

August 16, 2019

# Hong Kong's Protests of 2019

## Overview

Every week since June 9, 2019, tens of thousands of Hong Kong residents, or “Hong Kongers,” have held marches and rallies to protest the perceived erosion of their city’s “high degree of autonomy” promised by the 1984 Sino-British Joint Declaration and Beijing’s efforts to “Mainlandize” Hong Kong’s culture, economy, and society. The Hong Kong government, led by Chief Executive Carrie Lam Cheng Yuet-ngor, and China’s central government have characterized the largely peaceful protests as “riots” and “terrorism.” The Hong Kong Police Force has employed increasingly aggressive tactics to stop the protests, resulting in allegations that its officers are violating international standards for responding to civil demonstrations.

The continuing demonstrations may raise questions for the 116<sup>th</sup> Congress about the future of U.S. policy toward Hong Kong, a former British colony which was returned to China in 1997. The United States-Hong Kong Policy Act of 1992 (Hong Kong Policy Act; P.L. 102-383; 22 USC Ch. 66, as amended) calls on China to abide by the promises it made to the United Kingdom and the world in the 1984 Joint Declaration. It also states that the United States will afford the Hong Kong Special Administrative Region, or HKSAR, separate treatment from China on commercial, cultural, educational, economic, trade, and transportation matters unless the President determines that Hong Kong is “not sufficiently autonomous to justify” such treatment.

Congress and the Trump Administration are considering what measures, if any, to take to help preserve Hong Kong’s autonomy and protect its “current social and economic systems” as promised in the Joint Declaration. Among the options under consideration is the Hong Kong Human Rights and Democracy Act of 2019 (H.R. 3289, S. 1838—see below). In addition, Congress may also contemplate altering U.S. policy on separate treatment if and when Hong Kong no longer is “sufficiently autonomous” from China.

## Protests Overview

On June 9, 2019, according to its organizers, an estimated one million Hong Kongers participated in a peaceful march from Victoria Park to the headquarters of the HKSAR government in opposition to proposed legislation that would have, among other things, allowed extradition from Hong Kong to Mainland China (see CRS In Focus IF11248, *Hong Kong’s Proposed Extradition Law Amendments*). The Hong Kong Police Force estimated 240,000 people attended the event. The following day, Chief Executive Lam said that her government planned to request Hong Kong’s Legislative Council (Legco) to take up consideration of the bill on June 12, despite the protest.

On June 12, tens of thousands of people surrounded the Legco building and shut down several major roads in the neighboring Admiralty District in opposition to the extradition bill. Legco cancelled its session for the day. After a standoff lasting several hours, an estimated 5,000 Hong Kong police officers in riot gear used tear gas, rubber bullets, pepper spray, and truncheons to open the streets and disperse the demonstrators. Chief Executive Lam and Police Commissioner Steven Lo Wai-chung characterized the day’s demonstration a “riot” and indicated that the police had “no choice but to start to use force.” Two days later, Chief Executive Lam announced an indefinite delay in Legco’s consideration of the extradition bill.

On the following Sunday (June 16), an estimated 2 million Hong Kong residents again peacefully marched from Victoria Park to the HKSAR government headquarters in Admiralty; the Hong Kong Police Force stated that only 334,000 people participated. The protesters called for the withdrawal of the extradition bill, a renouncement of the “riot” characterization, the dropping of all charges against the arrested demonstrators, and an independent investigation into alleged excessive use of force by the Hong Kong police. After the protest march, Chief Executive Lam released a written apology, saying that she would pay more attention to the views of the Hong Kong people. She subsequently announced the “suspension,” but not the complete withdrawal, of the extradition bill.

Since June 16, one or more large-scale demonstrations have been held every weekend, and on some weekdays as well. In many cases, after the formal demonstrations were over, some of the protesters marched to new locations or blocked off streets, leading to the deployment of police officers in riot gear. The arrival of the police frequently has led to confrontations, and eventually the use of tear gas, rubber bullets, and pepper spray to break up the protests. The protesters have responded by donning makeshift riot gear and throwing bottles, bricks, and umbrellas at the police, leading to accusations of violence by both sides.

## Issues Motivating the Protests

While the proposed extradition bill precipitated the continuing demonstrations, other long-standing issues are motivating the protesters. These include the perceived erosion of Hong Kong’s autonomy, the “Mainlandization” of the city, and worsening economic opportunities. Nor is this the first time Hong Kong residents have risen in large numbers to protest actions by China’s central government and the HKSAR government seen as eroding the city’s autonomy. On July 1, 2003, an estimated 500,000 people rallied against a proposed anti-secession law introduced by then Chief Executive Tung Chee-hwa; the bill was subsequently withdrawn. In 2014, the so-called “Umbrella

Movement” closed down major roads following a decision by China’s National People’s Congress Standing Committee (NPCSC) placing unacceptable conditions on the nomination process in order for the Chief Executive to be elected by universal suffrage.

