be incorporated into the Amendment Bill. If necessary, it can be handled in accordance with the mechanism stipulated in the National Flag and National Emblem Ordinance in force, i.e. the Chief Executive may announce by publishing in the Gazette the stipulation to authorize, restrict or prohibit the display or use of the national emblem or their designs; and may stipulate other uses to which the national emblem may be applied.</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 9 (New article) <u>The design of the national emblem may be used on the boundary markers and landmarks marking national boundaries, the markers marking the locations of territorial sea base points, and other markers used to demonstrate national sovereignty.</u></p> <p><u>The design of the national emblem may be used on the legal tender issued by the People’s Bank of China.</u></p>	<p>This article is not applicable to the HKSAR, hence, will not be incorporated into the Amendment Bill.</p>
<p>Article 10 (New article) <u>The design of the national emblem may be used on the following certificates and licenses:</u></p> <p>(1) <u>The work certificates and law enforcement certificates, among others, of the functionaries of state organs;</u></p> <p>(2) <u>The business licenses, permits, approval certificates, qualification certificates, and certificates of rights, among others, issued by the state organs;</u></p> <p>(3) <u>Resident identity cards, the Passport of the People’s Republic of China, and other legal entry and exit documents.</u></p> <p><u>The design of the national emblem may be used as the core pattern of the emblems of state organs and armed forces.</u></p> <p><u>Citizens may wear the national emblem badges at solemn occasions to express their patriotic feelings.</u></p>	<p>According to the provisions of the National Flag and National Emblem Ordinance in force, the Chief Executive may authorize, restrict or prohibit the display or use of the national emblem or its design in the stipulation, and may stipulate other uses to which the national emblem may be applied; and publish the relevant stipulations in the Gazette. If necessary, it can be handled in accordance with the mechanism stipulated in the National Flag and National Emblem Ordinance in force.</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <i><u>underline and italic</u></i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 11 (Article 8 prior to amendment) Measures for the use of the design of the national emblem in external affairs activities and by the Chinese embassies and consulates and other diplomatic missions stationed in other countries shall be prescribed by the Ministry of Foreign Affairs and submitted to the State Council for approval before implementation.</p>	<p>Foreign affairs are not within the autonomy of the HKSAR, hence, it is not appropriate to incorporate into the Amendment Bill the part on foreign affairs in this article.</p> <p>On the part related to external affairs in this article, it will be suitably incorporated into the Amendment Bill.</p>
<p>Article 12 (Article 9 prior to amendment) Where the hanging of the national emblem or the use of the design of the national emblem is necessitated outside the scope specified in this Law, it shall be prescribed by the General Office of the Standing Committee of the National People’s Congress or the General Office of the State Council, in conjunction with the departments concerned.</p>	<p>To adopt the provisions in the National Flag and National Emblem Ordinance in force, i.e. the Chief Executive may authorize, restrict or prohibit the display or use of the national emblem or its design in the stipulation, and may stipulate other uses to which the national emblem may be applied; and publish the relevant stipulations in the Gazette.</p>
<p>Article 13 (Article 10 prior to amendment) The national emblem and its design shall not be used in:</p> <ol style="list-style-type: none"> (1) Trademarks, <i><u>designs for which patent right is granted</u></i>, and <i><u>commercial</u></i> advertisements; (2) <i><u>Daily necessities, and furnishings</u></i> <i><u>Furnishings</u></i> or ornaments in daily life; (3) Private activities of celebration or condolence; and (4) Other circumstances at which the national emblem and its design shall not be used, as prescribed by the General Office of the State Council. 	<p>To suitably incorporate the newly added part of this article into the Amendment Bill.</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>Article 14 (Article 11 prior to amendment) No damaged, defiled, or substandard national emblem shall be hung.</p>	<p>Section 4 of the National Flag and National Emblem Ordinance in force has already covered the requirement of this article. To adopt the existing provisions.</p>
