

The National Security Law: political and social effects on the governance of the Hong Kong Special Administrative Region

Siu-kai Lau

*Chinese Association of Hong Kong and Macao Studies and
The Chinese University of Hong Kong, Hong Kong SAR, China*

Abstract

Purpose – The purpose of this paper is to identify the major political and social effects of the Hong Kong National Security Law on Hong Kong. It is argued that the enactment of this Law allows Hong Kong not only to end its protracted political turmoil since its return to China in 1997, but also will generate the favorable conditions for long-term stability and effective governance in the territory.

Design/methodology/approach – This paper is based on the author's close observation of what had happened in Hong Kong in the year since the Hong Kong National Security Law came into effect on 1 July 2020.

Findings – The Hong Kong National Security Law has brought about significant changes in the political psychology of Hongkongers, the balance of power among different political forces, the ability of external forces to interfere in Hong Kong politics, the way Hong Kong is governed, the relationship between the government and the legislature, the activities in the educational and cultural sectors, and the behavior of the judiciary.

Originality/value – This paper would be of interest to scholars and people who are interested in the implementation of “One Country, Two Systems” in the Hong Kong Special Administrative Region (SAR) as well as Beijing's new policy towards Hong Kong in the aftermath of Hong Kong's unprecedented riots and violence.

Keywords National Security Law, Hong Kong, “One Country, Two Systems”, Governance

Paper type Viewpoint

Introduction

On 30 June 2020, the National People's Congress passed the “Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region” (referred to as the “Hong Kong National Security Law”) and officially implemented it in Hong Kong ([Hong Kong Special Administrative Region, 2020](#)). The legislative purpose is to implement the decision made at the end of 2019 by the Fourth Plenary Session of the 19th Central Committee of the Communist Party of China on “establishing and improving the legal system and implementation mechanism of the special administrative region to maintain national security”, thereby filling in the serious vulnerability left behind by the failure of Hong Kong SAR in completing the enactment of Article 23 of the Basic Law. The vulnerability that has been in existence after the reunification has not only made Hong Kong a long-term hidden danger and threat to national security, but also the chief culprit of Hong Kong's political instability and ineffective governance. The internal and external hostile forces have incessantly and relentlessly exploited the vulnerability to stir up troubles in Hong Kong, thus unscrupulously undermining the implementation of “One Country, Two Systems”



in the territory; inciting Hongkongers to confront the central and local authorities; disrupting the governance of the SAR; stifling the prosperity, stability and development of Hong Kong; and causing the various longstanding deep-seated contradictions to become increasingly serious. In the past decade, the internal and external hostile forces had become stronger and aggressive (Lau, 2017). They not only tried to use violence to seize Hong Kong's jurisdiction and paralyze the governance of the SAR, but also acted as chess pieces of the United States and other Western powers to curb the rise of China and hinder the great rejuvenation of the Chinese nation (Vittachi, 2020).

The Hong Kong National Security Law

The Hong Kong National Security Law is a law aimed precisely at cracking down on the riots in Hong Kong. Its purpose is to prohibit and punish the crimes of secession, subversion, terrorist activities, and collusion with foreign countries or external forces to endanger national security. These four serious crimes have frequently occurred in Hong Kong since its return to China, especially in the past three years, and have made it impossible for the SAR government to achieve effective governance in a context of endless political turmoil.

After the implementation of the Hong Kong National Security Law, instant and encouraging effects on the political situation and governance of the SAR have been produced. To this day, the riots in Hong Kong have largely subsided, and what remain are some sporadic resistance, violence and terrorist activities. A lot of people involved in the riots have been arrested, prosecuted, remanded, put on trial, imprisoned, or have escaped, emigrated or disappeared. Many anti-China and anti-Hong Kong organizations have disbanded, suspended activities, died down, or operated in a low-key manner. The vast majority of opposition members in the Legislative Council have already left and can no longer interfere with the administration of the SAR government by paralyzing the operation of the legislature. The new oath taking system has forced most of the radical district council members to lose their seats and can no longer turn the district councils into a platform for political struggles (Lau, 2021). The civil service team has completed the oath taking procedures and its discipline has improved. The dissidents inside the civil service have been effectively curbed. The *Apple Daily*, which played a key role in the riots, has ceased publication and the persons in-charge have also been held criminally liable. In the past year, the political situation and governance of the SAR had witnessed significant improvements.

