

National Flag and National Emblem (Amendment) Bill 2021 to be gazetted this Friday

The Government will arrange gazettal of the National Flag and National Emblem (Amendment) Bill 2021 this Friday (August 13), and has submitted the Legislative Council (LegCo) Brief on the Bill to the LegCo today (August 11).

On October 17, 2020, the 22nd session of the Standing Committee of the 13th National People's Congress (NPCSC) endorsed 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), which came into force on January 1, 2021. The National Flag Law and the National Emblem Law have been listed in Annex III to the Basic Law. 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 Hong Kong Special Administrative Region (HKSAR). Through the enactment of the National Flag and National Emblem Ordinance (NFNEO) in July 1997, the National Flag Law and the National Emblem Law had been applied locally by legislation. In light of the recent amendments to the two national laws by the NPCSC, the HKSAR has the constitutional responsibility to implement the two amended national laws locally.

Having regard to the common law system practised in Hong Kong, as well as the fact that the two national laws had previously been implemented in Hong Kong by local legislation, i.e. the NFNEO, the Government proposes to implement the two amended national laws in Hong Kong by amending the NFNEO instead of by promulgation. This approach is consistent with the "one country, two systems" principle.

The legislative principle of the Bill is to reflect the provisions, principles and spirit of the amended National Flag Law and the amended National Emblem Law and safeguard the proper use and preserve the dignity of the national flag and the national emblem, which are the symbols and signs of the country, so as to promote respect for the national flag and the national emblem, enhance the sense of national identity among citizens and promote patriotism, whilst taking into account the common law system and actual circumstances in Hong Kong.

The Bill aims to make clear the requirements in respect of the use of the national flag and the national emblem, including the etiquette to be followed in a flag-raising ceremony and the recovery mechanism; to clarify the provisions relating to offences of desecration of the national flag and the national emblem; and to provide for education on and promotion of the national flag and the national emblem.

A Government spokesman said, "The Government consulted the Panel on Constitutional Affairs of the LegCo on the proposed direction and outline of

the amendments to the NFNEO in February this year. Members expressed support for the proposed direction."

The Government spokesman added that the Bill will be introduced into the LegCo for first reading and second reading on August 18. The Government will fully complement the work of the LegCo in scrutinising the Bill to strive for its early passage.