

105TH CONGRESS
1ST SESSION

H. R. 750

To support the autonomous governance of Hong Kong after its reversion
to the People's Republic of China.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1997

Mr. BEREUTER (for himself, Mr. GILMAN, Mr. HAMILTON, Mr. BERMAN, Mr. SOLOMON, Mr. BARRETT of Nebraska, Mr. DREIER, Mr. FALCOMA, Mr. CRANE, Mr. SALMON, Mr. KOLBE, and Mr. COX of California) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To support the autonomous governance of Hong Kong after
its reversion to the People's Republic of China.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Hong Kong Reversion
5 Act".

6 **SEC. 2. STATEMENT OF PURPOSE.**

7 The purpose of this Act is to support the autonomous
8 governance of Hong Kong and the future well-being of the
9 Hong Kong people by ensuring the continuity of United

1 States laws with respect to Hong Kong after its reversion
2 to the People’s Republic of China on July 1, 1997, and
3 to outline circumstances under which the President of the
4 United States could modify the application of United
5 States laws with respect to Hong Kong if the People’s Re-
6 public of China fails to honor its commitment to give the
7 Special Administrative Region of Hong Kong a high de-
8 gree of autonomy.

9 **SEC. 3. FINDINGS.**

10 The Congress makes the following findings:

11 (1) The Joint Declaration of the Government of
12 the United Kingdom of Great Britain and Northern
13 Ireland and the Government of the People’s Repub-
14 lic of China on the Question of Hong Kong, done at
15 Beijing on December 19, 1984, is a binding inter-
16 national agreement which sets forth the commit-
17 ments made by both governments on the reversion of
18 Hong Kong to the People’s Republic of China on
19 July 1, 1997.

20 (2) The People’s Republic of China in the Joint
21 Declaration pledges, among other things, that “the
22 Hong Kong Special Administrative Region will enjoy
23 a high degree of autonomy, except in foreign and
24 defence affairs...,” that basic human rights and free-
25 doms “will be ensured by law...,” and that “[t]he

1 legislature of the Hong Kong Special Administrative
2 Region shall be constituted by elections.”.

3 (3) Senior government officials of the People’s
4 Republic of China have repeatedly assured a smooth
5 transfer of Hong Kong to Chinese sovereignty, a
6 successful implementation of the “one country, two
7 systems” policy, long-term prosperity for Hong
8 Kong, and continued respect for the basic rights of
9 the Hong Kong people.

10 (4) Despite general assertions guaranteeing the
11 autonomous governance of Hong Kong, several offi-
12 cial acts and statements by senior officials of the
13 Government of the People’s Republic of China re-
14 flect an attempt to infringe upon the current and fu-
15 ture levels of autonomy in Hong Kong. These acts
16 or statements include, but are not limited to—

17 (A) initial proposals, which were later
18 withdrawn, by officials of the Government of
19 the People’s Republic of China to obtain con-
20 fidential files on civil servants of the Hong
21 Kong Government or require such civil servants
22 to take “loyalty oaths”;

23 (B) the decision of the Government of the
24 People’s Republic of China to dissolve the
25 democratically elected Legislative Council on

1 July 1, 1997, and the appointment of a provi-
2 sional legislature in December of 1996;

3 (C) the delineation by officials concerning
4 the types of speech and association which will
5 be permitted by the Government of the People's
6 Republic of China after the reversion;

7 (D) initial warnings, which were later with-
8 drawn, to religious institutions not to hold cer-
9 tain gatherings after the reversion; and

10 (E) the decision on February 1, 1997, of
11 the Preparatory Committee appointed by the
12 Government of the People's Republic of China
13 to repeal or amend certain Hong Kong ordi-
14 nances, including the Bill of Rights Ordinance,
15 the Societies Ordinance of 1992 (relating to
16 freedom of association), and the Public Order
17 Ordinance of 1995 (relating to freedom of as-
18 sembly).

19 (5) The reversion of Hong Kong to the People's
20 Republic of China has important implications for
21 both United States national interests and the inter-
22 ests of the Hong Kong people. The United States
23 Government has a responsibility to ensure that Unit-
24 ed States interests are protected during and after

1 this transition, and it has a profound interest in en-
2 suring that basic and fundamental human rights of
3 the Hong Kong people are also protected.

4 (6) The United States-Hong Kong Policy Act of
5 1992 sets forth United States policy concerning
6 Hong Kong's reversion to the People's Republic of
7 China on July 1, 1997, and Hong Kong's special
8 status as a Special Administrative Region of that
9 country. It ensures the continuity of United States
10 laws regarding Hong Kong while establishing a
11 mechanism in section 202 of that Act whereby the
12 President can modify the application of United
13 States laws with respect to Hong Kong if the Presi-
14 dent "determines that Hong Kong is not sufficiently
15 autonomous to justify treatment under a particular
16 law of the United States, or any provision thereof,
17 different from that accorded the People's Republic
18 of China".

