

THE HONG KONG EMERGENCY: SECURING FREEDOM, AUTONOMY, AND HUMAN RIGHTS

HEARING

BEFORE THE

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC,
AND INTERNATIONAL CYBERSECURITY POLICY

OF THE

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THURSDAY, SEPTEMBER 26, 2019

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND
INTERNATIONAL CYBERSECURITY POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:45 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Cory Gardner, chairman of the subcommittee, presiding.

Present: Senators Gardner [presiding], Young, and Markey.

OPENING STATEMENT OF HON. CORY GARDNER, U.S. SENATOR FROM COLORADO

Senator GARDNER. This hearing will come to order.

Let me welcome you all to the fourth hearing of the Senate Foreign Relations Subcommittee on East Asia, The Pacific, and International Cybersecurity Policy in the 116th Congress.

Today we will hold an emergency hearing to address the issues of freedom and human rights in Hong Kong.

For over 5 months, millions of brave Hong Kongers have been out on the streets demonstrating for freedom, freedom from coercion, freedom for authoritarianism, and freedom to choose their future. And they have already succeeded to a great extent not only because the Hong Kong authorities realize the folly of the so-called extradition bill—they have now withdrawn it and belatedly offered dialogue with civil society—but also because today on the fifth anniversary of the Umbrella Movement, the demonstrators are showing to the world that democracy on Chinese soil is alive and well. And it is perfectly compatible with Chinese culture and history.

As we celebrate their bravery and determination today, let us hope and pray that it will lead to revitalization of democratic institutions throughout Asia. Promoting democracy and human rights will be vital for the United States to succeed in the Indo-Pacific and to prevail in the era of the so-called great power competition with Russia and China. These values differentiate the United States from the competition. These values are just and right, and they are worth fighting for.

Today we are privileged to hear from those who are on the front lines for the battle for freedom, autonomy, and human rights. The United States should support their cause unreservedly.

With that, I will turn it over the Senator Markey for his opening statement.

**STATEMENT OF HON. EDWARD J. MARKEY,
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Thank you, Mr. Chairman, very much, and thank you for convening this very important hearing and for your continued partnership on the subcommittee.

And I want to thank our witnesses for their willingness to participate today, especially to discuss such a pressing set of issues regarding the future of Hong Kong.

Eighty-five thousand Americans live in Hong Kong and 1.3 million U.S. citizens visited or transited in 2018. According to the State Department, Hong Kong was the ninth largest destination for exports of U.S. goods, and according to the most recent data, U.S. exports to Hong Kong supported 188,000 United States jobs.

But all is not well in the Special Administrative Region. The Chinese Government continues to intervene in Hong Kong affairs, and in the process, the degree of autonomy granted to Hong Kong under “One Country, Two Systems,” the very autonomy that warrants special treatment by the United States under the Hong Kong Policy Act, is eroding. And it is eroding significantly. The Chinese Government backtracked on its commitment to allow universal suffrage. The resulting Umbrella Movement showed how strong-willed Hong Kong residents are. The police cracked down but the protestors did not waiver in their desire for freedom and for democracy.

And when the extradition bill was proposed earlier this year, the people of Hong Kong took to the streets once again. Hong Kongers say they have looked to the United States as a beacon of freedom, but it is we who are moved by their brave examples. Sensing their promised autonomy slipping away and surely aware that authoritarians seek to repress them, the people of Hong Kong are reminding the world that democratic aspirations are universal.

Some call the protest leaderless, but as Hong Kong’s own Johnson Yeung has suggested, everyone who risks their well-being through peaceful pro-democracy protests is showing leadership. In my view the streets of Hong Kong are filled with leaders.

The authorities have responded to popular action with police misconduct. The police must cease their overreach and provide timely access to lawyers, to family members, and medical professionals for persons in custody. And we in the United States must do what we can to prevent U.S. crowd control equipment from making its way into the hands of repressive forces.

We should also be aware that media organizations based in mainland China are obscuring protestors’ demands by suggesting that those in the streets seek only destruction. Isolated instances of violence amplified by authoritarian media can undercut the protests by fueling this narrative.

As we speak, Facebook is still allowing Chinese state-run organizations to purchase advertisements that cast protestors as extremists. Social media organizations must not be allowed to be used in a way that enables repression.

Whatever obstacles are put in their way, the people of Hong Kong have demonstrated their commitment to achieving democratic rule, including free and fair elections.

While it was up to the residents of Hong Kong to take the lead in the fight for their fundamental human rights, we in the United States can and we should make clear what values we want to see in the world.

