



Statement of

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Before

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Policy  
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Hearing on

**“The Hong Kong Emergency: Securing  
Freedom, Autonomy, and Human Rights”**

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Chairman Gardner, Ranking Member Markey, Members of the Subcommittee,

It is an honor and a privilege to testify at today's hearing concerning the emergency situation in Hong Kong.

Since June 9, 2019, hundreds of thousands of people in Hong Kong have participated in various types of protests to demonstrate their displeasure about the current situation in the city, and to express their hopes and desires for the future of the Hong Kong Special Administrative Region, or HKSAR, of the People's Republic of China (PRC). These demonstrations of discontent have been largely peaceful, but have included sporadic violent confrontations between the Hong Kong Police Force (HKPF) and more militant protesters. The catalyst for the protests was Hong Kong Chief Executive Carrie Lam Cheng Yuet-ngor's submission to Hong Kong's Legislative Council of proposed amendments to the city's Fugitive Offenders Ordinance. The amendments would for the first time have permitted the extradition of criminal suspects from the HKSAR to mainland China. The ongoing demonstrations are being sustained by a combination of deep-seated disappointment about how the PRC and HKSAR governments have been administering Hong Kong since July 1, 1997, underlying social tensions, and protesters' perceptions that the HKPF has used excessive force in confrontations with the protesters.

To date, the governments of the PRC and the HKSAR have taken a hardline stance toward the ongoing demonstrations, characterizing the events as "riots," selectively refusing to issue permits for rallies and marches, and authorizing the HKPF to use progressively more aggressive means and methods to break up the resulting "illegal gatherings." Although Chief Executive Lam agreed on June 15, 2019 to "suspend" the controversial extradition ordinance amendments, and on September 4, 2019 to formally withdraw them, she has since publicly stated she will not comply with the other four of the protesters' "five demands" (see shaded text box).<sup>1</sup> The protesters have responded by carrying signs reading, "Five demands, not one less."<sup>2</sup> For now, it appears the protests will continue until either the protesters' five demands are met, or more dramatic action is taken by the PRC and HKSAR governments.

#### The Protesters' "Five Demands"

1. Formally withdraw the proposed extradition ordinance amendments from the Legislative Council.
2. Drop all charges against arrested protesters.
3. Retract the proclamation that the protests are "riots."
4. Establish an independent investigation into alleged police brutality.
5. Implement the election of the Chief Executive and all Members of the Legislative Council by universal suffrage.

## Timeline and Nature of Hong Kong's 2019 Protests

The protests in Hong Kong began on June 9, 2019, when the Civil Human Rights Front (CHRF) organized a rally to oppose passage of proposed amendments to Hong Kong's Fugitive Offenders Ordinance (FOO).<sup>3</sup> According to the CHRF, more than one million people participated in the peaceful protest; the HKPF estimated 240,000 people attended the rally before the march.<sup>4</sup> Despite the large-scale

<sup>1</sup> "Carrie Lam's Speech in Full: Hong Kong Leader Speaks to City on Protests in TV Address," *South China Morning Post*, September 5, 2019.

<sup>2</sup> In Chinese, "五大訴求, 缺一不可."

<sup>3</sup> For more details on the proposed amendments, see CRS In Focus IF11248, *Hong Kong's Proposed Extradition Law Amendments*.

<sup>4</sup> Estimates of attendance at Hong Kong rallies and marches have widely varied. For more about the varying estimates at these rallies, see Simon Scarr, Manas Sharma, and Marco Hernandez, et al., "Measuring the Masses: The Contentious Issue of Crowd Counting in Hong Kong," *Reuters*, June 20, 2019.

protest, Chief Executive Lam stated that she intended to ask Hong Kong's Legislative Council (Legco) to approve the amendments at their next meeting, scheduled for June 12. On June 12, tens of thousands of people surrounded the Legco building in an effort to prevent the passage of the amendments; Legco President Andrew Leung Kwan-yuen cancelled the Legco meeting on that day, and for several days after. The HKPF responded to the protests by firing at the protesters more than 150 tear gas canisters and, for the first time in many years, rubber bullets and beanbag rounds.<sup>5</sup> Initially, Chief Executive Lam referred to the protesters as "rioters," and praised the HKPF for its response to the protests, but then announced on June 15 that she was "suspending" consideration of the proposed amendments.

