

CHINA PASSES CONTROVERSIAL HONG KONG LAW

Relevant for: International Relations | Topic: Effect of policies and politics of developed & developing countries on India's interests

Power point: Delegates applaud as Chinese President Xi Jinping arrives for the closing session of China's National People's Congress in Beijing on Thursday. AP Mark Schiefelbein

China's Parliament on Thursday passed new legislation for Hong Kong that will for the first time empower Beijing to draft national security laws for the Special Administrative Region (SAR).

At the closing session of the annual National People's Congress (NPC) in Beijing, the draft legislation was passed overwhelmingly, with 2,878 votes for, one against and six abstentions in the Communist Party-controlled legislature.

The law, called the "NPC Decision on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security", essentially empowers the NPC to draft new national security laws for Hong Kong. That could happen as early as June, when the NPC Standing Committee, which convenes every two months, holds its next sitting.

The draft legislation said the scope of the laws could cover any activity that "seriously endangers national security". It said it was aimed at enabling "measures to counter, lawfully prevent, stop and punish foreign and overseas forces' use of Hong Kong to carry out separatist, subversive, infiltrative, or destructive activities".

Basic law

The NPC decision has been criticised by pro-democracy parties and some in the legal community in Hong Kong as undermining the "one country, two systems" model. Since 1997, Hong Kong has been governed by the Basic Law, which gives the SAR "executive, legislative and independent judicial power, including that of final adjudication". Only matters of defence and foreign affairs are handled by the central government.

While the law says the state would "fully, and accurately implement the principles of one country, two systems", it also enables organs of the central government "for the protection of national security" to set up "institutions in the HKSAR", a provision that has been a particular source of concern.

"It is entirely unclear how the proposed agencies set up in the HKSAR will operate under the laws of the HKSAR, whether they will be bound by the laws of the HKSAR, whether they have the power of enforcement, and whether such powers as exercised will be limited by the laws currently in force in the HKSAR", the Hong Kong Bar Association said in a statement reported by the *South China Morning Post*.

The law could also block foreign judges from sitting on national security cases, following the example of Macau, which has done so since 2018, Reuters reported. Hong Kong's court of final appeal has 15 foreign judges, under a system aimed to ensure judicial independence for a global financial centre.

At his annual press conference following the NPC, China's Premier Li Keqiang said China "will still follow the principle of Hong Kong people governing Hong Kong". He said "one country, two

systems” is China’s “basic state policy” and Beijing would continue to ensure Hong Kong had “a high degree of autonomy”.

On Thursday, U.S. Secretary of State Mike Pompeo certified to Congress that it was the administration’s view that Hong Kong could no longer enjoy the special economic privileges it had received from the U.S. because of the erosion of its autonomy, a move that could hurt the SAR’s economy.

Mutual respect

In his press conference, Mr. Li called on China and the U.S. to manage their differences and “discard a ‘Cold War’ mentality”. “I believe both countries should respect each other and develop a relationship on the basis of equality, respect each other's core interests and major concerns and embrace cooperation,” he said.

He said China would aim for positive economic growth this year, although the government would rely on increased liquidity rather than any massive stimulus measures.

China for the first time has not set an annual GDP growth target citing the economic uncertainty, with the economy contracting by 6.8% in the first quarter, the first contraction since 1976. Both Mr. Li and the Foreign Minister Wang Yi did not field any questions on India in their annual NPC press meets.

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