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Hong Kong's Protests of 2019

Overview

Every week since June 9, 2019, thousands of residents of the Hong Kong Special Administrative Region (HKSAR) of China, or “Hong Kongers,” have held marches and rallies to protest the perceived erosion of their city’s “high degree of autonomy” promised in 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 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 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 unless the President determines that Hong Kong is “not sufficiently autonomous to justify” such treatment.

On November 20, 2019, Congress passed the Hong Kong Human Rights and Democracy Act of 2019 (HKHRDA, P.L. 116-76), which requires the President to impose visa and economic sanctions on “each foreign person that the President determines is responsible for (A) the extrajudicial rendition, arbitrary detention, or torture of any person in Hong Kong; or (B) other gross violations of recognized human rights in Hong Kong.” The law also requires the Secretary of State to certify annually to Congress that Hong Kong is “sufficiently autonomous to justify special treatment by the United States for bilateral agreements and programs,” and prohibits the denial of a visa to a Hong Kong resident to enter the United States “primarily on the basis of the applicant’s subjection to politically-motivated arrest, detention, or other adverse government action.” On the same day, Congress also passed P.L. 116-77, which prohibits the commercial export of covered munitions items to the Hong Kong Police Force for one year. President Trump released a statement after signing the two bills on November 27, 2019, stating his “hope that Leaders and Representatives of China and Hong Kong will be able to amicably settle their differences leading to long term peace and prosperity for all.”

Protests Overview

On June 9, 2019, protest organizers estimated that 1 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 of persons 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 that Hong Kong’s Legislative Council (Legco) take up consideration of the bill on June 12, despite the protest.

On June 12, tens of thousands of people surrounded the Legco building 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 disperse the demonstrators. Chief Executive Lam and Police Commissioner Steven Lo Wai-chung characterized the day’s demonstration a “riot.” 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; the Hong Kong Police Force stated that 334,000 people participated. During the June 16 demonstration, the protesters called on Lam to comply with “Five Demands” (see text box). 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. Lam subsequently withdrew the extradition legislation, fulfilling the first demand, but she has repeatedly stated that she will not comply with the other four demands.

The Protesters’ “Five Demands”

1. Formally withdraw the extradition legislation
2. Drop all charges against arrested protesters
3. Retract the characterization of protests as “riots”
4. Establish an independent investigation into police brutality
5. Implement the election of the Chief Executive and all Legco members by universal suffrage

Since June 16, one or more large-scale demonstrations have taken place every weekend, and on some weekdays as well. In many cases, after the formal demonstrations were over, some 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 Molotov cocktails at the police, leading to accusations of violence by both sides.

District Council Elections

On November 24, 2019, Hong Kong held elections for its 18 District Councils. In a record turnout in which nearly 3 million people (71% of eligible voters) voted, pro-protest candidates won nearly 390 of the 452 contested seats, and took control of 17 of the 18 District Councils in which pro-government members had been the majority.

Past Large-Scale Protests

This is not the first time Hong Kong residents have protested in large numbers against actions they see as eroding the city's autonomy. On July 1, 2003, an estimated 500,000 people rallied against a proposed anti-sedition law introduced by then-Chief Executive Tung Chee-hwa; the bill was subsequently withdrawn. In 2014, tens of thousands of Hong Kongers participated in the so-called "Umbrella Movement," occupying major streets for nearly three months after China's National People's Congress Standing Committee (NPCSC) placed unacceptable conditions on the nomination process in order for the Chief Executive to be elected by universal suffrage.

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.

Erosion of Hong Kong's Autonomy

Hong Kong, a former British colony, reverted to Chinese control on July 1, 1997, under the terms of the "Joint Declaration," an international treaty that promised Hong Kong a "high degree of autonomy" in its internal affairs. Even before formation of the HKSAR, 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. More recently, Beijing has overruled Hong Kong institutions on internal HKSAR issues.

Under the Basic Law, which set up Hong Kong's governing bodies and processes, the HKSAR 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.

On November 7, 2016, the NPCSC issued an interpretation of the Basic Law's provision for oath-taking, indicating that Legco members were to be disqualified if they were not "sincere and solemn" or if they diverged from a prescribed script. In part relying on the NPCSC interpretation, then-Chief Executive Leung successfully sued to have 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 proposed 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 also have agreed to allow up to 150 "Mainlanders" per day to settle permanently in Hong Kong. Many Hong Kongers see this as a way 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 Hong Kong stores cater to Mainland tourists and Mainland traders, who buy goods in Hong Kong for resale across the border. Hong Kong students compete with Mainlanders for places in schools and for jobs. Since July 1, 1997, Hong Kong housing prices have nearly doubled, but salaries have remained nearly stagnant, making buying an apartment almost impossible for most young people.

China's Response

Following the passage of P.L. 116-76 and P.L. 116-77, China officially suspended U.S. Navy port-of-call visits to Hong Kong and announced it would place restrictions on the activities of the National Endowment for Democracy, Freedom House, and Human Rights Watch, accusing them of financing and organizing the protests. President Xi Jinping has expressed his support for Chief Executive Lam and has encouraged her to restore order in the city and seek ways to alleviate Hong Kong's deep-seated problems.

Implications for Taiwan

The Hong Kong protests are a factor in Taiwan's presidential and legislative elections, scheduled for January 11, 2020. In January 2019, China's President Xi called for exploring "a Taiwan plan for 'one country, two systems,'" appearing to propose that China subsume Taiwan under terms analogous to those China promised to Hong Kong and neighboring Macau, a former Portuguese colony. Events in Hong Kong this year have raised new alarms in Taiwan about Taiwan's likely fate were China to attempt to implement such a plan, likely contributing to a surge in the polls for Taiwan's China-skeptic President Tsai Ing-wen, who is running for re-election.

Issues for Congress

The 116th Congress may monitor the Administration's implementation of P.L. 116-76 and P.L. 116-77. Other pending Hong Kong-related legislation includes the Hong Kong Be Water Act (S. 2758), which would impose sanctions on Chinese and HKSAR officials who have "knowingly suppressed or facilitated the suppression of the freedoms of speech, association, assembly, procession, or demonstration of the people of Hong Kong."

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