Many observers expressed dismay at what they perceived as the HKPF's excessive use of force, and warned that it could boost popular support for the protesters, as the use of tear gas did for an earlier 2014 wave of protests known as the Umbrella Movement. This prediction appears to have been correct, as on June 16, an estimated two million people participated in another largely peaceful rally and march organized by the CHRF to express their continued opposition to the extradition bill, as well as to oppose police brutality.<sup>6</sup>

On July 1, 2019, the 22<sup>nd</sup> anniversary of Hong Kong's return to Chinese sovereignty, thousands of protesters surrounded the Legco building again, and this time, broke into the building and occupied the Legco chamber for several hours.<sup>7</sup> While in the Legco chamber, a small group of protesters read aloud a manifesto, which included "five demands" that had to be met before the protests would end.<sup>8</sup> Most of the organizations involved in the protest quickly adopted these five demands as their goals.

Since June 9, 2019, various types of demonstrations and protests have been held in locations across Hong Kong every week, with most of the events happening on the weekends. Most have been peaceful, ranging from middle school and high school students holding hands in solidarity to prayer meetings calling for an end to police misconduct. The larger rallies and marches held on the weekends have generally started peacefully, but violent confrontations have frequently broken out when police officers in riot gear have attempted to break up the demonstrations. Smaller groups of more militant protesters frequently confront the police, often armed with metal poles, bricks and Molotov cocktails, in what they portray as an effort to defend the other demonstrators from the charging police officers.<sup>9</sup> The HKSAR government and the HKPF portray these militant protesters as rioters who are threatening the police officers with bodily harm and destroying public and private property.

At its heart, the 2019 pro-democracy protests are a conservative movement. The protesters seek to protect and maintain the Hong Kong they believe the PRC and HKSAR governments promised would continue to exist at least until July 1, 2047. Their Hong Kong is a community that is governed by the rule of law, one that respects human rights and civil liberties. It is a society where people have freedom of speech, thought, and assembly, without fear of retaliation – rights protected by the Sino-British Joint Declaration of 1984.<sup>10</sup> It is also a Hong Kong ruled by the people of Hong Kong, and that will one day elect its Chief

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<sup>5</sup> "Police Violence Puts Hong Kong Government on Defensive," *New York Times*, June 12, 2019.

<sup>6</sup> Keith Bradsher and Daniel Victor, "Hong Kong Protesters Return to the Streets, Rejecting Leader's Apology," *New York Times*, June 16, 2019.

<sup>7</sup> For more about the events of July 1, 2019, see Holmes Chan, "'Taking back the legislature': What happened during the 3-hour occupation that shook Hong Kong," *Hong Kong Free Press*, July 3, 2019.

<sup>8</sup> Various versions of the five demands had been circulating before July 1, 2019, but a consensus was reached on this version after the reading of the manifesto in the Legco chamber.

<sup>9</sup> CRS communications with anonymous protesters, various dates from June to September 2019.

<sup>10</sup> The "Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong," is an international treaty signed on December 19, 1984, establishing the conditions for the transfer of sovereignty of Hong Kong from the United Kingdom to the People's Republic of China on July 1, 1997. The full text of the agreement, and its accompanying annexes, are available online at:

Executive and all the members of its Legislative Council by universal suffrage and in which any eligible resident can run as a candidate, fulfilling promises made by China in Article 45 and Article 68 of Hong Kong's Basic Law.

A significant number of other people in Hong Kong, however, support the police and the HKSAR government. They have joined pro-police and pro-HKSAR government rallies. Those rallies have drawn fewer participants than the pro-democracy rallies, but still often number in the tens of thousands.<sup>11</sup>

## Lessons Learned from Past Protests

Hong Kong's 2019 pro-democracy protests mark a break from past protest movements in the city in several ways. For example, the 2019 protests are described as a "leaderless movement," involving people of all ages and social-economic backgrounds. The protesters utilize online applications, such as LIHKG, Signal, Telegram, and WhatsApp to discuss plans and make decisions.<sup>12</sup> This strategy was developed in part because of the experience of the 2014 Umbrella Movement leaders, who were arrested and prosecuted by the HKSAR government for their organization of "unlawful assemblies." In addition, the 2019 protesters are not requiring that everyone agree with the actions taken by other protesters; they are permitting each group or organization to decide independently what form of protest they wish to undertake, and avoid criticism of the actions of other protesters.

