

National Flag and National Emblem (Amendment) Ordinance gazetted and comes into effect today

The National Flag and National Emblem (Amendment) Ordinance (Amendment Ordinance) has been published in the Gazette and comes into effect today (October 8).

A Government spokesman said, "The fundamental principle and spirit of this legislative amendment is 'respect' – respect our country and respect the national flag and national emblem, which are the symbols and signs of our country; and provides for the use, etiquette, education and promotion in relation to the national flag and national emblem. Targeting persons who conduct public and intentional acts with intent to desecrate the national flag or national emblem, the Amendment Ordinance has maintained and clarified the provisions regarding offences and penalties, as punishment and deterrent." The spokesman reiterated that there is no cause for concern of breaching the law inadvertently if one does not misuse the national flag or national emblem, nor has any public and intentional act with an intent to desecrate the national flag or national emblem.

In addition, in accordance with sections 3(2), 3(2A) and 3(3A) of the Amendment Ordinance, the Chief Executive has revised and published in the Gazette today the stipulations for the display and use of the national flag and national emblem as well as the regional flag and regional emblem. The revisions include the addition of three specified days, i.e. Labour Day (May 1), Lunar New Year's Day and Constitution Day (December 4) for display of the national flag and regional flag; the national flag and national emblem must be displayed at the oath-taking ceremonies set out in item 1 of Schedule 3 to the National Anthem Ordinance (i.e. for taking the oath of the Chief Executive, Principal Officials, the Judiciary, the Executive Council, the Legislative Council and the District Council); the design of the national emblem must be used in the websites of the Hong Kong Special Administrative Region (HKSAR) Government, the Legislative Council and the Judiciary; and the recovery and disposal of the national flag and national emblem. The above-mentioned stipulations are available on the following website: www.protocol.gov.hk/files/stipulations_e.pdf. A list of locations for the display of national flag and regional flag in government premises can also be found on the website of the Protocol Division, Government Secretariat: www.protocol.gov.hk/en/show/show.html.

On the mechanism on the recovery and disposal of the national flag and national emblem, the Chief Executive has stipulated that any damaged, defiled, faded or substandard national flags and national emblems must be returned to designated collection points. After an event in which national flags or national emblems are used, the organiser has the responsibility to keep the national flags and national emblems used on the site of the event

for safekeeping or re-use, and return any damaged, defiled, faded or substandard national flags and national emblems by returning them to the designated collection points. Event organisers and members of the public could also return any damaged, defiled, faded or substandard regional flags and regional emblems to the designated collection points. The Home Affairs Department (HAD) has already set up relevant collection points in designated community halls/community centres in each district. Details of their locations and opening hours are available at the HAD's website: www.had.gov.hk/en/public_services/collection_of_damaged/index.htm.

The spokesman also said, "The HKSAR Government will strengthen the publicity and educational efforts in relation to the national flag and national emblem to enhance the public's understanding on the Amendment Ordinance for compliance sake. Members of the public could visit the website of the Protocol Division, Government Secretariat (www.protocol.gov.hk/en/flags.html) to learn about the content of the Amendment Ordinance, and the standard version of the design of the national flag and national emblem for online use. On education, the Education Bureau will issue a circular to schools pursuant to section 7A of the Amendment Ordinance, providing latest guidelines on the inclusion of the national flag and national emblem in primary and secondary education, as well as matters relating to the daily display of the national flag and the weekly conduct of national flag raising ceremony in schools. The Government will also seek to enhance citizens' awareness of our nation and strengthen their sense of national identity through implementing various public promotional work."

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 listed in Annex III to the Basic Law in July 1997, and were applied locally by legislation through the enactment of National Flag and National Emblem Ordinance on the same day. In light of the endorsement of the amendments to the National Flag Law and the National Emblem Law by the Standing Committee of the National People's Congress on October 17, 2020, the HKSAR has fulfilled its constitutional responsibility to implement the two amended national laws locally in accordance with Article 18 of the Basic Law.