

# China's new Election Law on Hong Kong

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China's parliament approved on Thursday a draft decision to change Hong Kong's electoral system, further reducing democratic representation in the city's institutions and introducing a mechanism to vet and screen politicians' loyalty to Beijing. The measures are part of Beijing's efforts to consolidate its increasingly authoritarian grip over the global financial hub, following the imposition of a sweeping national security law in June, which critics see as a tool to crush dissent.

**In news:** China approves sweeping changes to Hong Kong's electoral system

**Placing it in syllabus:** History

**Dimensions**

- China – Hong Kong Political System (HKSAR)
- Provisions of the new law
- Why was the law brought ?
- How will it impact “one country , two systems” model

## Content:

### China – Hong Kong Political System (HKSAR)

- The Government of the Hong Kong Special Administrative Region of the People's Republic of China is led by the Chief Executive, the head of government.
- The politics of Hong Kong takes place in a framework of a political system dominated by its quasi-constitutional document, the Hong Kong Basic Law, its own legislature, the Chief Executive as the head of government and of the Special Administrative Region and of a politically

constrained multi-party presidential system.

- On 1 July 1997, sovereignty of Hong Kong was transferred to China (PRC) under a model called “one country, two systems”, ending over one and a half centuries of British rule .
- Under the deal, which gave the territory freedoms not available in mainland China, Hong Kong also had its own mini-constitution and an elected parliament.
- Hong Kong became a **Special Administrative Region (SAR)** of the PRC with a high degree of autonomy in all matters except foreign affairs and defence, which are responsibilities of the PRC government.
- According to the Sino-British Joint Declaration (1984) and the Basic Law, Hong Kong will retain its political, economic and judicial systems and unique way of life and continue to participate in international agreements and organisations as a dependent territory for at least 50 years after retrocession.
- For instance, the International Olympic Committee recognises Hong Kong as a participating dependency under the name, “Hong Kong, China”, separate from the delegation from the People’s Republic of China.
- The Economist Intelligence Unit rated Hong Kong a “Hybrid regime” in 2020

## **Provisions of the new law:**

- China’s legislature has approved a resolution to overhaul Hong Kong’s electoral system – its latest move to tighten control over the city.
- The “patriots governing Hong Kong” resolution was passed at the National People’s Congress (NPC) recently.
- It will reduce democratic representation and allow a pro-Beijing panel to vet and elect candidates.
- Under the new rules, the election committee responsible for choosing Hong Kong’s Chief Executive would add 300 members, bringing the total number of electors to 1,500.

- The proposal also increases seats in Hong Kong's legislative council (Legco) from 70 to 90, with the expansion including more seats for Beijing loyalists.
- Perhaps the most controversial change is the setting up of a new "candidate qualification review committee", which "shall be responsible for reviewing and confirming" the qualifications of candidates for Election Committee members, the Chief Executive, and Legislative Council members.
- This committee can vet any candidate and disqualify them if it deems they are not "patriots", as part of a new push by Beijing to ensure "the administration of Hong Kong by Hong Kong people with patriots as the main body"

## **Why was the law brought ?**

- China is arguing that this reform – with its political loyalty test for candidates – is necessary to ensure stability.
- Beijing is responding to pro-democracy protests in Hong Kong in 2019, which it saw as a threat to China's national security. Since then, most high-profile democratic politicians and activists have been sent to jail or are in self-exile.
- Wang Chen, Vice-Chairman of the NPC Standing Committee, said the change was being passed to plug "clear loopholes and deficiencies which the anti-China, destabilising elements jumped on to take into their hands the power to administer the HKSAR"
- The measures are part of Beijing's efforts to consolidate its increasingly authoritarian grip over the global financial hub, following the imposition of a sweeping national security law in June 2020.

## **How will it impact the "one country , two systems" model?**

- Under the Basic Law – the Constitution that has governed

Hong Kong since 1997 – the SAR is a part of China but enjoys “a high degree of autonomy” and “executive, legislative and independent judicial power”, except in foreign policy and defence.

- It also says “the socialist system and policies shall not be practised” in Hong Kong for 50 years.
- Experts view election reform as the latest clampdown on Hong Kong’s civil liberties, which used to be guaranteed in the semi autonomous city under the Basic Law.
- If Hong Kong’s pro-democracy parties are concerned about the “two systems” part of the formula, Beijing is now emphasising the importance of “one country”.
- Hong Kong’s Chief Executive, Carrie Lam, said on March 11 that ensuring political offices were filled by “patriots” was required to safeguard “national security and sovereignty” and to “solve the problem of the LegCo [Legislative Council] making everything political in recent years” and “internal rifts that have torn Hong Kong apart”.
- With the national security law and the new electoral changes, the space for the pro-democracy opposition in Hong Kong has been drastically reduced.
- Some political analysts believe Hong Kong is backsliding from ‘moving towards democracy’ to moving towards autocracy

**Mould your thought:** China’s new Election Law on Hong Kong abolishes the ability to channel dissent through the political process itself. Evaluate.

***Approach to the answer:***

- Introduction
- Discuss The political system in HK
- Mention the changes made by the law
- Discuss the impact of the new law on the “one country , two systems” model
- Conclusion