Another major difference with past protests is the willingness of some protesters to take more militant actions than their predecessors. The Umbrella Movement's leaders were largely committed to the principle of non-violent civil disobedience, and generally did not resist arrest or physically confront the HKPF. Some of the 2019 protesters have decided that more militant action is necessary, including resisting arrest, throwing bricks and Molotov cocktails, erecting burning barricades, and damaging property. Key targets for the protesters are the property of the HKSAR government, the HKPF, and private companies, such as the MTR Corporation (Hong Kong's public transit company) that they see as supportive of the HKSAR government's suppression of the protests. Representatives of the protesters have indicated that they do not seek to do physical harm to other people, but they believe they are justified in defending themselves when attacked. They have also indicated that the brick and Molotov cocktails are not thrown to harm police officers, but to slow their advancement to allow other protesters more time to escape arrest, or to cause damage to property.

## "Unkept Promises" of the Governments of the PRC and the HKSAR

For the first few years after July 1, 1997, it seemed that China's leaders were committed to making the concept of "One Country, Two Systems" work in Hong Kong, perhaps at least in part to demonstrate to Taiwan that reunification is possible. As time progressed, however, the actions of the PRC and HKSAR governments have threatened freedom of speech, constricted local political choice, and undermined Hong Kong's promised "high degree of autonomy" (see table below). Since 1997, many people in Hong Kong believe that if they do not rise up in protest, the city they wish to protect and maintain will disappear.

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<https://www.cmab.gov.hk/en/issues/joint3.htm>.

<sup>11</sup> For example, between 103,000 and 316,000 people rallied in Tamar Park on July 20, 2019, to show their support for the Hong Kong police (see Kimmy Chung, Kanis Leung, and Karen Zhang, et al., "Hong Kong Pro-police Rally Attracts Hundreds of Thousands Calling for Force to be Respected," *South China Morning Post*, July 20, 2019).

<sup>12</sup> See Karen Chiu and Linda Lew, "From Facebook and Twitter to Telegram, WhatsApp and Signal: How Protest Technology has Evolved since Occupy Central," *South China Morning Post*, June 13, 2019, and Joel Schectman, "Messaging App Telegram Moves to Protect Identity of Hong Kong Protesters," *Reuters*, August 30, 2019.

**Table 1. Examples of PRC and HKSAR Government Actions that Allegedly Sought to Erode Hong Kong's Autonomy or Threatened Civil Liberties of Hong Kong Residents**

<b>Date</b>	<b>Action</b>
May 1999	Chief Executive Tung Chee-hwa asks China's National People's Congress Standing Committee (NPCSC) for an "interpretation" of Articles 22 and 24 of the Basic Law, seeking to overturn Hong Kong's Court of Final Appeal decision. On June 26, 1999, the NPCSC issues its interpretation of Basic Law, overturning the Court's decision.
February 6, 2003	HKSAR government proposes "National Security Bill" to comply with Article 23 of the Basic Law. On July 1, 2003, an estimated 500,000 people march against the bill. Chief Executive Tung Chee-hwa withdraws the bill on September 5, 2003, after it becomes clear that Legco will defeat the bill.
April 6, 2004	NPCSC issues decision regarding the process by which the adoption of universal suffrage for the election of the Chief Executive and all Legco members can take place, introducing new requirements not specified in the Basic Law.
October 10, 2010	Chief Executive Donald Tsang Yam-kuen proposes new "moral and civic education" curriculum for Hong Kong's primary and secondary schools that many view as biased in favor of the CCP and the PRC. Protest movement, spearheaded by Scholarism, an organization founded by secondary school students, including Joshua Wong Chi-fung, organize protests against new curriculum that draw over 120,000 people. HKSAR government drops the proposed new curriculum on September 8, 2012.
June 10, 2014	China's State Council releases first-ever "White Paper" on its Hong Kong policy, stressing China's "comprehensive jurisdiction" over the HKSAR and indicated that Hong Kong must be governed by "patriots," including the Chief Executive.
August 31, 2014	NPCSC issues decision allowing universal suffrage for the 2017 Chief Executive election, but limiting the number of candidates to 2 or 3, and requiring that each candidate receive the support of at least a majority of the 1,200 member Nominating Committee. Decision sparks the Umbrella Movement. On June 17, 2015, Legco rejects proposed legislation consistent with NPCSC decision.
December 30, 2015	Lee Bo, owner of a Hong Kong bookstore that sold publications critical of the PRC leaders, is abducted from his bookstore in Hong Kong allegedly by PRC security officials, and forcibly taken to mainland China.
July 20, 2016	Hong Kong Electoral Affairs Commission introduces new "Confirmation Form," requiring all candidates promise to uphold the Basic Law and pledge allegiance to the HKSAR.
November 7, 2016	NPCSC issues interpretation of Article 104 of the Basic Law adding new conditions on how Hong Kong officials must take their oaths of office. Chief Executive Leung Chun-ying and Secretary of Justice Rimsy Kwok-keung file suits to have six pro-democracy Legco members disqualified for failure to abide by NPCSC interpretation when they took their oaths on October 2016. Hong Kong courts rule in favor of suit, disqualifying all six Legco members.
February 1, 2017	Xiao Jianhua abducted from his apartment in Hong Kong and forcibly taken to mainland China, allegedly by PRC security officials.
September 24, 2018	HKSAR government bans the pro-independence Hong Kong National Party (HKNP).

