

國旗及國徽條例

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NATIONAL FLAG AND NATIONAL EMBLEM ORDINANCE

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香港特別行政區

1997 年第 116 號條例



行政長官
董建華
1997 年 7 月 1 日

本條例旨在就在香港特別行政區內使用及保護國旗、國徽的事宜及就附帶事宜訂定條文。

[1997 年 7 月 1 日]

由臨時立法會制定。

1. 簡稱及生效日期

- (1) 本條例可引稱為《國旗及國徽條例》。
- (2) 本條例自 1997 年 7 月 1 日起實施。

2. 釋義

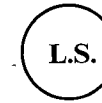
- (1) 在本條例中，除文意另有所指外——
“規格”(specifications) 指分別列於附表 1 及 2 的國旗或國徽規格；
“國旗”(national flag) 指 1949 年 9 月 27 日中國人民政治協商會議第一屆全體會議決議通過的中華人民共和國國旗；
“國徽”(national emblem) 指 1950 年 6 月 28 日中央人民政府委員會第八次會議通過的中華人民共和國國徽。
- (2) 國旗的規格列於附表 1。
- (3) 國徽的規格列於附表 2。

3. 國旗、國徽的使用

- (1) 須在各主要政府建築物展示國旗或國徽或兩者。

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 116 OF 1997



TUNG Chee-hwa
Chief Executive
1 July 1997

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

[1 July 1997]

Enacted by the Provisional Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as the National Flag and National Emblem Ordinance.
- (2) This Ordinance comes into operation on 1 July 1997.

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

- (1) The national flag or the national emblem or both must be displayed at main Government buildings.

(2) 行政長官可規定必須展示或使用國旗及國徽的機構、場合及其他場所，以及展示或使用國旗及國徽所必須遵從的方式及條件。行政長官亦可以規定授權、限制或禁止展示或使用國旗、國徽、國旗圖案或國徽圖案。

(3) 行政長官可規定須將國徽圖案刻在其印章上的機構，亦可規定可使用國徽的其他用途。

(4) 附表 3 指明國旗下半旗的情況、國旗的優先地位及國旗的升降事宜。

4. 不得使用破損的國旗、國徽

不得展示或使用破損、污損、褪色或不合規格的國旗或國徽。

5. 國旗、國徽的製造受規管

(1) 供升掛的國旗及供懸掛的國徽在香港特別行政區內只可由中央人民政府所指定的企業製造。

(2) 國旗必須按照附表 1 所列規格製造。

(3) 國徽必須按照附表 2 所列規格製造。如需展示或使用非通用尺度國徽，須報中央人民政府批准。

(4) 如任何人並非按照本條的規定製造國旗或國徽，律政司司長可——

(a) 向區域法院申請禁制令，禁止進行未經授權的製造，或禁止製造不合規格的旗或徽；及

(b) 向區域法院申請命令，沒收該等旗、徽及製造該等旗或徽所用的其他材料。

(5) 區域法院如信納申請是有充分根據的，可發出上述禁制令，並命令將該等旗、徽及製造該等旗或徽所用的其他材料沒收並歸予政府。

(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.

(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.

(4) Schedule 3 specifies the conditions under which the national flag is flown at half staff, the priority of the national flag and the raising and lowering of the national flag.

4. Damaged national flag and national emblem not to be used

A national flag or a national emblem which is damaged, defiled, faded or substandard must not be displayed or used.

5. Manufacture of national flag and national emblem regulated

(1) The national flag for flying and 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.

(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. The display or use of the national emblem in unusual dimensions is subject to the prior approval of the Central People's Government.

