National Flag Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purpose of safeguarding the dignity of the National Flag, regulating the use of the National Flag, enhancing citizens' sense of the State, promoting the spirit of patriotism, and cultivating and practicing the core socialist values.

Article 2 — The National Flag of the People's Republic of China is a red flag with five stars. The National Flag shall be made in accordance with 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.

Article 3 — The National Flag of the People's Republic of China is the symbol and hallmark of the People's Republic of China. All citizens and organizations shall respect and protect the National Flag.

Article 4 — The local people's governments at all levels shall exercise supervision over and administration of the display, use, manufacture, sale and recycling of the National Flag within their respective administrative areas. The departments designated by the people's governments at the provincial level shall organize and coordinate the recycling of the National Flag within their respective administrative areas. The administrative departments of education, public security, market regulation, culture and tourism, veterans' affairs, emergency management, and other relevant departments of the people's governments at or above the county level shall, in accordance with their respective functions and duties, administer the activities involving

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the National Flag. The State encourages and supports the inclusion of the knowledge of the National Flag in education on national conditions, patriotism, and national unity. The administrative departments of education, the Communist Youth League, the Young Pioneers, and other organizations shall carry out education on the National Flag among citizens in various forms.

Chapter II — Manufacture, Display and Use

Article 5 — The National Flag shall be displayed on each working day at the following premises or venues: (1) Tiananmen Square and Xinhuamen in Beijing; (2) all central-level state organs including the Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the National Commission of Supervision, the Supreme People's Court and the Supreme People's Procuratorate; the National Committee of the Chinese People's Political Consultative Conference; (3) the Ministry of Foreign Affairs; (4) airports, ports, railway stations and other border ports, as well as border and coastal defense posts. The National Flag shall be displayed on each working day at the premises of all local standing committees of the people's congresses, local people's governments, local commissions of supervision, local people's courts and local people's procuratorates at all levels, and local committees of the Chinese People's Political Consultative Conference at all levels. Schools shall display the National Flag on each working day, except during winter and summer vacations and rest days. Kindergartens that meet the relevant conditions shall display the National Flag with reference to the provisions for schools. Where public cultural and sports facilities such as libraries, museums, cultural centers, art galleries, science and technology museums, memorial halls, exhibition halls, gymnasiums, and youth palaces open on open days, the National Flag shall be displayed.

Article 6 — State organs at all levels and all people's organizations shall display the National Flag on National Day, International Labor Day, New Year's Day, Spring Festival, and other major national events and celebrations; enterprises, public institutions, villagers' committees, residents' committees, and residential complexes (buildings and compounds) may display the National Flag where conditions permit. In ethnic autonomous areas, the National Flag shall be displayed on the anniversary of the founding of the autonomous area and on major traditional ethnic festivals. The National Flag shall be displayed on the anniversary of the founding of a special administrative region. The National Flag shall be displayed when holding major celebration events, commemorative events, large-scale cultural and sports activities, and large-scale exhibitions.

Article 7 — Citizens and organizations that wish to display the National Flag on National Day, International Labor Day, New Year's Day, Spring Festival, and other major national events and celebrations may display the National Flag and use the pattern of the National Flag to express their patriotic feelings. Citizens and organizations that use the pattern of the National Flag in online activities shall abide by the relevant provisions on network administration and shall not impair the dignity of the National Flag. The standard version of the pattern of the National Flag used in online activities shall be published on the websites of the National People's Congress and the State Council.

Article 8 — When the National Flag is hoisted or carried in a procession, the National Flag shall be placed in a prominent position. Where the National Flag is displayed together with other flags, the National Flag shall be placed in a central, higher or prominent position. Where the national flags of two or more countries are displayed in foreign affairs activities, relevant provisions of the Ministry of Foreign Affairs or international practice shall apply.

