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Commentary | Ka Hang Wong, Five Years On, the National Security Law Exposes the Joint Declaration's Deception

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It has been five years since China imposed the National Security Law (NSL) on Hong Kong. This imposition has sharply curtailed the freedoms and autonomy promised under the Sino-British Joint Declaration (<https://www.cmab.gov.hk/en/issues/jd2.htm>). While the NSL is a serious breach of that treaty, far less attention has been given to how the Joint Declaration's vague wording enabled Beijing to later exploit the agreement in its favor. This ambiguity allowed the Chinese government to impose political control while claiming to honor the treaty, and this foundational weakness ultimately contributed to the collapse of "one country, two systems."

The imposition of the NSL followed months of protests about an Extradition Bill that Carrie Lam's government tried to push through Hong Kong's legislature despite public protests. What led to the Bill was a murder case that exposed a legal loophole. In 2018, a young man named Chan Tong-kai (<https://www.abc.net.au/news/2023-02-18/hong-kong-murder-of-poon-hiu-wing-five-year-anniversary/101978386>) traveled with his pregnant girlfriend to Taiwan, where after a heated argument, he killed and disposed of her body. Upon returning to Hong Kong, he confessed the murder to local police. However, because Hong Kong had no extradition agreement with Taiwan, the authorities could not charge him for the crime committed outside their jurisdiction.

Carrie Lam, the unelected Chief Executive at the time, saw an opportunity to amend Hong Kong's laws to allow extradition requests to places without formal agreements, including mainland China. Many Hongkongers feared this would expose them to the mainland's opaque and politicized legal system.

Despite unprecedented public opposition, Lam dismissed widespread calls to withdraw the Bill and pressed ahead, deepening the political crisis. The situation escalated sharply after protesters defaced the PRC emblem in July 2019, crossing what Beijing deemed a "red line" (<https://www.bbc.com/news/world-asia-china-40465359>). By the time Lam withdrew the Bill in September, the conflict had moved beyond legal reform to a crisis of sovereignty. The Chinese government subsequently used the COVID-19 pandemic as a window of opportunity to impose the NSL in 2020.

Yet, the deeper roots of this sovereignty crisis lie in the Joint Declaration and the Basic Law's political architecture. The Joint Declaration stated that "The Government of the Hong Kong Special Administrative Region will be composed of local inhabitants. The chief executive will be appointed by the Central People's Government on the basis of the results of elections or consultations to be held locally." This was consistent with the principle (<https://hongkongfp.com/2020/04/19/exclusive-beijing-completely-broke-their-promise-on-hong-kong-says-veteran-democrat-martin-lee/>) of "Hong Kong people ruling Hong Kong."

But this vague wording left ample room for divergent interpretations. To the British, it implied the possibility of popular elections; to China, it allowed for a controlled electoral process. The Basic Law, Hong Kong's constitution, added detail with Article 45 (<https://www.basiclaw.gov.hk/en/basiclaw/chapter4.html>), which stated: "The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." However, this "broadly representative nominating committee" was a euphemism for a pro-Beijing body that vetted candidates.

The origins of this future committee has its roots in the colonial transition period, when Beijing, through the Preparatory Committee (<https://www.yearbook.gov.hk/1997/ch2/e2e1.htm>), established the 400-member Selection Committee to appoint the first Chief Executive and form the Provisional Legislative Council. This Selection Committee was never mentioned in the Joint Declaration and lacked democratic legitimacy, effectively operating outside any agreed treaty or accountable public process. Its institutionalization in the Basic Law enshrined a system that enabled China to control Hong Kong's political leadership under the guise of autonomy.

Beijing's manipulation of Hong Kong's political future can be further traced back to Deng Xiaoping's 1984 speech (<https://ebook.theorychina.org.cn/ebook/upload/storage/files/2022/07/28/f77a1a130ad7a1b14c88b839e0671e7073068/files/basic.html/page82.html>) to Hongkongers during the National Day celebrations in Beijing. Deng welcomed "people from different walks of life and with different political views" and concluded from this that all shared the same "important prerequisite": "love for the motherland and for Hong Kong." He described the transfer of sovereignty as a "resumption of the exercise of sovereignty."

But the term "resumption" was a deliberate distortion of history. Deng claimed the treaties that ceded Hong Kong were "unequal" and thus invalid. Yet, this assertion has never been tested or recognized by any international court. In reality (<https://www.elibrary.imf.org/view/journals/002/1997/050/article-A001-en.xml>), Hong Kong was not a part of China but governed as a British territory under common law. Deng's rhetoric was not a mere misunderstanding but a calculated rewriting of history that contradicted legal and historical reality.

The phrase "love for the motherland and for Hong Kong" was not merely symbolic. It served as a normative claim that defined political legitimacy in terms of loyalty to the Chinese state. Yet, sovereignty over Hong Kong belonged to the UK. The city's development had been rooted entirely in the British Empire, and for many Hongkongers, their mother country (https://www.migzen.net/site/assets/files/5156/2024_new_humanitarian_visas_in_a_hostile_environment-1.pdf) was Britain.

Deng's ideological presupposition thus compelled Hongkongers to profess love for a motherland that had never been theirs. What began as political rhetoric was later embedded into Hong Kong's political system through candidate vetting mechanisms, making loyalty to the party-state an unofficial but enforced requirement for anyone seeking the office of Chief Executive. This laid the groundwork for a system in which dissent is equated with disloyalty, and patriotism is narrowly defined through the lens of party-aligned nationalism.