So I was proud to be an original cosponsor of the Hong Kong Human Rights and Democracy Act, which passed out of the Senate Foreign Relations Committee yesterday. And I was pleased that the House passed its version on the same day.

We have numerous steps yet to go, but I am hopeful that Congress can speak with one voice on the need for Hong Kong to retain its autonomy and for the citizens to enjoy all of the liberties and rights which they deserve. After all, the United States simply cannot afford to cede leadership on promoting freedom around the world.

So, once again, Mr. Chairman, I thank you, and I look forward to exploring these issues with our witnesses.

Senator GARDNER. Thank you, Senator Markey.

And thank you to all the witnesses for being here today. We kindly ask you to limit your verbal remarks to no more than 5 minutes, and your full written statements will be included in the record.

Our first witness is Mr. Nathan Law, who is the Founding Chairman and current standing committee member of the pro-democracy organization, Demosisto. During the 2014 Umbrella Movement, Mr. Law was one of the five student leaders who debated on live television with then Chief Secretary for administration Carrie Lam. In 2016, Mr. Law became Asia's second youngest—excuse me—became Asia's youngest ever-elected. It was me who was the second youngest Member of the Senate. You are the youngest ever-elected lawmaker when you won a seat in the Hong Kong Legislative Council, later disqualified and imprisoned for several months.

Mr. Law, welcome to the Senate Foreign Relations Committee, and I am privileged to have you testify before us, and we cannot thank you enough for your commitment to freedom.

We are also joined by Steve Yates, our second witness. Mr. Yates is currently the Chief Executive Officer of the DC International Advisory, a strategic risk and public policy firm. Previously Mr. Yates served in the White House as Deputy Assistant to the Vice President for National Security Affairs from 2001 to 2005. During his tenure in government, he provided direct support to the Vice President and his national security advisor for key White House deliberations. Notably Mr. Yates testified before this subcommittee on the same topic on July 1, 1999, or 2 years after the handover of Hong Kong to mainland China in 1997.

Welcome, Mr. Yates. We look forward to hearing your perspective especially with the benefit of the 20-year hindsight from your last appearance before this committee.

Our third witnesses today is Dr. Michael Martin, who is a Specialist in Asian Affairs at the Congressional Research Service, the Library of Congress. Dr. Martin is a leading national authority on Hong Kong both from his work at CRS and having lived and worked in Hong Kong for a number of years. From 1994 to 1998, Dr. Martin was the Assistant Chief Economist for the Hong Kong Trade Development Council. Prior to his time with the council, Dr.

Martin taught at Hong Kong Baptist University, Doshisha University in Japan, Colby College, and Tufts University.

Welcome, Dr. Martin. I look forward to hearing from you as well. Mr. Law, you may begin your statement.

**STATEMENT OF NATHAN LAW KWUN-CHUNG, FOUNDING
CHAIRMAN, DEMOSISTO, HONG KONG**

Mr. LAW. Chairman Gardner, Senator Markey, and Senator Young, good morning.

This day 5 years ago, September 26 of 2014, marked the beginning of the Umbrella Movement, which saw hundreds of thousands of Hong Kong people occupy major thoroughways for 3 months in pursuit of democracy. It was our response to Chinese leaders who broke their promise of universal suffrage. The movement then escalated as the police responded by firing 87 canisters of tear gas against peaceful protestors.

The movement was ultimately unsuccessful in realizing our dreams of a democratic society. As a student leader, I would even subsequently be imprisoned for my role. But I distinctly remember that on the last day of our occupation, fellow protestors hung a large banner proclaiming “We Will Be Back” on Harcourt Road just outside the government headquarters. Five years later, during this past summer of discontent, we have made good on that promise.

Public anger in Hong Kong exploded in early June this year against a proposed extradition law that would have allowed criminal suspects of Hong Kong to face trial in China where the legal system operates at the behest and mercy of the ruling Communist Party. But with more than 2 million people marching down through the streets, we exerted an unprecedented amount of pressure to the government and forced Chief Executive Carrie Lam to first suspend the bill in mid-June before fully withdrawing it early this month.

But our struggle has moved far beyond a single bill or a particular leader. What we demand is a systematic reform in a way that honors the original spirit of the “One Country, Two Systems” framework. Our prosperity and dignity as a society have been built on the success of the rule of law, the protection of human rights, and freedoms, and our autonomy. But without democracy, these values and status are extremely fragile for if the law is not written by the people, there is no genuine rule of law. If the government is not formed by the people, there is no real self-government, which is the authentic meaning of autonomy.