### **Erosion of Hong Kong’s Autonomy**

Hong Kong reverted to Chinese control on July 1, 1997, under the terms of the “Joint Declaration,” an international treaty which set the terms for Hong Kong’s high degree of autonomy in internal affairs. Many Hong Kongers maintain that China’s central government and the HKSAR government have undermined that autonomy. Even before the HKSAR was formed, China’s central government created a “provisional Legislative Council” to replace the last Legco elected during British rule, claiming that changes made by the British in the 1996 Legco election procedures violated the provisions of the Joint Declaration.

Under the Basic Law, which set up Hong Kong’s governing bodies and processes, the city is supposed to have an autonomous judicial system. In January 1999, Hong Kong’s Court of Final Appeal issued a decision regarding the status of Mainland children born to Hong Kong permanent residents, ruling that Article 24 of the Basic Law granted these children the “right of abode” in Hong Kong. In June 1999, the NPCSC issued its own “interpretation” of Article 24, overruling the Court of Final Appeal.

In 2014, then Chief Executive Leung Chun-ying began exploring legislation to permit the election of the Chief Executive by universal suffrage, the “ultimate goal” according to the Basic Law. On August 31, 2014, the NPCSC issued a decision stating that election by universal suffrage would be allowed if only two or three candidates were nominated, and those candidates were approved by a “nominating committee” effectively controlled by Beijing. In response, tens of thousands of Hong Kongers shut down major roads in three central business districts for nearly three months. Leung never introduced the election reforms.

On November 7, 2016, the NPCSC issued a new interpretation of the Basic Law’s provision for oath-taking, indicating that elected Legco members were to be disqualified if they were not “sincere and solemn” or if they diverged from a proscribed script. In part relying on the NPCSC interpretation, then-Chief Executive Leung filed suit in Hong Kong courts and successfully had six pro-democracy Legco members disqualified.

### **“Mainlandization”**

Many Hong Kong protesters also decry what they view as the attempted “Mainlandization” of Hong Kong. The HKSAR government has introduced education reforms, such as compulsory Mandarin language classes (Hong Kongers primarily speak Cantonese) and a “patriotic” curriculum in Hong Kong’s primary and secondary schools. China’s central government is requiring the HKSAR government to pass laws prohibiting “disrespecting” China’s national anthem and flag. China’s central government and the HKSAR government have agreed to allow up to 150 “Mainlanders” per day to receive “one-way” visas to permanently settle in Hong Kong. Many of

these Mainland immigrants do not speak Cantonese, leading to allegations that this is an attempt to undermine Hong Kong’s “current cultural system.”

Hong Kong’s economy is also seen as undergoing a gradual “Mainlandization.” Most companies included in Hong Kong’s Hang Seng Index are now Mainland companies. Many of the stores in Hong Kong, particularly near the border with the Mainland, cater to Mainland tourists and traders who buy goods in Hong Kong for resale across the border. Many Hong Kongers see the rising numbers of Mainland immigrants as placing stress on social services, such as medical care, schools, and housing. Hong Kong students compete with Mainlanders for places in schools and jobs after graduation. Since July 1, 1997, Hong Kong housing prices have nearly doubled, but salaries for recent university graduates have remained nearly stagnant, making buying an apartment almost impossible for young people.

### **Implications for U.S. Relations with China**

China has implied that the U.S. government is provoking Hong Kong’s youth to participate in the protests, a claim Secretary of State Pompeo called “ludicrous.” Some experts maintain that President Trump and his senior advisors have refrained from criticizing China’s treatment of Hong Kong to avoid possible negative implications for the ongoing Sino-U.S. trade dispute.

### **Implications for Taiwan**

The Hong Kong protests are apparently having an effect on Taiwan’s 2020 presidential elections. The “one country, two systems” model being used in Hong Kong (and Macau) was originally proposed by Deng Xiaoping for the potential reunification of China with Taiwan. Popular support for Tsai Ing-wen, Taiwan’s President and leader of the Democratic Progressive Party, has risen, in part due to her strong support for the Hong Kong protesters.

### **Pending Legislation**

The Hong Kong Human Rights and Democracy Act of 2019 (H.R. 3289/S. 1838) would amend the Hong Kong Policy Act to require the Secretary of State to annually certify to Congress that Hong Kong is “sufficiently autonomous to justify special treatment by the United States for bilateral agreements and programs.” It would also prohibit the denial of a visa to enter the United States to a Hong Kong resident who was arrested or detained for participation in non-violent protest activities. The act would prohibit the issuance of a visa to enter the United States and freeze the assets of “any alien” identified by the President as being responsible for the “surveillance, abduction, detention, abuse or forced confession” of certain people identified with Hong Kong’s protests over the last decade.

In addition, Representative Jim McGovern has announced that he plans to introduce legislation to “suspend U.S. sales of munitions, police and crowd control equipment to the Hong Kong police.” Various sources have confirmed that much of the tear gas being used by the Hong Kong Police Force is supplied by U.S. companies.

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