(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. 禁止將國旗、國徽用作某些用途

- (1) 國旗或其圖案不得展示或使用於——
 - (a) 商標或廣告；
 - (b) 私人喪事活動；或
 - (c) 行政長官以規定限制或禁止展示或使用國旗或其圖案的其他場合或場所。
- (2) 國徽或其圖案不得展示或使用於——
 - (a) 商標或廣告；
 - (b) 日常生活的陳設或布置；
 - (c) 私人慶弔活動；或
 - (d) 行政長官以規定限制或禁止展示或使用國徽或其圖案的其他場合或場所。
- (3) 任何人如未經合法授權或並無合理辯解，而在違反第(1)或(2)款的規定下，展示或使用國旗、國徽、國旗圖案或國徽圖案，即屬犯罪，一經循简易程序定罪——
 - (a) 就第(1)(a)或(2)(a)款的罪行，可處第5級罰款；及
 - (b) 就第(1)(b)或(c)或(2)(b)、(c)或(d)款的罪行，可處第2級罰款。

7. 保護國旗、國徽

任何人公開及故意以焚燒、毀損、塗劃、玷污、踐踏等方式侮辱國旗或國徽，即屬犯罪，一經定罪，可處第5級罰款及監禁3年。

8. 國旗、國徽的複製本

如有國旗或國徽的複製本並非與國旗或國徽完全相同，但其相似程度足以使人相信它就是國旗或國徽，則就本條例而言，該複製本被視為是國旗或國徽。

9. 實施行政區法律

(1) 香港特別行政區內觸犯有關國旗及國徽的規定的罪行，按香港特別行政區現行法律進行調查及予以檢控。

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—
 - (a) trademarks or advertisements;
 - (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 or advertisements;
 - (b) furnishings or ornaments in everyday life;
 - (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.

7. Protection of national flag and national emblem

A person who desecrates the national flag or national emblem by publicly and wilfully burning, mutilating, scrawling on, defiling or trampling on it commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 3 years.

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 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.

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) 如本條例與根據《基本法》附件三公布的任何全國性法律有不相符之處，本條例須解釋為該全國性法律的特別實施或改編本，並如此實施。

10. 規定並非附屬法例

行政長官根據本條例作出的規定並非附屬法例，而該等規定作出後，必須於合理的切實可行範圍內盡快在憲報刊登。

附表 1

[第 2 及 5 條]

中華人民共和國國旗規格

國旗的形狀、顏色兩面相同，旗上五星兩面對。為便利計，本附表僅以旗桿在左之一面為說明之標準。對於旗桿在右之一面，凡本附表所稱左均應改右，所稱右均應改左。

(1) 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。旗桿套為白色。

(2) 五星之位置與畫法如下：

a. 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。

b. 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。

c. 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。

(2) If there are inconsistencies between this Ordinance and a national law promulgated under Annex III of the Basic Law, this Ordinance is to be interpreted and applied as a special application or adaptation of the national law.

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.

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:

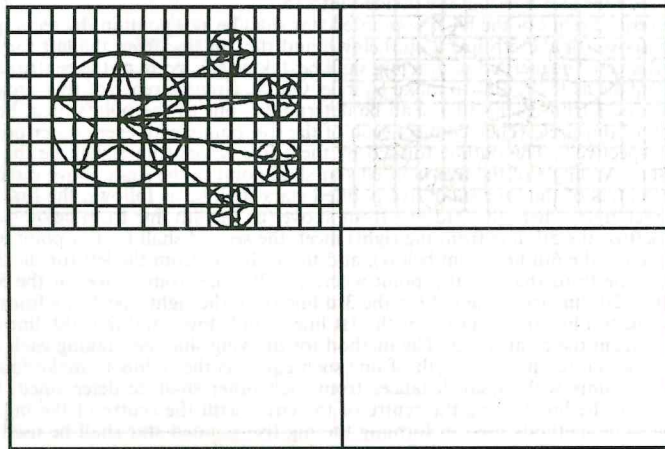
a. To determine the position of the five stars, the face of the flag shall be first folded both ways to form four equal rectangles; then the rectangle on the upper left shall be vertically divided into 10 equal sections and horizontally divided into 15.