<p>Article 15 (New article) <u><i>The national emblem shall be taken as an important part of education in patriotism.</i></u></p> <p><u><i>Primary and secondary schools shall educate students on the history and spiritual connotation of the national emblem.</i></u></p> <p><u><i>News media shall actively publicize the knowledge on the national emblem and guide citizens and organizations in the correct use of the national emblem and its design.</i></u></p>	<p>Making reference to the drafting of the National Anthem Ordinance, to suitably incorporate this article into the Amendment Bill.</p> <p>(Remarks: The legislative purpose and principle of the Amendment Bill is to fully reflect the legislative intent and spirit of the amended National Flag Law and the National Emblem Law, and at the same time to take into account the actual circumstances in Hong Kong, so as to apply the two national laws in a manner that is consistent with the legal system and actual circumstances in Hong Kong. The National Anthem Ordinance adopted the National Anthem Law relating to national anthem education in consistent with the actual circumstances in Hong Kong. It stipulated the legislative intent and spirit of the National Anthem Law, including educating students to respect the national anthem and understand its history and spirit, whilst the actual operation would be dealt with along the existing mechanism of the HKSARG.)</p>
<p>Article 16 (Article 12 prior to amendment) The national emblem to be hung shall be uniformly made by enterprises designated by</p>	<p>Schedule 2 (Specifications for the National Emblem of the People’s Republic of China) to the National Flag and National</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>the State and the diameters of its usual dimensions shall be as follows:</p> <p>(1) 100 cm; (2) 80 cm; (3) 60 cm.</p> <p>If it is necessary to hang the national emblem of unusual dimensions <u>in special places, approval from the General Office of the State Council shall be sought, the national emblem shall be appropriately scaled up or down in proportion to the dimensions in common use, and be commensurate with the purposes of use, the buildings where it is hung, and the surrounding environment.</u></p>	<p>Emblem Ordinance in force has already covered the newly added requirement of this article. To adopt the existing provisions.</p>
<p>Article 17 (Article 14 prior to amendment) <u>The General Office of the State Council shall coordinate the work concerning the administration of the national emblem nationwide. The local people's governments at all levels shall coordinate the work concerning the administration of the national emblem within their respective administrative regions.</u></p> <p><u>The market regulatory departments of the people's governments at all levels shall oversee and supervise the making and sale of the national emblem.</u></p>	<p>With regard to the circumstances of the HKSARG, to suitably incorporate this article into the Amendment Bill.</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <u>underline and italic</u> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>The <u>departments determined by the</u> people’s governments at or <u>above</u> the county level shall oversee and supervise the <u>hanging, use and retrieval</u> of the national emblem <u>within their respective administrative regions</u>.</p>	
<p>Article 18 (Article 13 prior to amendment) Whoever desecrates the national emblem of the People’s Republic of China by publicly and wilfully burning, mutilating, scrawling on, defiling, or trampling on it shall be investigated for criminal responsibility according to law; where the offence is relatively minor, he shall be detained for not more than 15 days by the public security organ.</p>	<p>To suitably amend section 7 of the National Flag and National Emblem Ordinance with reference to the National Anthem Ordinance.</p>
<p>Article 19 (Article 15 prior to amendment) This Law shall enter into force on October 1, 1991.</p>	<p>This article will not be incorporated into the Amendment Bill. The Amendment Bill will enter into force after passage of legislation.</p>
<p>Appendix:</p> <p>The design of the national emblem of the People’s Republic of China (Adopted at the Eighth Meeting of the Central People’s Government Council on June 28, 1950)</p> <p>Caption: 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</p>	<p>The terms in item 1 to 5 of Schedule 2 (Specifications for the National Emblem of the People’s Republic of China) to the National Flag and National Emblem Ordinance in force are same as the Appendix to the amended National Emblem Law, hence, will adopt the existing provisions.</p>

<p align="center">Amended National Emblem Law² (amendments are highlighted with <i>underline and italic</i> prints)</p>	<p align="center">Proposed Direction of the Amendment Bill</p>
<p>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.</p> <p>Directions for the Making of the Design of the National Emblem of the People's Republic of China (Promulgated by the General Office of the Central Government Council on September 20, 1950)</p> <ol style="list-style-type: none"> 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 the 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. 	

Amended National Emblem Law² (amendments are highlighted with <i><u>underline and italic</u></i> prints)	Proposed Direction of the Amendment Bill
<p>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.</p> <p>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).</p>	