Political and social effects on governance

As a legal measure, the power and deterrence of the Hong Kong's National Security Law are obvious. However, when analyzing and evaluating the effectiveness of the Hong Kong National Security Law, we must not only pay attention to its legal effects, but also its political and social effects. It can be said that the Hong Kong National Security Law has created a political and social environment conducive to the effective governance and long-term stability in the SAR in several aspects.

First of all, the Hong Kong National Security Law has completely changed the political culture and psychological expectations of most Hongkongers, thus making them no longer willing or daring to participate in political actions that challenge the central authorities and the SAR government. As a result, the governance of the SAR can proceed in a more stable and rational context. For a long time, under the bewitchment and indoctrination of the hostile forces at home and abroad, a lot of Hongkongers, especially the young people, lacked the awe for the central authorities and the SAR government whom they even considered to be weak and easy to bully. These people believed that as long as Hongkongers could launch large-scale protests to undermine Hong Kong's prosperity and stability, and with the support of external forces as well as their threats to China, the central authorities would, because of the unbearable pressures, inevitably succumb and let the internal and external hostile forces to

seize more political powers. They believed that Hong Kong was extremely important to the country, and the central authorities were very afraid of the eruption of any riot that might endanger the prosperity and stability of Hong Kong and damage to its economic value to the country. Moreover, they felt that China was also worried about Western sanctions on Hong Kong and China. In order to avoid Western sanctions and the disruption of Sino-Western relations, the central authorities would definitely take a low-key and compromising response to the challenges of the internal and external hostile forces, and reluctantly satisfy their political ambitions in whole or in part (Lau, 2020, pp.170-180).

The central authorities' decisive action in formulating the Hong Kong National Security Law and the rigorous enforcement of the Law by the Hong Kong SAR government have completely shattered their original psychological expectations of the response of the central authorities and the SAR government and made them deeply aware of the central authorities' great determination, courage and ability in safeguarding national security, the "One Country, Two Systems", and the prosperity and stability of Hong Kong. At the same time, it instills into them a clear understanding of the hefty price that Hong Kong and themselves will have to pay when engaging in and supporting illegal and violent acts. At present, Hong Kong society's aspiration for and emphasis on stability, law and order, an end to violence, and robust rule of law are rising. Even though some Hongkongers are still unable to adapt to the swift appearance of the Hong Kong National Security Law and thus remain resentful, or even continue to resort to confrontational words and deeds, in the end, I believe that most of them will accommodate themselves to the new political reality. They will dare not or avoid doing things that endanger the stability and order of Hong Kong.

Second, the Hong Kong National Security Law has dealt a devastating blow to Hong Kong's opposition, thus greatly diminishing their space for survival and development. All along, the opposition has incessantly and unscrupulously exploited the deficiencies and loopholes in Hong Kong's national security laws and enforcement mechanisms to carry out "anti-China, anti-communist and anti-government" propaganda and mobilization. These actions will be difficult to organize and carry out after the implementation of the Hong Kong National Security Law. The opposition has therefore lost their most important "trump card". More and more Hongkongers will no longer be so easily incited and mobilized by the opposition because of the existence of the Hong Kong National Security Law. This has greatly weakened the opposition's ability to launch large-scale political struggles in Hong Kong. Today, the opposition has been utterly routed as their ability at organization, leadership, and resources are severely lacking, and they have no place in the governance structure of the SAR. Their protest actions are also subject to severe legal constraints. The opposition has not only lost the boldness and temerity of the past, but also has a rather bleak future. The more deadly blow to the opposition is that the tricks that they used to incite Hongkongers in the past have become ineffective. More and more people in Hong Kong no longer believe in the various "sure win" myths that the opposition repeatedly put forward in the past. They no longer believe that supporting and participating in their protest actions will achieve their stated goals and will bring themselves and Hong Kong a better tomorrow. On the contrary, this unprecedented and extremely destructive riot has prompted many Hongkongers to deeply reflect and introspect on the past actions of the opposition, and feel remorse and resentment for being deceived by the opposition for such a long time. This explains why, whilst the people in "patriotic" camp are shaking hands and celebrating, the Hong Kong people react so coldly and indifferently towards the arrest and imprisonment of a large number of opposition leaders, the fact that anti-China and anti-Hong Kong elements cannot enter the governance structure, the shutting down of many opposition organizations and media, and the prohibition of many demonstrations and protest activities by the Hong Kong police. It can be said that the long-standing ability of the opposition to obstruct the administration of the SAR government would come to an end.