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) 國旗之通用尺度定為如下五種，各界酌情選用：

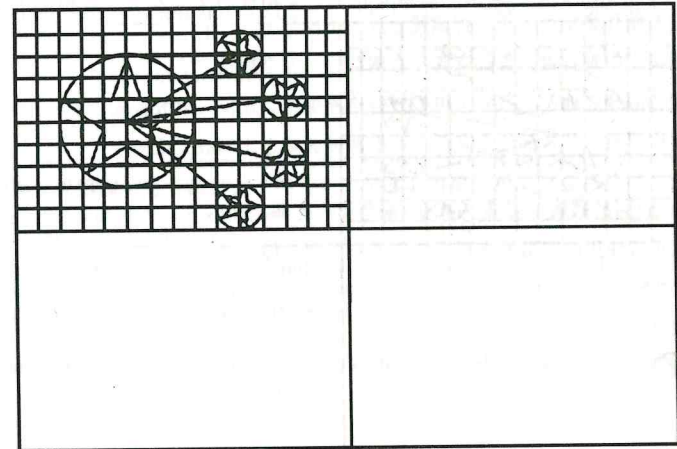
- a. 長 288 厘米，高 192 厘米；
- b. 長 240 厘米，高 160 厘米；
- c. 長 192 厘米，高 128 厘米；
- d. 長 144 厘米，高 96 厘米；
- e. 長 96 厘米，高 64 厘米。



國旗製法圖案

(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:

- 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.



Design for making the national flag

附表 2

[第 2 及 5 條]

中華人民共和國國徽規格



中華人民共和國國徽

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農工聯盟為基礎的人民民主專政的新中國的誕生。

1. 兩把麥稻組成正圓形的環。齒輪安在下方麥稻稈的交叉點上。齒輪的中心交結着紅綬。紅綬向左右縮住麥稻而下垂，把齒輪分成上下兩部。
2. 從圖案正中垂直畫一直線，其左右兩部分，完全對稱。
3. 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。
4. 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。
5. 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）。
6. 供展示或使用的國徽的直徑通用尺度為下列三種：
 - (a) 100 厘米
 - (b) 80 厘米
 - (c) 60 厘米。

SCHEDULE 2

[ss. 2 & 5]

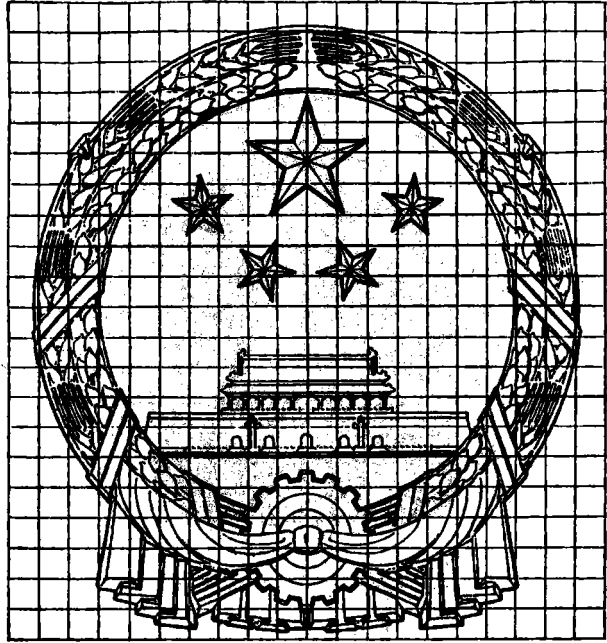
SPECIFICATIONS FOR THE NATIONAL EMBLEM OF THE PEOPLE'S REPUBLIC OF CHINA



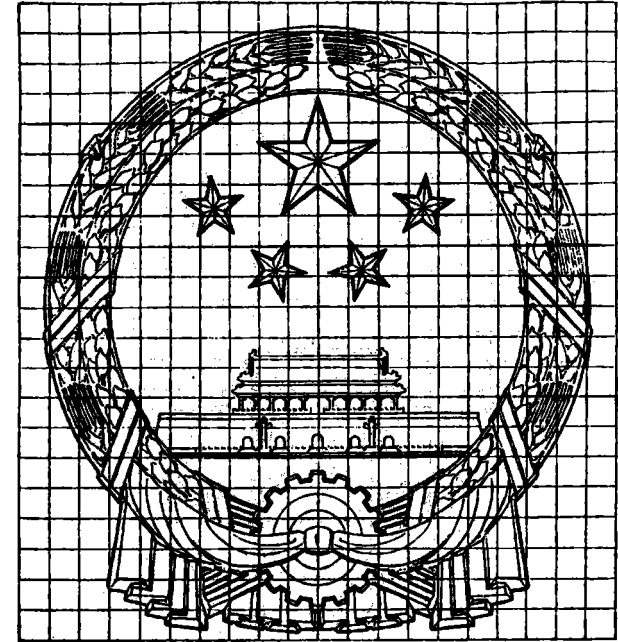
The People's Republic of China's National Emblem