The fact that I as the youngest lawmaker in Hong Kong’s history was forcefully unseated by Beijing is a testimony to the—of both the rule of law and our autonomy. We need democratic reform now.

Instead of alleviating the tension, the Hong Kong Government has been hiding behind the police force. To make matters worse, thugs have been involved in committing indiscriminate violence against not just protestors but random passersby while the police turned a blind eye to the atrocity.

What I do wish to stress is that the apparent collusion between the Hong Kong police force and the pro-Beijing gangsters have ignited public anger. These actions constitute a gross violation of our universal human rights.

The police have shot protestors in the head, resulting in at least three cases of permanent eye damage. First aiders have been blocked when they have tried to apply treatment on the injuries. Some have even been arrested. Once detained, protestors have to face torture in the police stations where access to lawyers is increasingly difficult. The “New York Times” recently highlighted one story. A protestor’s shoulder joint was fractured into four pieces and detached from the bone below. Many others suffered concussions while police were brutally assaulting them during the arrest. They were then transferred to the notorious San Uk Ling Holding Centre close to the Hong Kong-China border. According to a report by Amnesty International, subsequent rounds of torture took place in that remote center, which is hardly accessible to the public, journalists, or even lawyers.

Beyond physical abuse, there is a prevalent dangerous mentality of dehumanization among the police. They frame protestors as cockroaches and objects. This intensifies their brutality by reducing their sympathy, which was the same tactics applied during the Rwandan genocide. The level of atrocity obviously is not comparable, but the essence of dehumanization should be equally alarming.

Even though the police brutality is astonishing and the government must be held accountable for this misbehavior, the crux of the problem is the overreach of the Chinese Communist Party. The international community should join hands with us and urge Beijing to honor the Sino-British Joint Declaration of 1984, which governs the transfer of sovereignty and the application of “One Country, Two Systems” in Hong Kong. China in recent years has repeatedly declared the treaty invalid as an excuse to not fulfill its obligations because they have been overtly and consistently violating the instructions in the treaty.

Earlier this week, in his address to the United Nations General Assembly in New York, President Donald Trump proclaimed: “The world fully expects that the Chinese government will honor its binding treaty made with the British and registered with the United Nations in which China commits to protecting Hong Kong’s freedom, legal system, and democratic ways of life. How China chooses to handle this situation will say a great deal about its role in the world in the future.” I welcome this as a sign that the administration is aware of the Chinese Government’s record of breaking promises just as a new round of trade talks have resumed.

But concrete actions are of vital importance. Yesterday, both the House Foreign Affairs Committee and the Senate Foreign Relations Committee have passed the Hong Kong Human Rights and Democracy Act unanimously. This piece of legislation will now move ahead for consideration on both the House and Senate floors. I am, therefore, speaking today to seek every Senator’s support. Hong Kongers cannot stand alone in this great battle against the largest authoritarian power in the 21st century.

As we approach the 1st of October, which marks the 70th anniversary of the founding of the People’s Republic of China, I hope to remind Beijing that hearts and minds cannot be simply bought off with heavily orchestrated ceremonies. Hong Kong people will continue their struggle for autonomy and democracy. You could

demonstrate your bravery by honoring your own words or else you will only convey your cowardice by committing yet another crack-down on the people. The world of free societies is watching you.

Thank you.

[The prepared statement of Mr. Law Kwun-Chung follows:]

PREPARED STATEMENT OF NATHAN LAW KWUN-CHUNG

OPENING

This day 5 years ago, September 26, 2014, marked the beginning of the Umbrella Movement, which saw hundreds of thousands of Hong Kongers occupying major thoroughways for 3 months in pursuit of democracy. It was our response to Chinese leaders who broke their promise of universal suffrage that they made with both the British government and the Hong Kong people almost four decades ago. The movement then escalated as the police responded by firing 87 canisters of tear gas against peaceful protesters, including myself.

The movement was ultimately unsuccessful in realizing our dreams of a democratic society. As a student leader, I would subsequently even be imprisoned for my role. But I distinctly remember that on the last day of our occupation, fellow protesters hung a large banner proclaiming “We Will Be Back” on Harcourt Road, just outside the government headquarters. Five years later, during this past summer of discontent, we have made good on that promise.

PURPOSE OF THE MOVEMENT

Public anger in Hong Kong exploded in early June this year against a proposed extradition law that would have allowed criminal suspects Hong Kong to face trial in China, where the legal system is designed to serve the interests of the ruling Communist Party. But with more than 2 million people marching in the streets, we exerted an unprecedented amount of pressure to the government and forced Chief Executive Carrie Lam to first suspend the bill in mid-June, before fully withdrawing it early this month.