This definition of patriotism clashed profoundly with Hongkongers' lived experiences and political identities. Hongkongers had grown up under British rule, having fled the mainland's political turmoil to settle in British Hong Kong. The city's development, apart from a brief Japanese occupation during World War II, was entirely shaped by British institutions based on rule of law, market liberalism, civil liberties, and democratic participation.

By the late colonial period, this identity was expressed through civic engagement. Hong Kong's citizens wrote directly (<https://www.independent.co.uk/news/world/tycoons-take-battle-with-patten-to-major-1348428.html>) to their prime minister, and business elites expressed concerns over democratic reforms. Criticism of government was part of a democratic political culture, not a sign of disloyalty. Under this framework, patriotism meant upholding accountability and civil rights.

Many Hongkongers therefore viewed (<https://time.com/5713715/hong-kong-one-country-two-systems-failure/>) "one country, two systems" through the lens of British liberal-democratic norms that they had grown up with. Deng's imposed nationalist vision disregarded this historical fact, forcing a population to accept a definition of patriotism that contradicted their civic experience. This became a foundational tension that fueled decades of conflict.

This tension became evident in 2014 when Beijing's proposed (<https://www.scmp.com/news/hong-kong/article/1582245/full-text-npc-standing-committee-decision-hong-kong-2017-election>) electoral reform required all Chief Executive candidates to be vetted by a pro-Beijing nominating committee, justified by the demand that only "patriots" could govern. Public rejection of this led to the 79-day Umbrella Movement. This was a watershed moment that exposed Hongkongers' rejection of Chinese interference into their own political affairs.

The subsequent disqualification (<https://www.theguardian.com/world/2017/jul/14/hong-kong-pro-democracy-legislators-disqualified-parliament>) of sitting legislators and candidates under the "patriot" doctrine escalated, culminating in the 2019 anti-extradition bill protests and the imposition of the NSL. The political crisis was not simply about legal reforms but a broader clash over Hong Kong's sovereign identity, system of governance, and meaning of loyalty.

The ideological groundwork laid in 1984 now permeates Hong Kong's education system. The Citizenship and Social Development curriculum introduced after the NSL promotes a radical narrative that Hong Kong was not a British colony (<https://www.bbc.com/news/world-australia-61810263>) and defines a dangerous form of patriotism as unconditional allegiance to the totalitarian party-state. This educational shift seeks to overwrite the pluralistic identity that many Hongkongers have long embraced.

Just as the CCP successfully erased its own role in the 1989 Tiananmen Square Massacre through patriotic education, it is now applying the same strategy to reshape the minds of Hong Kong's youth. Reflecting a deep discontent, the delayed 2020 Legislative Council election—held in December 2021 under Beijing's electoral reforms designed to ensure rule by "patriots"—recorded the lowest turnout (<https://www.scmp.com/news/hong-kong/politics/article/3160336/hong-kong-elections-all-eyes-final-turnout-first-big-test>) in Hong Kong's history for a LegCo election. This record signals a silent protest by citizens in response to the NSL. The District Council election in 2023 similarly saw a turnout (<https://www.scmp.com/news/hong-kong/politics/article/3244577/hong-kong-district-council-election-voting-extended-until-midnight-after-computer-glitch-first>) of just 27.5%, a dramatic drop from the 71.2% turnout during the 2019 election at the height of the anti-extradition protests.

Perhaps the most profound consequence of the NSL is China's assault on Hong Kong's national character. While the law claims to "safeguard" sovereignty and unity, its deeper aim is to impose a singular, state-controlled narrative. Long before the handover, Hongkongers had developed a distinct identity rooted in liberty, democracy, and free expression—values irreconcilable with Beijing's demands for loyalty and ideological control.


China's promise that Hong Kong's way of life would remain unchanged for fifty years has proven hollow. Requiring Chief Executive candidates to "love the motherland and Hong Kong" distorts what Hongkongers saw as liberal patriotism (<https://hongkongfp.com/2021/09/12/hongkongers-are-patriotic-their-mistake-was-to-believe-the-joint-declarations-predictions/>): loyalty alongside the right to dissent. Had Carrie Lam been democratically elected, the Extradition Bill might have been withdrawn, and the NSL avoided.


Britain's BN(O) response (<https://www.gov.uk/government/speeches/foreign-secretary-statement-on-national-security-legislation-in-hong-kong>) offers refuge but fails to confront the deeper betrayal. As Hong Kong's sovereign before China's occupation and co-signatory to the Joint Declaration, Britain bears responsibility for 5.4 million Hongkongers (<https://www.bbc.com/news/world-55825479>) under its jurisdiction. The UK has a duty to recognize Hongkongers' democratic will and support an alternative constitutional future—one that rejects China's barbarous assault on the Joint Declaration and restores the treaty's promise of a self-governing, democratic polity in both spirit and letter.

Ka Hang Wong is a PhD candidate at the University of Technology Sydney (UTS) under the supervision of Associate Professor Chongyi Feng. His PhD thesis provides a historical analysis of BN(O) status and how it evolved from being a token of British nationality into a tool of political resistance against a totalitarian party-state's assault on Hong Kong. Drawing on the Tibetan historical experience, the thesis suggests that the British government could address its unfulfilled promise of universal suffrage for Hongkongers by supporting an elected parliament-in-exile and granting land as a self-governing Crown Dependency.

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