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.

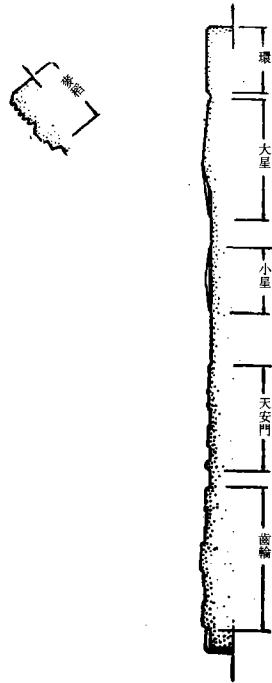
1. Two bunches of wheat and rice form a round ring. A cogwheel is placed where the wheat and rice stems cross at the base. Red ribbon forms a knot in the centre of the cogwheel. The red ribbon coils up the wheat and rice on the left and right of the cogwheel and hangs down, dividing the cogwheel into 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.



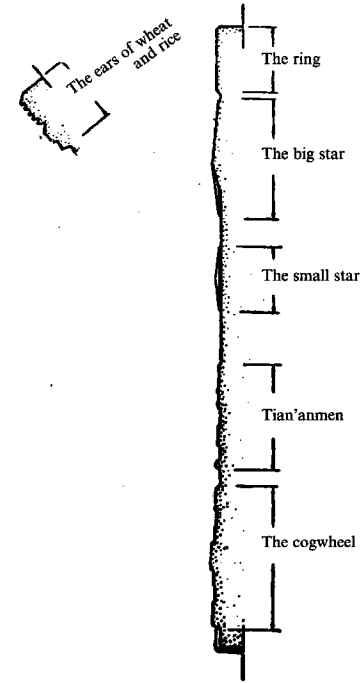
中華人民共和國國徽方格墨線圖



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



中華人民共和國國徽縱斷面圖



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

附表 3

[第 3 條]

國旗下半旗的情況、國旗的優先地位及國旗的升降

國旗下半旗

1. 下列人士逝世，須下半旗誌哀——
 - (a) 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。
 - (b) 中國人民政治協商會議全國委員會主席。
 - (c) 中央人民政府知會行政長官，指為對中華人民共和國作出傑出貢獻的人。
 - (d) 中央人民政府知會行政長官，指為對世界和平或者人類進步事業作出傑出貢獻的人。

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

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. 中央人民政府知會行政長官，謂發生特別重大傷亡的不幸事件或者嚴重自然災害造成重大傷亡時，可以下半旗誌哀。

國旗的優先地位

1. 升掛國旗，須將國旗置於顯著的位置。
2. 列隊舉持國旗和其他旗幟行進時，國旗須在其他旗幟之前。
3. 國旗與其他旗幟同時升掛時，須將國旗置於中心、較高或者突出的位置。
4. 在外事活動中同時升掛兩個或以上國家的國旗時，須按照外交部的規定或者國際慣例升掛。

升降國旗

1. 在直立的旗桿上升降國旗，應當徐徐升降。升起時，必須將國旗升至桿頂；降下時，不得使國旗落地。
2. 下半旗時，須先將國旗升至桿頂，然後降至旗頂與桿頂之間的距離為旗桿全長的三分之一處；降下時，須先將國旗升至桿頂，然後再降下。

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 unfortunate events causing especially serious casualties occur or serious natural calamities have caused heavy casualties.

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.