Hong Kong's Safeguarding National Security Bill

Why in news?

Recently Hong Kong passed a new national security law granting the government more power to curb dissent.

What is the status of Hong Kong?

- Hong Kong, at roughly 1,100 sq km, is smaller in size than Delhi, and is home to an estimated 7.4 million people.
- **Sino-British Joint Declaration, 1984**-It was a British colony from 1841 until sovereignty was returned to China in 1997.
- **Basic law**- The city is governed by a mini-constitution called the Basic Law, it affirms the principle of “one country two systems”
- **One country two systems-**Hong Kong is now part of China under this principle, the city remains a semi-autonomous region with the Basic Law for 50 years from 1997.

One country two systems principle is applied to the governance of Hong Kong and Macau, both of which are Special Administrative Regions (SARs) of China.

- **Special Administration Region**- The city enjoys *high degree of autonomy* in all matters *except foreign affairs and defence*, which are responsibilities of the China.
- **Administration**- Hong Kong keeps its own judicial independence, its own legislature and economic system, it has its own land and courts and allows its residents a range of civil liberties.
- **Protests-**Since the handover of the city to China, Hong Kong residents have repeatedly protested to protect their Basic Law freedoms, with the first major pro-democracy protest taking place in 2003.
- **Umbrella revolution**- In 2014, over 1 lakh residents took part in this revolution to protest against China’s denial of democratic reforms.
- **Extradition law**- It 2019 Hong Kong people agitated against the proposed law which resulted in the withdrawal of legislation.

The proposed extradition law allows suspects accused of crimes such as murder and rape to be extradited to mainland China to face trial.

- The Economist Intelligence Unit rated Hong Kong a "Hybrid regime" in 2022. Hybrid regimes are nations with regular electoral frauds, preventing them from being fair and free democracies.

What are the provisions of 'Safeguarding National Security Bill'?

- **Prevent future protests**- The law aims to prevent a repeat of the 2019 protests which is necessary for protection against "potential sabotage."
- **Expansion of punishment-** The bill broadens the government's ability to penalize acts of treason and insurrection, with life imprisonment as a potential punishment which signifies a severe crackdown on activities perceived as threatening to national security.
- **Harsh penalties**- It imposes stricter punishments for espionage (up to 20 years) and unlawful disclosure of state secrets (up to 10 years).
- **Extraterritorial jurisdiction**- The law allows for the criminal prosecution of specific acts committed anywhere in the world3.
- **Punishment for working with foreign government**- Individuals convicted of collaborating with foreign governments to commit crimes can face up to 10 years in prison, without the need to prove intent to incite disorder or violence.
- **National security law, 2020**- It punishes the protestors with harsh punishments for offences including secession, subversion, terrorist activities, and collusion with a foreign country or with external elements to endanger national security.
- 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.

What is the impact of the bill on various sectors of the society?

- **Financial professionals-** - The provisions related to offenses such as the disclosure of state secrets have created uncertainty and fear among financial professionals dealing with sensitive information.
- **Foreign investors-** The increased regulatory burden may deter businesses from investing in Hong Kong, prompting them to seek opportunities in other countries with more favourable legal environments.
- **Journalists-** The law poses a significant threat to press freedom, particularly with provisions regarding state secrets that do not require proof of intent to harm national security, this ambiguity raises concerns about potential censorship and self-censorship among journalists.
- **Activists-**Offenses related to "external interference" raise concerns about the prosecution of activists who collaborate with overseas individuals or organizations. Amnesty International has warned that such provisions could be used to suppress legitimate activism and silence dissenting voices
- **Accused individuals-** Individuals accused in national security cases may encounter significant challenges, including extended custody without charges and restrictions on consulting legal counsel.
- The imposition of financial sanctions on individuals who have fled abroad further exacerbates the punitive nature of the law, limiting their employment opportunities and economic prospects.
- **Duty of public-** The law imposes a duty on Chinese citizens to report knowledge of any person committing treason, under threat of severe punishment, it increases surveillance and social pressure, fostering a climate of fear and distrust within

communities.

Quick facts

Taiwan	Hong Kong
It is de facto independent, with its own government, military, economy, and currency, even as it lacks de jure independence.	It is administered by the Hong Kong Special Administrative Region government, which acts as China's proxy.
It is physically separated from China by the Taiwan Straits, it results in *weaker mainlandization* influence compared to Hong Kong.	***Sham chun river*** is the natural border between Hong Kong and China, suggesting closer proximity and potentially stronger influence from China due to mainlandization.
The *Sunflower Movement in 2014* emerged in response to a trade agreement with China, which protesters feared would undermine Taiwan's sovereignty and democratic principles	The *Umbrella Movement in 2014* was sparked by concerns over China's encroachment on the city's political freedoms and the lack of genuine universal suffrage.
The ***"one China principle"*** is that People's Republic of China is the sole representative of China, including Taiwan, which is a part of China, US acknowledges this principle	It is administered by ***"One country two systems"*** principle which allows for the coexistence of two different economic and political systems within a single country.

References

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2. The Week- Hong Kong's new tough law

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