Hong Kong's National Security Law

Why in news?

China has unveiled a new national security law for Hong Kong.

What is the new law?

- The new law was passed by the Chinese parliament unanimously.
- It was subsequently made a part of Hong Kong's Basic Law.
- The law will greatly expand Beijing's power in Hong Kong.

How does the new law target protesters?

- The new law has widely defined some offences which punishes the protestors with harsh punishments.
- The offences include Secession, Subversion, Terrorist Activities, and Collusion with a Foreign Country or with External Elements to Endanger National Security.
- All four offences can invite life imprisonment as the maximum punishment, followed by lesser penalties.
- The law allows the prosecution of persons who are not the residents of Hong Kong for committing an offence under the law outside the city.
- This allows the prosecution of foreigners who involve in city politics.

What are the changes made to the legal system?

- The mainland China will establish a new department in Hong Kong called the '**Office for Safeguarding National Security**'.
- With Beijing's approval, the Office would be able to take over jurisdiction from Hong Kong's law courts,
    1. If a case is complex due to the involvement of a foreign country or external elements,
    2. If a serious situation makes the local application of the security law difficult, or due to the occurrence of a major and imminent threat to national security.
- In cases that are taken over by the Office, prosecutors as well as adjudicators will be appointed by mainland China.
- For these cases, Chinese procedural laws would apply.
- Under the new law, the power of interpretation of criminal statutes has been

vested in the Standing Committee of the Chinese parliament.

- If a trial involves “State secrets” or “public order”,
    1. It could be closed to the media and the public;
    2. Only the judgment would be delivered in open court.

What are the changes made to the Police Force?

- The Hong Kong Police Force will have a separate department to deal with national security matters.
- The city’s Justice Department will have to form a specialised prosecution division.
- The police will have sweeping powers to investigate certain offences.
- Upon the Chief Executive’s approval, the police will have the power to investigate or tap phones.
- These powers have traditionally required prior court approval.

What is the new Committee formed?

- A new body called the ‘Committee for Safeguarding National Security’ will be formed with Hong Kong’s Chief Executive at its helm.
- The Committee will be immune from judicial scrutiny.
- It will have a Beijing-appointed national security adviser.
- It will be responsible for formulating national security policies among other tasks.

How is Hong Kong governed?

- A former British colony, Hong Kong was handed over to mainland China in 1997, becoming one of its Special Administrative Regions.
- It is governed by a mini-constitution called the **Basic Law**.
- The Basic Law affirms the principle of “one country, two systems”.
- It upholds liberal policies, system of governance, independent judiciary, and individual freedoms of Hong Kong for 50 years from 1997.

Why this security law was enacted by China, not Hong Kong?

- Under Article 23 of the Basic Law, Hong Kong was supposed to enact the national security law on its own.
- However, when the city government tried to enact the law in 2003, the issue became a rallying point for massive protests.
- Ever since, the government steered clear of introducing the law again.
- The other way of implementing the law was by its inclusion in Annex III of the Basic Law.
- Annex III is a list of legislations confined to those relating to defence and

foreign affairs, and other matters outside the limits of the Region's autonomy.

- Adding a law to this list causes it to be enforced in the city by way of promulgation - meaning automatically being put into effect.
- Beijing chose this route.

Source: The Indian Express