Third, the Hong Kong National Security Law has greatly boosted the morale, courage and sense of responsibility of the “patriotic” camp. Under the leadership of the central authorities and with the strong backing of the Hong Kong National Security Law, the “patriots” have actively participated in combating the violence and chaos in Hong Kong, thus giving the anti-China and anti-Hong Kong elements and external forces a hard hit and severely suppressing their hubris and arrogance. They actively support and respond to the central authorities’ policies and arrangements to rectify the situation. Through the training derived from taking part in political struggles, the “patriotic” camp now is more united and more combative than before as well as more capable of supporting the administration of the SAR government.

Fourth, the Hong Kong National Security Law has severely cracked down on the external forces and exposed their hypocrisy and unreliability. Under the Hong Kong National Security Law, it will be difficult for the opposition to collude with external forces and obtain their support and funding. Likewise, the external forces will find it hard to make use of their agents in Hong Kong to foment political unrest. Whether they are the Western forces or Taiwan independence elements, after the Hong Kong National Security Law came into effect, they have maintained a low-key posture. Some foreign organizations have in fact withdrawn from Hong Kong. Of course, the external forces will never give up. They will certainly continue to encourage and support the opposition in Hong Kong from abroad by verbally criticizing the central authorities and the SAR government, providing “escape doors” to the rioters, imposing various sanctions on Hong Kong, discrediting and disparaging Hong Kong internationally, damaging Hong Kong’s investment environment, and finding ways to get Hong Kong’s talents and money to leave Hong Kong, etc. However, Hongkongers are quite aware of the fact that the external forces are absolutely incapable of changing the determination and policies of the central authorities in safeguarding national sovereignty and security in Hong Kong. On the contrary, the actions of external forces have caused more Hongkongers to see more clearly the treacherous intention of external forces in making use of Hong Kong to contain China’s rise. The opposition and its supporters have always placed high hopes on the support and “protection” of the external forces, and especially hope that they will issue severe warnings and threats to China and Hong Kong. However, the support and care that they have actually received are far below their expectations, thus making many of them feeling chilly and uncomfortable as if they had become the “abandoned children” of the external forces. As more and more opposition figures and Hongkongers realize that the external forces are malicious, hypocritical and unreliable, the political influence of the external forces in Hong Kong is expected to decline continuously.

Fifth, the Hong Kong National Security Law has given the SAR government powerful legal means. This has greatly enhanced the SAR government’s ability, determination and responsibility to protect national security and Hong Kong’s stability, and significantly strengthened the SAR government’s law enforcement capabilities. With the Hong Kong National Security Law, some of the Hong Kong’s original laws relating to safeguarding national security and Hong Kong stability, such as the Public Security Ordinance and the Criminal Offences Ordinance, have been “activated” and decisively applied. In the past year, the SAR government had significantly increased its will and boldness to curb the chaos, and to crack down on the radical anti-China riots in Hong Kong. Up to now the achievements in this regard are quite obvious. The National Security Service under the Police Force of the Special Administrative Region government has decisively enforced the Hong Kong National Security Law. So far, more than 100 people have been arrested and prosecuted for violating the Law. Even more people have been punished for violating other Hong Kong laws relating to the protection of public order and public safety. The National Security Office established by the central authorities in Hong Kong not only is the “rampart” safeguarding national security, but also provides strong support and the necessary assistance to the SAR government.