But our struggle has moved far beyond that. Our prosperity and dignity as a society are built on the success of the rule of law, the protection of human rights, and freedoms. Hong Kongers clearly understand that these values are extremely fragile and are being eroded by Beijing. Our autonomy is the cornerstone of the “One Country, Two Systems” constitutional framework, and that is now seriously threatened.

POLICE VIOLENCE

Instead of alleviating the tension, the Hong Kong government has been hiding behind the police force. To make matters worse, thugs with ties to organized crime have also been involved with inciting violence against not just protesters but random passersby just as the police look away. My friends Joshua Wong and Denise Ho have already explained in greater detail these well-documented instances last week in a different hearing held by the Congressional-Executive Commission on China, chaired by Congressman Jim McGovern.

What I do wish to stress is that the apparent collusion between the Hong Kong police force and pro-Beijing gangsters, facilitated by the state apparatus, have ignited public anger. These actions constitute a gross violation of internationally recognized human rights.

The police have shot protesters in the head, resulting in at least three cases of permanent eye damage. First aiders have been blocked when they tried to apply treatment on injuries; some have even been arrested. Once detained, protesters have had to face torture in police stations, where access to lawyers is increasingly difficult. The “New York Times” recently highlighted one story: a protester’s shoulder joint was fractured into four pieces and detached from the bone below; many others suffered concussions. They were then transferred to the notorious San Uk Ling Holding Centre close to the Hong Kong-China border, where, according to a report by Amnesty International, another round of torture took place, far removed from the cameras.

There is a prevalent but dangerous mentality among the police: They dehumanize protesters and frame them as “cockroaches” and “objects.” This intensifies their brutality by reducing their sympathy, which was the same tactics applied during the Rwandan genocide. The level of destruction, obviously, is incomparable, but at the core of this is what to do with monopolized violence.

GOALS AND ACTION ITEMS

Even though the police brutality is astonishing, and the government must be held accountable for this misbehavior, the crux of the problem is the overreach of the Chinese Communist Party. The international community should join hands with us and urge Beijing to honor the Sino-British Joint Declaration of 1984, which governs the transfer of sovereignty and the application of "One Country, Two Systems" in Hong Kong. China in recent years has repeatedly declared the treaty "invalid" as an excuse to omit its obligations, but that is only because they do not wish to be held accountable for what is now happening.

Earlier this week, in his address to the United Nations General Assembly in New York, President Donald Trump proclaimed: "The world fully expects that the Chinese government will honor its binding treaty made with the British and registered with the United Nations in which China commits to protecting Hong Kong's freedom, legal system, and democratic ways of life. How China chooses to handle this situation will say a great deal about its role in the world in the future."

I welcome this as a sign that the administration is aware of the Chinese government's record of breaking promises just as a new round of trade talks have resumed. But concrete actions are vital. Yesterday, both the House Foreign Affairs Committee and the Senate Foreign Relations Committee have passed the Hong Kong Human Rights and Democracy Act unanimously. This piece of legislation will now move ahead for consideration on both the House and Senate floors. I am therefore speaking today to seek every Senator's support. Hong Kongers cannot stand alone in this great battle against the largest authoritarian power in the 21st century.

As we approach October 1, which marks the 70th anniversary of the founding of the People's Republic of China, I hope to remind Beijing that its crackdown on the freedoms of its own people, not its heavily orchestrated celebrations, will be watched around the world.

Senator GARDNER. Thank you, Mr. Law. Thank you for your testimony, your courage, and for being here today.

Mr. Yates?

STATEMENT OF STEPHEN J. YATES, CHIEF EXECUTIVE OFFICER, DC INTERNATIONAL ADVISORY, IDAHO FALLS, IDAHO

Mr. YATES. Thank you, Mr. Chairman, distinguished members of the committee. It was an honor and privilege to appear before this subcommittee 20 years ago. What I have lost by way of hair and other kinds of interesting experiences, hopefully I have added with some perspective that might inform our conversation going forward.

I think this is an incredibly important conversation, one that I hope is national, one that I hope continues to be bipartisan. I think this leads into one of the most important strategic issues we face as a nation today.

I will begin basically where Nathan left off with the remarks the President gave at the U.N. General Assembly. I think it frames the reason why what is happening in Hong Kong has strategic value in a way that I think can be supported on a bipartisan basis and also among most Americans, noting that how China chooses to handle the situation in Hong Kong tells us a great deal about the kind of country it is becoming.

