

Hong Kong

European Parliament resolution on Hong Kong

The European Parliament,

- having regard to the constructive dialogue which the European Parliament has maintained with the Government of the Hong Kong Special Administrative Region (HKSAR) and to the importance which the rule of law has played in the development of Hong Kong,
 - having regard to the decision of the Government of the Hong Kong Special Administrative Region to publish a consultation paper unveiling its proposals for an anti-subversion law under Article 23 of the Basic Law,
 - having regard to its resolutions of 8 October 1998¹ and 26 October 2000² on Hong Kong, in which concerns were raised regarding future legislation under Article 23,
- A. whereas the three-month public consultation period, after which draft legislation will be finalised, ends on 24 December 2002,
- B. whereas this legislation will apply to every single person in Hong Kong,
- C. whereas it will also apply to all Hong Kong permanent residents, whether Chinese or non-Chinese nationals, and also to what they do outside Hong Kong,
- D. whereas that the HKSAR Government's consultative document has stated as a guiding principle that any legislation passed will not undermine the freedoms, including freedom of media, guaranteed in the Basic Law,
- E. having regard to the widespread concern expressed by certain religious leaders, some Hong Kong Legco members, human rights groups and Hong Kong lawyers regarding the proposed legislation,
1. Believes that the proposed legislation must follow the 'one country, two systems' policy enshrined under the Basic Law;
 2. Believes further that the new legislation must not be subject to Article 19 of the Basic Law, and that Article 23 offences must remain within the exclusive jurisdiction of Hong Kong courts;
 3. Calls on the HKSAR government to ensure that Article 23 proposals will not be used to silence opposition, restrict freedom of speech, of the press and of publication, freedom of association, of assembly, of procession and of demonstration, the right and freedom to

¹ OJ C 328, 26.10.1998, p. 186.

² OJ C 197, 12.7.2001, p. 387.

form and join trade unions and to strike, and the right to engage in academic research, literary and artistic creation and other cultural activities, in accordance with Articles 27 and 34 of the Basic Law;

4. Believes that all proposed offences should be tightly defined and should specifically exclude the possibility of peaceful protests falling into the definition of crimes covered by Article 23;
5. Repeats the call made in its abovementioned resolutions that the HKSAR should not introduce laws under Article 23 which violate the provisions of the International Covenant on Civil and Political Rights;
6. Calls on the HKSAR administration, at the end of the current consultation period, to publish a draft bill setting out clearly detailed provisions to ensure that Hong Kong citizens are fully aware of the implications of the new legislation, to be followed by further consultation;
7. Reiterates its position that respect for the full autonomy of Hong Kong is one of the key issues upon which to base the development of future relations between the EU and China;
8. Instructs its President to forward this resolution to the Council, the Commission and the HKSAR Government.