19 (7) Although the United States Government
20 can have an impact on ensuring the future auton-
21 omy of the Hong Kong Government and in protect-
22 ing the well-being of the Hong Kong people, ulti-
23 mately the future of Hong Kong will be determined
24 by the willingness of the Government of the People's

1 Republic of China to maintain the freedoms now en-
2 joyed by the people of Hong Kong and to rely on the
3 people of Hong Kong to govern themselves.

4 **SEC. 4. CONGRESSIONAL DECLARATIONS.**

5 The Congress makes the following declarations:

6 (1) Recognizing that the United States Govern-
7 ment and the Hong Kong Government have long en-
8 joyed a close and beneficial working relationship, for
9 example between the United States Customs Service,
10 the Federal Bureau of Investigation, the Drug En-
11 forcement Administration, the Immigration and Nat-
12 uralization Service, the Secret Service, and their cor-
13 responding agencies of the Hong Kong Government,
14 the United States urges the two governments to con-
15 tinue their effective cooperation.

16 (2) Recognizing that the preservation of Hong
17 Kong's autonomous customs territory has important
18 security and commercial implications for the United
19 States and the people of Hong Kong, the United
20 States calls upon the People's Republic of China to
21 fully respect the autonomy of the Hong Kong cus-
22 toms territory.

23 (3) Recognizing that Hong Kong has histori-
24 cally been an important port of call for United
25 States naval vessels, the United States urges the

1 Government of the People’s Republic of China to
2 consider in a timely and routine manner United
3 States requests for port calls at Hong Kong.

4 (4) Recognizing that Hong Kong enjoys a ro-
5 bust and professional free press with important
6 guarantees on the freedom of information, the Unit-
7 ed States declares that a free press and access to in-
8 formation are fundamentally important to the eco-
9 nomic and commercial success of Hong Kong and
10 calls upon the Government of the People’s Republic
11 of China to fully respect these essential rights of the
12 Hong Kong people.

13 (5) Recognizing that the first fully democratic
14 elections of a legislature in Hong Kong took place
15 in 1995, following nearly 150 years of colonial rule,
16 the United States recognizes that the Joint Declara-
17 tion of 1984 requires that the Special Administrative
18 Region legislature “shall be constituted by elec-
19 tions”, declares that the failure to have an elected
20 legislature would be a violation of the Joint Declara-
21 tion of 1984, and calls upon the Government of the
22 People’s Republic of China to honor its treaty obli-
23 gations.

24 (6) Recognizing that the United Kingdom belat-
25 edly reformed Hong Kong laws with respect to the

1 civil rights of the Hong Kong people, the Hong
2 Kong people have nevertheless long enjoyed essential
3 rights and freedoms as enumerated in the Universal
4 Declaration of Human Rights; therefore, the United
5 States declares that the decision of the Preparatory
6 Committee to repeal or amend certain ordinances is
7 a serious threat to the Hong Kong people's contin-
8 ued enjoyment of their freedom of association,
9 speech, and other essential human rights, and calls
10 upon the Preparatory Committee to reconsider its
11 decision.

12 (7) Recognizing that Hong Kong currently
13 maintains an efficient capitalist economy and trade
14 system by strictly adhering to the rule of law, by
15 honoring the sanctity of contract, and by operating
16 without corruption and with minimum and trans-
17 parent regulation, the United States calls upon the
18 Government of the People's Republic of China to
19 fully respect the autonomy and independence of the
20 chief executive, the civil service, the judiciary, the
21 police of Hong Kong, and the Independent Commis-
22 sion Against Corruption.

1 **SEC. 5. PRESIDENTIAL DETERMINATION UNDER SECTION**
2 **202 OF THE UNITED STATES-HONG KONG POL-**
3 **ICY ACT OF 1992 AND ADDITIONAL REPORT-**
4 **ING REQUIREMENTS.**

5 (a) IN GENERAL.—In determining whether “Hong
6 Kong is not sufficiently autonomous to justify treatment
7 under a particular law of the United States, or any provi-
8 sion thereof, different from that accorded the People’s Re-
9 public of China,” as required by section 202(a) of the
10 United States-Hong Kong Policy Act of 1992, the Presi-
11 dent of the United States, based upon the assessments
12 made pursuant to subsection (b) of this section, as well
13 as other information included in the reports submitted
14 under section 301 of the United States-Hong Kong Policy
15 Act of 1992, shall consider the performance of the Hong
16 Kong Government and the actions of the Government of
17 the People’s Republic of China.