Sixth, the Hong Kong National Security Law has brought about gratifying changes in the relationship between the executive and the legislature. The opposition forces in Hong Kong, for a long time, have been using their presence in the Legislative Council to interfere with the operation of the Council by various “filibuster”, “head-counting” and other disgraceful means, thereby obstructing the work of the SAR government. At the same time, they rejected the “legitimacy” of the SAR’s political system on grounds of the failure of governance in the SAR. With the implementation of the Hong Kong National Security Law and the successive promulgation of other major measures by the central authorities, the so-called “Council Front” of the anti-China forces in Hong Kong has completely collapsed. The vast majority of opposition members have been forced to leave the Legislative Council, and thenceforth, incapable of doing any harm to the Council. Today, the executive-legislative relationship is harmonious and smooth, and has fully fulfilled the intentions of the Basic Law to install an “executive-led” political system and setting up the principle of “the executive and the legislature cooperating as well as checking and balancing each other but with cooperation coming first”. Today, the efficiency of the Legislative Council is unprecedentedly high. The SAR government has, on one hand, fulfilled its constitutional responsibility to the Legislative Council and, with the support of the Council, has greatly accelerated the speed of legislation and allocation of funds, and, on the other hand, significantly improved the effectiveness of its governance. The most prominent example is undoubtedly that the Legislative Council was able to pass within a very short period of time the local laws to implement the decisions of the National People’s Congress and the prescriptions of the Standing Committee of the National People’s Congress on the reform of Hong Kong’s electoral system, thus enabling the three upcoming important elections to be held in succession in Hong Kong.

Seventh, the Hong Kong National Security Law has provided a good and rare opportunity to the Hong Kong Special Administrative Region government to practise active governance. After the implementation of the Hong Kong National Security Law, the SAR government has made significant progress in many fronts under a politically stable situation. This is mainly manifested in the acceleration of the development of the Guangdong-Hong Kong-Macao Greater Bay Area, Guangdong-Hong Kong cooperation, Shenzhen-Hong Kong cooperation, development of the innovation and high technology industries; prevention and control of the COVID-19 epidemic; enhancement of labor rights, poverty alleviation, and people’s livelihood improvement. All these works will help to gradually resolve the deep-seated contradictions in Hong Kong society in the long run.

Eighth, the role of the Hong Kong National Security Law in the ideological fields of society, education, media, social media, culture, law, movies, art, and religion is becoming more and more obvious. The cessation of publication of the anti-China and anti-communist *Apple Daily* is a landmark and signal achievement. For a long time, the opposition and external forces in Hong Kong have held a dominant position in these areas, and therefore have gained the “right to speak” on many problems and issues, thus producing very bad influence in society, particularly on the young people. After the implementation of the Hong Kong National Security Law, many influential people in those fields are still trying every means, such as “spin the side ball” or hidden methods to conduct “soft confrontation” without evidently “violating” the Law. By doing so, they aspire to continue the dissemination of information and ideas that would foster admiration of and worship for Western institutions and values, and therefore would be unfavorable to the CCP, the central authorities, China, and the SAR government. However, the deterrent power of the Hong Kong National Security Law is gradually showing up even in those fields. Today and in the future, the SAR government will continue to work hard to crack down on the anti-China and anti-communist media and organizations. It will strengthen its management of the internet to eliminate false information, bullying, “doxing” and incitement. It will also tighten its supervision over artistic and cultural works and activities, suppress all kinds of “soft confrontation” behaviour, rectify the

intransigent Radio and Television Hong Kong, punish the teachers who commit dereliction of duty and sanction the radical students. We have clearly seen that some of the leading figures and organizations in those ideological fields have become vigilant, apprehensive and restrained, thus freeing up spaces for the central authorities, the SAR government and the “patriots” to undertake various cultural, ideological, and educational works and hopefully to regain the “right to speak”. At the same time, the SAR government is strengthening the curriculum of Chinese History for the schools, replacing the broadly criticized Liberal Studies with Citizenship and Social Development with the purpose of enhancing patriotic education, and organizing and promoting various extracurricular activities to help improving students’ patriotic identification with the nation (Education Bureau, 2021).