But I think there are two key tests that are right before us. Number one, can Beijing be trusted to honor international obligations? Number two, can the People's Republic of China peacefully coexist with any free society? And how they are handling the situation in Hong Kong, I would have to say, is not reassuring on either of those tests.

In the interest of time and recognizing the full statement has been in the record, I will move ahead into some of the things that

I think have changed in the 22 years since the handover that affect some of the assumptions that our government had, that some of our partners around the world had about what to expect in this transition of sovereignty from Britain to China.

First, China's self-image has changed profoundly over the last 20 years. In 1997, China was a humbler nation. It had been humbled by the massacre of its own people in Tiananmen Square, but also by an economic recession that it needed to build out of in the wake of international sanctions and their own economic misdeeds. China today is not a humble nation, and that is an interesting factor in how we might gauge our expectations of how they see their interests in Hong Kong.

Xi Jinping is a different kind of leader. We had been led over the years to look at the Deng Xiaoping era of reform and opening as a more optimistic view of the direction that China broadly was going. Socialism with Chinese characteristics has turned into what I think is more of a cultural revolution 2.0. And I think the militarization of propaganda and radical nationalism is a part of Xi Jinping's leadership.

I think our fundamental assumptions about the Communist Party were wrong. For too long, too many experts on China proclaimed that the Communist Party is communist in name only. I think that what we are witnessing is a party that remains very powerful, very much in control of things not just within its own country but influencing institutions around the world.

Mainstream assumptions about the direction China was going to go more broadly beyond the party were wrong, frankly. We believed that engagement and privileged access to our markets and technology was going to liberalize Chinese society, that the benefits would go to its people and that would have a normative effect on the country. But those benefits have been disproportionately acquired by the party more than its people.

We were wrong about Hong Kong too. It turns out the Hong Kong people care about more than just business. I think it was stunning, but also inspiring, to imagine in any polity, 2 million out of 7 million people going to the streets and agreeing on anything in the entire world is an important statement. But it is a reminder that clearly the Government of China and the Government of Hong Kong touched a nerve, something very, very sensitive, probably more so than they or maybe even we anticipated.

I think it is incredibly important today that we focus forward that promises made must be promises kept. It is an important test with global consequences in Hong Kong. That China's current leadership is willing to violate the terms of a bilateral treaty registered at the United Nations, how can any government or party enter into any new agreements in good faith with this leadership?

The recommendations that I listed in my statement I am happy to go into during questions.

I congratulate the full committee and look forward to the President welcoming bipartisan, unanimous support for human rights and democracy in Hong Kong. It is an important signal. In politics it is not enough to do good. You have to be seen doing good. And I think the U.S. Senate and the U.S. House and hopefully the U.S.

Government in its entirety is seen doing right by the people of Hong Kong.

I would encourage a full-scale review of the evidence we have of the efficacy of our strategy toward China. Fundamental assumptions have been challenged. Conventional wisdom is upside down. And I think it is important for us to have a broad national conversation about how to right our China policy, a policy that to me lamentably has been incredibly lazy for 50 years. No other policy toward any major issue or nation in the world has remained roughly intact for 50 years. And yet, China has changed and our assumptions should have changed and our policies should adjust.

Last, I would conclude with: when you stand up for human rights and democracy related to China, there will be people who will accuse you of being anti-China. And all I would say is there is no more anti-China organization on this planet than the Communist Party of China. It is they who conducted a revolution against their own people. It is they who conducted a revolution against their vaunted traditions and culture. It is they who have murdered more Chinese people in the history of mankind than anyone else. It is they who have robbed their people of more economic opportunity and freedom than anyone else. There is nothing more pro-China than to stand up for these fundamental freedoms on behalf of the people they say they serve.

Thank you very much for your time and attention, Mr. Chairman. I welcome your questions.

[The prepared statement of Mr. Yates follows:]

PREPARED STATEMENT OF STEPHEN J. YATES

Mr. Chairman and distinguished members of the Committee, thank you for inviting me to join you today to address one of the most compelling and consequential foreign policy challenges of our time: securing freedom, autonomy, and human rights in Hong Kong.

Twenty years ago, this subcommittee conducted three hearings as part of a re-examination of U.S.-China Relations. One was a critical review of U.S. policy toward China with administration witnesses. The other two were assessments of developments related to Hong Kong and Taiwan involving outside experts. I was honored to play a part in those proceedings and appreciate the privilege of revisiting these issues with the passage of time, accumulation of evidence, and under new leadership.

