

108TH CONGRESS
1ST SESSION

S. J. RES. 14

Expressing support for freedom in Hong Kong.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2003

Mr. BROWNBACK (for himself and Mr. KYL) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

Expressing support for freedom in Hong Kong.

Whereas Hong Kong has long been the freest economy in the world, renowned for its rule of law and its zealous protection of civil rights and civil liberties;

Whereas the Agreement between 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, done at Beijing December 19, 1984 (the Sino-British Joint Declaration of 1984) explicitly guarantees that all of Hong Kong's freedoms, including freedom of the press, religious freedom, and freedom of association, will continue for at least 50 years after the transfer of Hong Kong's sovereignty from the United Kingdom to the People's Republic of China on July 1, 1997;

Whereas in the 6 years since the transfer of the territory, the citizens of Hong Kong have enjoyed a certain degree of individual liberty, religious freedom, freedom of the press and freedom of speech, which keep it both politically vibrant and stable;

Whereas the People's Republic of China has increasingly interfered in Hong Kong's independent judiciary, intimidated the media to induce self-censorship, and excluded visitors who disagree with the policies of the Chinese Communist Party;

Whereas the Government of the Hong Kong Special Administrative Region (SAR), encouraged by the Government of the People's Republic of China, has eroded Hong Kong's political independence, international prestige, and appeal as a business and financial hub of Asia;

Whereas the freedoms cherished by the people of Hong Kong serve as a constant reminder to the world and to the Government of the People's Republic of China that such freedoms could, but do not, prevail on mainland China;

Whereas the traditional liberties of Hong Kong's 7,000,000 people are now immediately threatened by a new national security bill proposed by the SAR Government that would revise Hong Kong's laws regarding sedition, treason, subversion, and theft of state secrets;

Whereas the national security bill, as now drafted, is vague and overly broad in its definitions of subversion, sedition, and official secrets, weakens existing due process protections in the Societies Ordinance, and gives dangerous new powers to the police to make searches without warrant;

Whereas the proposed legislation would give the Hong Kong SAR Secretary for Security, an appointee of the Government of the People's Republic of China, broad authority to ban organizations not approved by Beijing, thereby threatening religious organizations such as the Falun Gong and the Roman Catholic Church;

Whereas, under the proposed legislation, such basic and fundamental procedural rights as notice and opportunity to be heard could be waived by the Secretary for Security if honoring these rights "would not be practicable";

Whereas the proposed legislation provides for the imprisonment of individuals accused of "unauthorized disclosure of protected information," making it possible for the Hong Kong SAR Government to prosecute members of the news media for publishing any information relevant to relations between the People's Republic of China and Hong Kong;

Whereas similar subversion laws in the People's Republic of China are regularly used to convict and imprison journalists, labor activists, Internet entrepreneurs, and academics;

Whereas the members of Hong Kong's Legislative Council who have been elected by universal suffrage oppose the proposed legislation, but are powerless as a minority to block the votes controlled directly and indirectly by the Government of the People's Republic of China;

Whereas the clear majority of people in Hong Kong have expressed strong concerns about, and opposition to, the proposed legislation;

Whereas the scheduled consideration of these proposals to restrict Hong Kong's freedoms in the Legislative Council

on July 9, 2003, makes the threat to the people of Hong Kong clear and imminent; and

Whereas the United States has consistently supported the desire of the people of Hong Kong to be free, and, as Congress declared in the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.): “The human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong. Human rights also serve as a basis for Hong Kong’s continued economic prosperity”: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 That Congress—

4 (1) declares that restrictions on freedom of
5 thought, expression, and association in Hong Kong
6 are limits on the fundamental rights of the people of
7 Hong Kong;

8 (2) declares that the national security bill would
9 undermine freedom of the press and access to infor-
10 mation, both of which are fundamentally important
11 to the economic and commercial success of Hong
12 Kong;

13 (3) calls upon the SAR Government to—

14 (A) avoid implementing any law that re-
15 stricts the basic human freedoms of thought
16 and expression, including the proposed imple-
17 mentation of Article 23 of the Basic Law of the

1 Hong Kong Special Administrative Region of
2 the People's Republic of China (the Basic Law);
3 and

4 (B) immediately schedule and conduct elec-
5 tions for the Legislative Council of the Hong
6 Kong SAR according to rules approved by the
7 people of Hong Kong through an election law
8 convention, by referendum, or both; and

9 (4) calls upon the President of the United
10 States to—

11 (A) urge the Government of Hong Kong,
12 including Hong Kong Chief Executive Tung
13 Chee Hwa and the Legislative Council, not to
14 implement any law, including any law estab-
15 lished pursuant to the proposed implementation
16 of Article 23 of the Basic Law, that restricts
17 the basic human right to freedom of thought
18 and expression;

19 (B) call upon the People's Republic of
20 China, the National People's Congress, and any
21 groups appointed by the Government of the
22 People's Republic of China to leave all revisions
23 of Hong Kong law to a democratically-elected
24 legislature;

1 (C) call upon the Government of the Peo-
2 ple's Republic of China to fully respect the au-
3 tonomy and independence of the Independent
4 Commission Against Corruption and the chief
5 executive, civil service, judiciary, and police of
6 Hong Kong;

7 (D) declare that the continued lack of an
8 elected legislature in Hong Kong constitutes a
9 violation of the Sino-British Joint Declaration
10 of 1984; and

11 (E) call upon the Government of the Peo-
12 ple's Republic of China to honor its treaty obli-
13 gations under the Sino-British Joint Declara-
14 tion of 1984.

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