

China's Proposed National Security Law: A Threat to Hong Kong's Autonomy

In a recent development, a draft law on national security has been proposed in the Chinese Parliament that could give Beijing sweeping powers over Hong Kong. The legislation is set to bring major changes to the Basic Law, the guiding constitution between Hong Kong and Beijing, causing growing concerns about the future of Hong Kong's autonomy.

The Implication of the Basic Law and Article 23

The Basic Law allows Hong Kong to have independent executive, legislative, and judicial powers, with exclusions only in defense and foreign affairs matters. However, the proposed national security legislation strengthens Beijing's control over Hong Kong by way of Article 23.

Article 23 of Basic Law requires Hong Kong to pass a national security law to prohibit acts against the Central People's Government like treason, secession, sedition, subversion, or theft of state secrets. It also forbids political organizations in the region from establishing ties with foreign political bodies. Its intended purpose is to maintain national security, but opens doors for China's national security organs to formally operate and set up institutions in Hong Kong.

Threat to Legislative Council's Power and the Role of Annex III

There are fears that Beijing pressing for the legislation to be passed quickly is to prevent any hindrances if democrats take control of Hong Kong's Legislative Council (LegCo) after the 2020 elections. This has been met with resistance from opposition parties who see the move as curbing Hong Kong's autonomy.

Alternatively, Beijing could bypass the LegCo altogether by adding the national security law to Annex III of Basic Law. As per Article 18, national laws listed in Annex III are applicable to Hong Kong and in matters beyond the region's autonomous limits. Such laws can be automatically enforced in the city or legislated locally.

Hong Kong: From British Colony to Chinese SAR

A former British colony, Hong Kong was handed over to mainland China in 1997, becoming one of its Special Administrative Regions (SAR). Basic Law was established to maintain the "one country, two systems" principle, promising to uphold Hong Kong's liberal policies, system of governance, independent judiciary, and individual freedoms for 50 years.

Protest Against Dwindling Freedoms

Since the handover, there have been multiple protests over concerns about the erosion of Basic Law freedoms. The first significant pro-democracy demonstration took place in 2003 when a similar national security law was proposed. In 2014, the Umbrella Revolution occurred in response to China's refusal to grant democratic reforms. In 2019, the largest protest against an extradition law resulted in

continued pro-democracy marches, even after the legislation was withdrawn.

Impact of Protests and Criticism of Draft Law

These protests were seen by mainland China as a challenge, leading to a tougher stance on foreign policy and internal security issues. The draft law has seen major criticism from democratic parties in Hong Kong who see it as undermining the “one country, two systems” model, effectively putting the city under mainland China's control.

The proposed ban on seditious activities against Chinese rule and punishment for external interference in Hong Kong affairs could potentially reignite protests. It also puts Hong Kong's status as an East Asian trading hub at risk.

Looking Forward

The recent protests against the extradition law and the national security law proposal have spotlighted China's secretive, authoritarian government. These protests garnered global attention and support, setting the stage for international disapproval of Beijing's actions.

As the freedoms granted under the Basic Law are set to expire in 2047, it remains to be seen how Hong Kong will navigate this situation. With the implications of the Covid-19 pandemic bringing added tensions, the proposed security law signifies a critical moment for Hong Kong's future autonomy.