It is now 22 years since Hong Kong's handover from British to Chinese sovereignty. Today's hearing, once again, is one of the many ways the U.S. Congress demonstrates to Hong Kong, China, and the world that developments in Hong Kong remain vital to U.S. interests and of great importance to U.S. policymakers.

In the limited time available for discussion, rather than attempting to tell others what to think on these topics, I will attempt to emphasize how to think about these challenges and offer a few policy recommendations for consideration.

The following statement of U.S. policy, from President Trump's September 24 remarks at the U.N. General Assembly, are a very good starting point for discussion:

"We are carefully monitoring the situation in Hong Kong. The world fully expects that the Chinese government will honor its binding treaty, made with the British and registered with the United Nations, in which China commits to protect Hong Kong's freedom, legal system, and democratic way of life. How China chooses to handle the situation will say a great deal about its role in the world in the future."

The President's statement cuts to the chase with regard to why freedom, human rights, and autonomy in Hong Kong matters to U.S. national interests. Of course, the well-being of the Hong Kong people is of value in itself, but what makes the situation in Hong Kong of great strategic consequence is the role that Hong Kong has long played as China's window to the world, the world's window into China, and the indicators and warnings it provides with regard to the kind of nation China is becoming under Communist Party leadership.

The treaty obligations the President referred to are contained in the 1984 Sino-British Joint Declaration. Implementation of those obligations is outlined in the People's Republic of China's 1990 Basic Law. The "one country, two systems" promise made by the Chinese government is often summed up as, "The Hong Kong people ruling Hong Kong with a high degree of autonomy, except in foreign and defense affairs." Essentially, aside from new emblems and a changing of the guard within the Hong Kong Garrison, the fundamentals of what "makes Hong Kong tick" were meant to remain largely unchanged.

In addition to maintaining status as a separate customs territory, a separate currency, and independent Common Law system, Article 45 of the Basic Law declares, "The ultimate aim is the selection of the Chief Executive by universal suffrage."

At the time of the handover and in my 1999 testimony, I shared a few causes for concern and reasons for optimism as we observed the initial stages of Hong Kong's transition from British to Chinese sovereignty.

CAUSES FOR CONCERN

1) Hong Kong's Dependence on Trade. Any loss of autonomy presents significant economic risks for Hong Kong markets and workers.

2) Limitations on Freedoms and Democracy. Free and efficient flow of information is vital to free markets and free people. Serious questions about Beijing's tolerance for freedom and democracy within its "one country, two systems" model.

3) The People's Liberation Army. Its mission in Hong Kong is to provide for the territory's defense, and interference in local affairs is forbidden. However, many in Hong Kong seek protection from, not the protection of, the PLA.

REASONS FOR OPTIMISM

1) China's Economic Dependence on Hong Kong. Hong Kong's high level of investment in China, and China's high level of investment in Hong Kong, may be Hong Kong's best security guarantee.

2) Communist Party Legitimacy. China's Communist Party needs a successful transition to bolster its own legitimacy.

3) The Taiwan Factor. An infringement on Hong Kong's promised autonomy would have a dramatic effect on domestic and international support for Taiwan independence.

For much of the last two decades, this somewhat conventional framework of concerns vs. reasons for optimism held up. However, there are strategic developments in recent years that should change how we view the current situation.

CHINA'S SELF-IMAGE HAS CHANGED

At the time of the handover, China was a more humble nation, in the wake of the Tiananmen Square Massacre and the economic recession that followed. Consistent with the imperative of getting and keeping the economic engines running was the objective of restoring the more positive and optimistic view of China that much of the world shared through the 1980's until June 4, 1989. In the context of that time, the 1997 handover of sovereignty over Hong Kong was exceedingly important to then Chairman Jiang Zemin and to the People's Republic. Jiang could hardly afford to be the leader seen to fumble the transition and have international treatment of China fall back to the post-Tiananmen low.

No longer. China today is not a humble nation. There is a swagger that demands more than commands respect. Its propaganda is sophisticated, well-funded, and many of its citizens seem to believe it. Given the deferential treatment China's leaders have enjoyed around the world in recent decades, they may no longer believe that failure to deliver on promises made at the time of transition present a meaningful risk to China's image or economy.

XI JINPING IS A DIFFERENT LEADER

In the 70 years of the People's Republic, China has experienced several leadership transitions. None was more important than the one to Deng Xiaoping. His "reform and opening" policies were a break with the errors and excesses of the Mao Zedong era. They appeared to set China on a path to catch up with and become more like the rest of the world. The policies appeared to work and seemed irreversible. The Tiananmen Massacre was a sobering reality check, but the Jiang Zemin era of the 1990's represented more continuity than change relative to Deng's policies.