18 (b) REQUIREMENTS FOR REPORTS TO CONGRESS.—
19 The Secretary of State shall include, in each report re-
20 quired by section 301 of the United States-Hong Kong
21 Policy Act of 1992, the following:

22 (1) SUCCESSFUL AND TIMELY CONCLUSION OF
23 AGREEMENTS AND TREATIES.—An assessment by
24 the Secretary of State of whether the Hong Kong
25 Government or the People’s Republic of China, or
26 both, as the case may be, have cooperated with the

1 United States Government in securing the following
2 agreements or treaties:

3 (A) A bilateral investment treaty.

4 (B) An extradition treaty.

5 (C) An agreement on consular access in
6 Hong Kong for United States citizens com-
7 parable to that provided for in the consular con-
8 vention between the United States and the Peo-
9 ple's Republic of China.

10 (D) An agreement to preserve the United
11 States consulate, with privileges and immunities
12 for United States personnel.

13 (E) A mutual legal assistance agreement.

14 (F) A prison transfer agreement.

15 (G) A civil aviation agreement.

16 (2) CONTINUED COOPERATION FROM THE
17 AGENCIES OF THE HONG KONG GOVERNMENT.—An
18 assessment by the Secretary of State of whether
19 agencies of the Hong Kong Government continue to
20 cooperate with United States Government agencies.
21 The Secretary of State shall cite in the report any
22 evidence of diminished cooperation in the areas of
23 customs enforcement, drug interdiction, and pros-
24 ecution and prevention of money laundering, coun-
25 terfeiting, credit card fraud, and organized crime.

1 (3) PRESERVATION OF GOOD GOVERNANCE AND
2 RULE OF LAW IN HONG KONG.—An assessment by
3 the Secretary of State of whether the Hong Kong
4 Government remains autonomous and relatively free
5 of corruption and whether the rule of law is re-
6 spected in Hong Kong. The Secretary of State shall
7 cite in the report any—

8 (A) efforts to annul or curtail the applica-
9 tion of the Bill of Rights of Hong Kong;

10 (B) efforts to prosecute for violations of, or
11 broaden the application of, laws against trea-
12 son, secession, sedition, and subversion;

13 (C) acts or threats against nonviolent civil
14 disobedience;

15 (D) interference in the autonomy of the
16 chief executive, the civil service, the judiciary,
17 or the police;

18 (E) increased corruption in the Hong Kong
19 Government; and

20 (F) efforts to suppress freedom of the
21 press or restrict the free flow of information.

22 (4) PRESERVATION OF THE AUTONOMY OF THE
23 CUSTOMS TERRITORY OF HONG KONG.—An assess-
24 ment by the Secretary of State of whether the cus-
25 toms territory of Hong Kong is administered in an

1 autonomous manner. The Secretary of State shall
2 cite in the report any—

3 (A) failure to respect United States textile
4 laws and quotas;

5 (B) failure to enforce United States export
6 control laws or export license requirements;

7 (C) unauthorized diversions from Hong
8 Kong of high technology exports from the Unit-
9 ed States to Hong Kong; and

10 (D) the misuse of the customs territory of
11 Hong Kong to implement the foreign policy or
12 trade goals of the Government of the People's
13 Republic of China.

14 **SEC. 6. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS,**
15 **AND IMMUNITIES TO HONG KONG ECONOMIC**
16 **AND TRADE OFFICES.**

17 (a) APPLICATION OF INTERNATIONAL ORGANIZA-
18 TIONS IMMUNITIES ACT.—The provisions of the Inter-
19 national Organizations Immunities Act (22 U.S.C. 288 et
20 seq.) may be extended to the Hong Kong Economic and
21 Trade Offices in the same manner, to the same extent,
22 and subject to the same conditions as such provisions may
23 be extended to a public international organization in which
24 the United States participates pursuant to any treaty or
25 under the authority of any Act of Congress authorizing

1 such participation or making an appropriation for such
2 participation.

3 (b) APPLICATION OF INTERNATIONAL AGREEMENT
4 ON CERTAIN STATE AND LOCAL TAXATION.—The Presi-
5 dent is authorized to apply the provisions of Article I of
6 the Agreement on State and Local Taxation of Foreign
7 Employees of Public International Organizations, done at
8 Washington, D.C. on April 21, 1994, to the Hong Kong
9 Economic and Trade Offices.

10 (c) DEFINITION.—The term “Hong Kong Economic
11 and Trade Offices” refers to Hong Kong’s official eco-
12 nomic and trade missions in the United States.

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