**Source:** CRS compilation

## Underlying Social Trends

While the proposed extradition bill was the catalyst for the 2019 protests, the protest movement is tapping into a larger and broader discontent among much of the Hong Kong population that has been growing for more than 20 years. Since the formation of the HKSAR on July 1, 1997, Hong Kong's income and wealth gap has broadened as many "middle class" jobs have relocated to mainland China and more educated mainland professionals have relocated to Hong Kong. As a result, the number of moderately well-paid jobs in Hong Kong has declined and the number of qualified candidates has risen. Starting salaries for college graduates have remained nearly unchanged over the last 20 years, while the cost of living in Hong

Kong, especially housing, has reportedly doubled.<sup>13</sup> These economic forces have contributed to a sense of hopelessness among many young people in Hong Kong.

## Emerging Social Divisions and Issues

Hong Kong society is showing signs that the disagreements over the relative strength of Hong Kong's promised "high degree of autonomy," and differing views of the protests, are causing serious health and relationship issues. Social workers report an increase in depression and suicidal thoughts, particularly among Hong Kong's youth. Many households are torn between "yellow" supporters of democracy and the protests, and "blue" backers of the HKSAR government and the Hong Kong police.<sup>14</sup> In addition, the Hong Kong economy is suffering from a sharp decline in tourism, especially from mainland China, placing the city at risk of sliding into a recession.<sup>15</sup> Some U.S. companies operating in Hong Kong are examining the relative merits of remaining in the city or relocating to other Asian business hubs, such as Singapore.<sup>16</sup>

## Response of the Governments of the PRC and the HKSAR

The PRC government has repeatedly criticized U.S. Members of Congress and diplomats for meddling in China's "internal affairs," "whitewashing" and "glorifying" violent rioters, and "slandering" the Hong Kong police.<sup>17</sup> State media in China have made unsubstantiated allegations that the U.S. government is financing and organizing the protests and identified U.S. Consulate personnel who allegedly were involved.<sup>18</sup> Defending its implementation of its "One Country, Two Systems" policy, China has emphasized, "'One Country' is the foundation of and prerequisite for 'Two Systems.'"<sup>19</sup>

On September 4, 2019, Chief Executive stated her government "will formally withdraw the [extradition] bill in order to fully allay public concerns."<sup>20</sup> Legco, which must be formally notified of the bill's withdrawal, is scheduled to reconvene in mid- to late-October. Chief Executive also said that she and her senior officials "will reach out to the community to start a direct dialogue," and "will invite community leaders, professionals and academics to independently examine and review society's deep-seated problems." The first such "Community Dialogue" was held on Thursday, September 26, when Chief Executive met with 150 residents of Hong Kong's Wanchai District.<sup>21</sup> Most of the residents expressed

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<sup>13</sup> CRS interview with anonymous government official in Hong Kong, December 2018. Also, Sandy Li, "Hong Kong Home Prices Scale New Peak, 20 Years after 1997 Record," *South China Morning Post*, June 30, 2017.