Xi Jinping's leadership is markedly different in style and substance. Appeals to nationalism have been common for decades, especially when seeking to distract the people away from economic and political disadvantages, there is a militance to the

ethno-nationalism that Xi has unleashed that is more akin to Mao's Cultural Revolution than to Deng's reform and opening. It also is more dangerous and disruptive, because now it is fueled by massive capital, modern technology, and is international. Having broken traditional cultural institutions, replacing them with Party control, and unleashing Han domination over ethnic and religious minorities, China has now lost much of the culture and diversity that made its civilization great and worthy of study. This Cultural Revolution 2.0 ethnic chauvinism exceeds China's boundaries, as we witness harassment of ethnically Chinese who deign to think for themselves, and advocate on behalf of the those threatened or oppressed by the Communist Party. As seen in Hong Kong and elsewhere, this harassment takes many forms, from physical abuse in person to stalking and demonization on social media.

MAINSTREAM ASSUMPTIONS ABOUT THE COMMUNIST PARTY WERE WRONG

Perhaps our greatest error in judgment has been failing to face the true nature of the Communist Party, what it consistently does to the Chinese people, what it aims to do to our friends and allies, and what it is now doing to undermine the institutions of freedom and rule of law even within our own country.

For too long, mainstream foreign policy and China experts suggested the Communist Party was "communist in name only". It's appeal and legitimacy, experts asserted, rests on being the only institution in China capable of preserving stability and delivering economic growth. Especially under Xi Jinping, the "Communist" is back in the CCP.

Vice President Pence's October 2018 speech at the Hudson Institute represented an important turning point in this regard. However, it is just a beginning of what needs to be new non-partisan national discussion. It is the Chinese Communist Party who has been training and deploying political warfare assets worldwide and within the United States. Our choice is whether and how to respond, not debate whether or not the influence operations are real.

President Trump was correct in framing the way China handles the situation in Hong Kong as an indication of the kind of nation China is becoming and the role it seeks in the world. I would add, respectfully, one caveat. It tells us something about the kind of nation China is becoming "under the dictatorship of the Communist Party". To date, developments in Hong Kong raise serious doubts about the ability of the CCP to peacefully co-exist with any free society.

MAINSTREAM ASSUMPTIONS ABOUT THE KIND OF NATION CHINA IS BECOMING WERE WRONG

With the end of the Cold War and advent of the internet, the "end of history" was declared and the forces of freedom claimed victory. Globalization, emerging technologies, increased trade, and integration of China into global institutions, promised to narrow differences, increase cooperation, minimize risk of conflict, and increase freedom inside China.

The basic elements of U.S. engagement policies remained as they had been for multiple administrations. We accepted the passive, but soothing notion that if we just don't treat China as an enemy, it will not become one. Time, modernity, and engagement would somehow compel China to grow out of its problems and become more like the rest of the world. We went further though. We gave China privileged access to our capital, our market, our intellectual property. We allowed China to be exempted from the rules and norms applied to others.

We gave China unequal access to wealth and technology, and are now surprised to find a stronger, unreformed, illiberal Communist Party militarizing those assets against the people and institutions who enabled China's rise.

URNS OUT HONG KONG PEOPLE ARE VERY COMMITTED TO RIGHTS AND FREEDOMS

For decades many of us, experts included, often have been told Hong Kong is all about business and so are its people. With periodic exceptions, political developments in Hong Kong rarely cross the media or policy radar in the United States. In a region known for high profile mass demonstrations and popular movements, most policymakers can be forgiven for not thinking of Hong Kong as being in that same category.

The Hong Kong people have accepted Chinese sovereignty, but they have not accepted the attempt to compromise the autonomy and way of life they were promised. And they have sent a remarkably clear and broad-based signal to their leaders and to us.

Consider the strategic significance of 2 out of 7 million Hong Kong citizens filling the streets to stand up for their rights. That's nearly a third of the population. In U.S. terms, that would be the equivalent of 100 million Americans. Imagine what

it would take to get 100 million Americans to agree on absolutely anything, and agree it is so important that they take to the streets in peaceful demonstrations for 4 months. And in Hong Kong, the demonstrators (from all walks of life) had to know their identities would be scanned and retribution would be a real risk. Clearly the government of China and of Hong Kong crossed a line and touched a nerve that is more sensitive and significant than we or they were led to believe.

