

Testimony before the House Committee on Foreign Affairs  
*“The End of One Country, Two Systems?: Implications of Beijing’s National Security Law in  
Hong Kong,”*

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Chairman Engel, Ranking Member McCaul, and members of this committee:

I would like to thank you all for the opportunity to address the critical development in Hong Kong. The Chinese National People’s Congress Standing Committee (NPCSC) passed and unilaterally imposed a national-security law upon Hong Kong, which, I submit, constitutes a fundamental breach of the Sino-British Joint Declaration and the Basic Law. There is no longer a meaningful distinction between the system of Hong Kong and that of China: The legal firewall between two places has been utterly dismantled; the Chinese party-state has engulfed our autonomous administration; our civil society is under full assault and pervaded by political fear, self-censorship and legal persecution. We have to reckon with the reality that China itself has relegated “One Country, Two Systems” to the dust of history.

*Five demands, not one fulfilled*

It is instructive to situate the enactment of the national-security law in the first anniversary of the 2019 Anti-Extradition Bill Movement. On this very day last year in Hong Kong, I read out, on behalf of the protesters, a statement that crystallized the “five demands” of the movement inside the Legislative Council.

Rather than responding to those modest demands and initiating the much-needed institutional reform, the Chinese and Hong Kong governments mistakenly believed that there is an expedient solution, that is to ramp up their relentless repression, continuous isolation of Hong Kong from the world, and, ultimately, the self-destruction of “One Country, Two Systems.”

The withdrawn extradition bill – the first of the five demands – has now morphed into a full-fledged government agency directly from Beijing set up in Hong Kong with jurisdiction and the ability to extradite defendants to China. The call for amnesty is met with an ever-surging number of 8,000 protesters being arrested, and nearly 600 of them are charged with rioting punishable by ten years of imprisonment. The Hong Kong government has dismissed the demand for holding the police accountable, and has instead increased their spending by 25 percent compared to last year.

Above all, the Chinese Communist Party (CCP) has muffled the public outcry for full democracy, guaranteed in the Basic Law, and responded with the assertion of the party dominance via the national-security law.

### *The end of rule of law and the rise of rule by the Communist Party*

In this light, the grave dangers of the national-security law are not limited to its legal ramifications. The newly criminalized offences – secession, subversion of state power, terrorism, and collusion with foreign or external forces – will no doubt be used as legal weapons to persecute activists and dissidents who can be sentenced to life in prison. No one in Hong Kong is certain about their legal definitions. In fact, their definitions will remain forever elusive as the National People’s Congress can always re-interpret the law, strike down any conflicting Hong Kong legislations, and Beijing can “advise” the Chief Executive to handpick judges to deliver judgements favorable to the party line.

Beyond its legal ramifications, the newly enacted law is fundamentally about asserting the CCP’s overarching dominance in Hong Kong. The NPC forcefully inserted the national-security law into Hong Kong legal system by way of listing it in Annex III of the Basic Law. But as the Hong Kong Bar Association argues, the NPCSC has no power to do so.<sup>1</sup> Not only has the local legislature been completely circumvented, top local officials, such as the Chief Executive and the Secretary for Justice were utterly clueless about the details of the law. “Hong Kong people ruling Hong Kong,” as part of the original formulation of “One Country, Two Systems,” proved to be a mirage.

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<sup>1</sup> See Hong Kong Bar Association, 25 May 2020, [“Statement of Hong Kong Bar Association on proposal of National People’s Congress to enact National Security Law in Hong Kong.”](#)

More importantly, two parallel institutions will be set up and funnel the influence of the CCP into Hong Kong's political and legal systems. First and foremost, the "Office of National Security Commissioner" will be established in Hong Kong and will directly report to the Central National Security Commission, which is led by Xi Jinping.<sup>2</sup> Not bound by the Basic Law nor the Hong Kong government, this office is vested with the power to "supervise" the Hong Kong government and with jurisdiction over certain cases pertaining to national security. This jurisdiction involves the power of "legal enforcement, prosecution and adjudication," and of extraditing defendants to the Chinese mainland legal system.<sup>3</sup> It constitutes a fundamental intrusion to Hong Kong's judicial independence, which is the cornerstone of "One Country, Two Systems."

Furthermore, there will be a counterpart institution – the National Security Committee – within the Hong Kong government nominally led by the Chief Executive, who is, in turn, "advised" by an official appointed by Beijing and accountable to the CCP, instead of the Hong Kong people.

This set of parallel organs marks the institutionalization of the CCP's dominance over Hong Kong's political and judicial systems. "National security" becomes the springboard that the CCP uses to tighten its grip on the local government, normalize its political operations, and extradite people -- whether of local or foreign origin -- to China where there is no respect for the rule of law. The party-state's "comprehensive jurisdiction" has superseded the city's autonomy; its "overall national security" tramples on our civil rights and liberty. The crumbling of "One Country, Two Systems" has unfolded.

*For the love of genuine freedom*

Since last year's movement, I have been asked countless times, "Is the fight worth it given the tremendous sacrifice borne by Hong Kong people?" In fact, many young protesters have to make the same distressing decision as I did: to be imprisoned for years or even decades for the love of our city and its people; or to be exiled and forced to seek refuge elsewhere, possibly

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<sup>2</sup> South China Morning Post, June 21 2020, "[National security law: questions raised over Beijing's sweeping powers, as critics point to new agency, role of adviser in commission.](#)"

<sup>3</sup> Tam Yiu-chung, member of the NPCSC, June 22 2020, [interview with Cable TV News.](#)

never seeing a chance of safe return. But my answer is always this: “Once we have tasted freedom, we can never be enslaved again.” The flame of Hong Kong’s democracy movement may be flickering, but it can never be extinguished. Our hope for genuine freedom will guide us through the dark and stormy winter ahead.

The false promise of “partial freedom,” often made by the CCP, will one day devolve into no freedom at all. Indeed, at the very core of the CCP’s strategy of political control is to compartmentalize politics: that the national-security law only affects a small group of people, that the business communities need not concern themselves with politics, and that as long as you stay on the right side of the party line, things will be fine. But those boundaries are drawn for political expediency, and can be dissolved at any moment to serve the party’s interests. And the authoritarian practices adopted by the CCP in Hong Kong have already, and will continue to be, diffused across its border to the world. I believe, therefore, that the global community must hold China accountable for its broken international promises. China should not be allowed to continue to encroach on Hong Kong’s autonomy and freedom, while abusing its special economic status conferred by international recognition. We must act now, for it might soon be too late.