<sup>14</sup> Since the 2014 Umbrella Movement, supporters of democracy and autonomy for Hong Kong have been identified by the color yellow. Supporters of the HKPF, the HKSAR government, and the PRC government are identified as blue. On the issue of depression and suicide in Hong Kong, see Antony Dapiran, "'The End of Hong Kong as We Know It'," *The Atlantic*, September 10, 2019; and Amy Nip, "Fears of Rebound in Suicides If Social Unrest Continues," *Hong Kong Standard*, September 11, 2019.

<sup>15</sup> See Dewey Sim, "Where are Chinese Tourists Going if They're Giving Protest-hit Hong Kong a Miss?," *South China Morning Post*, September 19, 2019; and Danny Lee, "Hong Kong Airport Feels Unrest-related Slump, Set for 2 Million Fewer Travellers in 2019," *South China Morning Post*, September 24, 2019.

<sup>16</sup> Michelle Jamrisko, "Hong Kong Firms Look to Singapore to Escape Protests," *Bloomberg*, September 13, 2019.

<sup>17</sup> See China's Ministry of Foreign Affairs, "Spokesperson of the Commissioner's Office: Some American Politicians Simply Want to See Trouble in Hong Kong," press release, September 2, 2019; and Zhang Yunbi, "US Urged to Stop Fueling HK Protests," *China Daily*, August 20, 2019.

<sup>18</sup> As "evidence" of U.S. involvement in the 2019 protests, the PRC government released a photograph of a Consulate official meeting with some of the leaders of the Umbrella Movement.

<sup>19</sup> China's Ministry of Foreign Affairs, "Reject Violence, Uphold the Rule of Law, and Support Greater Success of 'One Country, Two Systems'," press release, August 30, 2019.

<sup>20</sup> Hong Kong Information Services Department, "CE Delivers Video Address," press release, September 4, 2019.

<sup>21</sup> Kenneth Leung, Anna Kam, and Helen Regan, "Hong Kong's Carrie Lam Faces Public Anger in First Community Dialogue

displeasure at her governance of Hong Kong. Chief Executive's departure from the stadium where the dialogue took place was delayed for four hours due to protests outside the venue.

While the proposed legislation's withdrawal would fulfill the first of the protesters' five demands, Chief Executive has indicated that she will not comply with the other four demands. Early in her statement of September 4, 2019, Chief Executive said "matters relating to police enforcement actions are best handled by the existing and well-established Independent Police Complaints Council (IPCC)," obviating the need to establish an independent investigation into alleged police brutality.<sup>22</sup> Dropping charges, she stated, "is contrary to the rule of law." On use of the word "riot," she asserted that such a categorization has no legal effect as it is up to the Department of Justice to determine what crime may have been committed. On the fifth demand, Chief Executive indicated that current circumstances are not suitable for adoption of universal suffrage.

## Response of the Trump Administration

President Trump and his senior advisors have given mixed signals regarding the Administration's position on Hong Kong's autonomy and the ongoing protests. At times, President Trump has indicated that he believes that China's President Xi Jinping and HKSAR Chief Executive Lam can work out the problems in Hong Kong. For example, on July 22, 2019, President Trump told reporters, "I think President Xi of China has acted responsibly. Very responsibly. ... I hope that President Xi will do the right thing."<sup>23</sup> On August 1, 2019, Trump responded to a question about the possible use of the Chinese army in Hong Kong, by saying:

Well, something is probably happening with Hong Kong because when you look at, you know, what's going on, they've had riots for a long period of time. And I don't know what China's attitude is. Somebody said that at some point they're going to want to stop that. But that's between Hong Kong and that's between China, because Hong Kong is a part of China. They'll have to deal with that themselves. They don't need advice.<sup>24</sup>

At other times, President Trump has made statements that could be seen as supportive of the protesters and their quest for "liberty."<sup>25</sup> In his speech to the U.N. General Assembly on September 24, 2019, President Trump said, "The world fully expects that the Chinese government will honor its binding treaty... (and) protect Hong Kong's freedom and legal system and democratic ways of life."<sup>26</sup> He also stated, "How China chooses to handle the situation will say a great deal about its role in the world and the future."