Article 9 — The National Flag shall be hoisted to the top of the flagpole when displayed. Where the National Flag is to be displayed at half-mast as a token of mourning, the National Flag shall first be hoisted to the top of the flagpole and then lowered to a point where the distance between the top of the flag and the top of the flagpole is one-third of the length of the flagpole; when lowered, the National Flag shall first be hoisted to the top of the flagpole before it is lowered.

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Article 10 — The National Flag shall not be displayed upside down, nor shall the National Flag be displayed, used or manufactured in any other manner that impairs the dignity of the National Flag. The National Flag shall not be discarded at will. A National Flag that is damaged, defiled, faded or substandard shall not be displayed or used, and shall be recycled and disposed of in accordance with the relevant state provisions. The specific measures for the centralized recycling and disposal of the National Flag shall be formulated by the departments designated by the people's governments at the provincial level in conjunction with the relevant departments at the corresponding level.

Article 11 — The National Flag manufactured by enterprises designated by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall meet the national standards. The National Flag and its pattern shall not be used as a trademark, for patent granting, or in commercial advertisements, and shall not be used in inappropriate circumstances such as private funeral activities. The National Flag used by citizens and organizations in activities such as online activities shall meet the national standards. Where the pattern of the National Flag is used as provided in this Law, the National Flag used shall not be displayed upside down and shall be placed in a prominent position. The whole National Flag shall not be used in designs of trademarks, product packaging, tools, souvenirs, or tokens of personal entertainment.

Chapter III — Legal Liability

Article 12 — Whoever, in a public place, intentionally insults the National Flag of the People's Republic of China by burning, damaging, scrawling on, defiling, or trampling upon it, or by any other means, shall be investigated for criminal liability in accordance with the law; where the circumstances are relatively minor, the public security organ shall impose a detention of not more than 15 days.

Article 13 — Whoever displays or uses a damaged, defiled, faded or substandard National Flag, or displays the National Flag upside down, in an inverted manner, or in any other manner that impairs the dignity of the National Flag, shall be ordered to make corrections by the department performing supervisory and administrative functions in the place where the act is committed; where the violator intentionally commits the act by illegal means, the public security organ shall impose a detention of not more than 15 days.

Article 14 — Whoever, in violation of the relevant state provisions, discards the National Flag at will shall be admonished or admonished by the department performing the supervisory and administrative functions in the place where the National Flag is discarded, and shall be ordered to make corrections; where the circumstances are serious, a public security administrative punishment shall be imposed in accordance with the law.

Article 15 — Whoever uses the National Flag for inappropriate purposes, or uses the National Flag or its pattern as a trademark, for patent granting, or in commercial advertisements shall be ordered to make corrections by the market regulatory department; where the violator refuses to make corrections, a fine of not more than RMB 200,000 yuan shall be imposed, and the business license may be revoked by the registration authority.

Article 16 — Where anyone uses the National Flag or its pattern online in violation of the relevant provisions of this Law, the cyberspace administration department shall order the violator to make corrections and impose an administrative penalty in accordance with the law on network administration. Where the circumstances are serious and a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter IV — Supplementary Provisions

Article 17 — The provisions of this Law shall apply to the National Flag of the Hong Kong Special Administrative Region and the National Flag of the Macao Special Administrative Region, which shall be

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displayed and used in accordance with the relevant provisions of their respective Basic Laws. The specific measures for the display and use of the National Flag in diplomatic activities and by the Chinese embassies, consulates, and other diplomatic missions stationed abroad shall be formulated by the Ministry of Foreign Affairs. The specific measures for the display and use of the National Flag by military units shall be formulated by the Central Military Commission.

Article 18 — The standard version of the National Flag pattern shall be published on the website of the National People's Congress and on the website of the State Council for use by all parties. Where the National Flag pattern is required for use in accordance with law, the standard version shall be used.

Article 19 — This Law shall come into effect on October 1, 1990. The Amendment shall come into effect on January 1, 2021.

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