Ninth, the implementation of the Hong Kong National Security Law and the determination of the central authorities and the SAR government to set things right, coupled with Hong Kong people’s desires for stability and order, have formed a social and political atmosphere that is bound to impact on the judiciary. More and more judges are inclined to be strict with those who have participated in the riots, and accordingly have imposed appropriate and deterrent sentences on those who have been convicted. The situation in the past where too many light sentences were delivered by some of the judges has changed palpably. At the same time, the judiciary also knows that after the principle of “patriots’ administering Hong Kong” is fully implemented, the SAR government and the Legislative Council dominated by the “patriots” will work together to amend the laws and raise the minimum penalties if the courts are found to be too lenient to the offenders who have harmed national security and social stability. When necessary, the Standing Committee of the National People’s Congress will also explain the relevant provisions of the Basic Law to make sure that they are correctly understood and applied by the judges. In order to maintain the trust of all parties towards the judiciary, the courts in Hong Kong are expected to actively support and cooperate with the central authorities and the SAR government in safeguarding national security and public order, and thus contributing to the long-term stability of Hong Kong.

Finally, the Hong Kong National Security Law has provided a solid foundation for the comprehensive realization of “patriots’ administering Hong Kong” and the long-term stability of Hong Kong. The Hong Kong National Security Law and other central authorities’ measures to bring order out of chaos have not only made it hard for the opposition to gain a foothold in society, but also made it difficult for them to enter into Hong Kong’s governance structure. In the past, patriotic forces were bullied and persecuted by the internal and external anti-China and anti-Hong Kong elements in society and within the governance structure. This has hampered the development of “patriotic forces” to a certain extent. The situation will inevitably be changed in the future and will be beneficial to the growth and unity of the “patriotic forces”. After the elimination of the interference and sabotage of anti-China and anti-Hong Kong elements, all walks of life in Hong Kong, under the leadership and urging of the central authorities and the SAR government and the “patriotic camp”, will concentrate on solving the deep-seated economic, social, and livelihood issues in Hong Kong. More social elites will actively join the “patriotic camp” to help resolving those practical problems. Without any doubt, “patriots’ administering Hong Kong” is the prerequisite for the realization of good governance, and the Hong Kong National Security Law is an indispensable condition for achieving this prerequisite.

All in all, the Hong Kong National Security Law has established a solid political and social foundation for the long-term stability of Hong Kong.

References

Education Bureau (2021), *Measures to Optimise four Senior Secondary Core Subjects*, Education Bureau, Hong Kong.

- Hong Kong Special Administrative Region (2020), "The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region", available at: <https://www.gld.gov.hk/egazette/pdf/20202448e/egn2020244872.pdf> (accessed 29 July 2021).
- Lau, S.K. (2017), *The Practice of "One Country, Two Systems" Policy in Hong Kong*, The Commercial Press, Hong Kong.
- Lau, S.K. (2020), *On the Future of One Country, Two Systems in Hong Kong* (in Chinese), The Commercial Press, Hong Kong.
- Lau, S.K. (2021), "District Councils as we know them will not, cannot go on", *China Daily*, available at: <https://www.chinadailyhk.com/article/232896#District-councils-as-we-know-them-will-not-cannot-go-on> (accessed 29 July 2021).
- Vittachi, N. (2020), *The Other Side of the Story: A Secret War in Hong Kong*, YLF, Hong Kong.

About the author

Siu-kai Lau is Emeritus Professor of Sociology at The Chinese University of Hong Kong and Vice-President of the Chinese Association of Hong Kong and Macao Studies. In 2002-2012, Professor Lau was Head of the Central Policy Unit of the Hong Kong SAR Government. He was actively involved in the return of Hong Kong to China as Member of the Preliminary Working Committee for the Hong Kong SAR as well as Member of the Preparatory Committee for the Hong Kong SAR before 1997. His publications include *Society and Politics in Hong Kong* (1982), *The Ethos of the Hong Kong Chinese* (with Kuan Hsin-chi) (1988), *The Implementation of One Country Two Systems in Hong Kong* (in Chinese) (2015), *On the Future of One Country Two Systems in Hong Kong* (2020) (in Chinese), as well as articles in local, Mainland and international scholarly journals. Siu-kai Lau can be contacted at: lausikui@gmail.com

For instructions on how to order reprints of this article, please visit our website:
www.emeraldgroupublishing.com/licensing/reprints.htm
Or contact us for further details: permissions@emeraldinsight.com