Secretary of State Michael R. Pompeo has also made a number of statements on Hong Kong. During an August 19, 2019 interview on Fox News, Secretary Pompeo stated:

What we know is this: In Hong Kong, these are protesters who are simply seeking liberty and freedom. They're asking only that China uphold its commitment, the promise that it made, which

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since Protests Began," *CNN*, September 27, 2019.

<sup>22</sup> "Carrie Lam's Speech in Full: Hong Kong Leader Speaks to City on Protests in TV Address," *South China Morning Post*, September 5, 2019.

<sup>23</sup> White House, "Remarks by President Trump and Prime Minister Khan of the Islamic Republic of Pakistan before Bilateral Meeting," press release, July 22, 2019.

<sup>24</sup> White House, "Remarks by President Trump before Marine One Departure," press release, August 1, 2019.

<sup>25</sup> For example, see White House, "Remarks by President Trump Before Marine One Departure," press release, August 21, 2019; White House, "Remarks by President Trump Before Air Force One Departure," press release, August 13, 2019; and White House, "Remarks by President Trump Before Marine One Departure," press release, August 1, 2019..

<sup>26</sup> "Video: Beijing Must Protect Hong Kong's Way of Life and Honour Handover Deal, Donald Trump tells UN," *Hong Kong Free Press*, September 25, 2019.

was that there would be one country but two systems, respecting Hong Kong in ways that were appropriate for the Hong Kong people.<sup>27</sup>

The Trump Administration has not indicated if it supports legislation pending in the U.S. Congress. (See below.)

## U.S. Policy and Pending Legislation

The Hong Kong Human Rights and Democracy Act of 2019 (HKHRDA, H.R. 3289, S. 1838) would amend the U.S.-Hong Kong Policy Act of 1992 (P.L. 102-383) to require the Secretary of State to produce an annual report assessing the status of Hong Kong's autonomy, as well as impose sanctions on officials of China and Hong Kong who the President determines are responsible for suppressing basic freedoms in Hong Kong. Speaker Nancy Pelosi has indicated that she would support consideration of the bill by the House of Representatives.<sup>28</sup> The Placing Restrictions on Teargas Exports and Crowd Control Technology to Hong Kong Act (PROTECT HK Act; H.R.4270) would prohibit the issuance of export licenses for certain munitions and defense articles and services for sale to Hong Kong's Disciplined Services, including the Hong Kong Police Force. H.Res. 543 would condemn China's interference in Hong Kong and "calls on the Administration to ensure that munitions and crowd-control equipment the United States sells to the Hong Kong police aren't used to repress peaceful protests in Hong Kong."<sup>29</sup>

On September 9, 2019, the HKSAR government issued a statement in which it expressed "regret over the re-introduction of the [Hong Kong Human Rights and Democracy] Act and reiterates that foreign legislatures should not interfere in any form in the internal affairs of the HKSAR." The PRC government is also opposed to both bills, viewing them as interference in the "internal affairs" of the PRC. Various human rights organizations have expressed their support for the legislation.

If any of this legislation is enacted, it is unclear what impact, if any, it would have on the behavior of the governments of the PRC or the HKSAR, or the HKPF. The laws would likely be seen by the Hong Kong protesters as congressional and U.S. government support for their efforts to preserve Hong Kong's promised autonomy and the human rights of Hong Kong residents. The decision is yours to make about what stance, if any, Congress and the U.S. government will take with respect to the recent events in Hong Kong.

Chairman Gardner, this concludes my statement. Thank you again for the opportunity to testify, and I will be pleased to respond to any questions the subcommittee may have.

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<sup>27</sup> Department of State, "Secretary of State Michael R. Pompeo on The Story with Martha MacCallum of FOX News," press release, August 19, 2019.

<sup>28</sup> Speaker of the House, "Pelosi Remarks at Press Event on Hong Kong Human Rights and Democracy Act," press release, September 18, 2019; and Robert Delaney, "US House Speaker Nancy Pelosi Backs Congressional Legislation on Hong Kong," *South China Morning Post*, September 19, 2019.

<sup>29</sup> See H.Res. 514.