WHAT HAPPENS IN HONG KONG WILL NOT STAY IN HONG KONG

CCP Influence operations (aka political warfare) extend beyond Hong Kong to attacks on institutions of freedom and rule of law in Taiwan, across Asia, around the world, and within the United States. The impact of how the Chinese and Hong Kong governments deal with the demonstrators and their demands also will shape policies and perceptions of China near and far.

A slogan that emerged from recent coverage was, "Hong Kong today, Taiwan tomorrow". It is definitely the case that the scale of demonstrations in Hong Kong and also the harrowing images of violence against the demonstrators have had a significant effect on perceptions and politics in Taiwan. For the most part, reinforcing the resolve of the Taiwan people to choose their own way, doubting the viability of any possible deal with the Communist Party. But with the January elections coming in Taiwan, there also is concern that the heavy pressure recently applied to Hong Kong is heading their way in an attempt to influence the outcome or undermine its legitimacy.

It is important for our own national interests that those defending against these influence operations succeed, that they do not feel like they stand alone in doing so, and that we learn from their experience.

PROMISES MADE, MUST BE PROMISES KEPT

Among the things that make the demonstrations in Hong Kong different from those we often see elsewhere, is that the people of Hong Kong are not asking for something new or aspirational. They are demanding that existing autonomy be preserved and promises already made be kept.

It is an important test, with global consequences. If China's current leadership is willing to violate the terms of a bilateral treaty registered with the United Nations, how can any government or party enter into any new agreements in good faith with this leadership?

RECOMMENDATIONS

Pass the Hong Kong Human Rights and Democracy Act. In politics at every level, it is not enough to do good, you must be seen doing good. The 1992 Hong Kong Policy Act did a fine job of establishing a framework for national and international discussion of U.S. interests at stake in Hong Kong. It demonstrated to the people of Hong Kong that they would not stand alone through this transition, and it demonstrated to leaders in China that the United States would remain engaged and ensure accountability. The Hong Kong Human Rights and Democracy Act is a natural and important extension of that commitment.

Visit Hong Kong and Seek Access to Detained Demonstrators. Among the more shocking of recent developments in Hong Kong were the violent images of tactics used against the demonstrators. We also know that there have been many arrests and detentions. What we have less visibility into is the treatment of demonstrators while incarcerated. Given the long history of U.S.-Hong Kong law enforcement cooperation, and the high standards of professionalism we have come to expect from our friends in Hong Kong, it would be appropriate and important for visiting U.S. officials to seek access to detained demonstrators and observe their conditions first-hand.

Re-Examine and Adjust China Policy to Current Realities. While I applaud the Committee's attention given to Hong Kong and the U.S. interests at stake there, the Hong Kong challenge is a symptom of a larger problem. As was done in 1999, the Congress should conduct a critical reassessment of U.S. policy toward China, question assumptions, consider new evidence, and recommend key elements of a new approach with potential to be sustained for successive administrations, as has been the case with the outdated policy. The basic elements of our longstanding engagement policy toward China were set in motion 50 years ago. No U.S. policy toward any major nation or challenge has remained so consistent (or lazy) for so long.

Sustain Bipartisan Voice in Support of "Davids" vs. Chinese Communist "Goliath". While a myriad of voices will claim that by doing so you are attacking China, hurting the feelings of 1.3 billion people, or are engaging in destructive Cold War thinking, don't let that dissuade you. There are hundreds of millions of good Chi-

nese people. There are thousands of years of Chinese culture and civilization worthy of study and respect. The Chinese Communist Party has no claim to any of it. There is no entity less Chinese than is the Communist Party. No entity has murdered more Chinese people than has the Communist Party. No entity has robbed the Chinese people of more wealth and opportunity than has the Communist Party. No entity is more anti-China than is the Communist Party. There is nothing more pro-China than standing with the over 2 million Hong Kong people calling for promises made to be promises kept. There is nothing more pro-China than standing with the over 23 million Taiwan people as they continue their democratic progress and remain a force for good in the world. There is nothing more pro-China than speaking up for the institutions and communities that thrived prior to the establishment of the Communist Party's "New China". Doing so not only comforts those in need of comfort, it also strengthens every President's hand in dealing with China's leadership.

Senator GARDNER. Thank you, Mr. Yates.
Dr. Martin?

STATEMENT OF MICHAEL F. MARTIN, SPECIALIST IN ASIAN AFFAIRS, CONGRESSIONAL RESEARCH SERVICE, WASHINGTON, DC

Dr. MARTIN. Chairman Gardner, Ranking Member Markey, Senator Young, it is an honor and a privilege to testify at today's hearing concerning the emergency situation in Hong Kong.

At its heart, the 2019 pro-democracy protests are a conservative movement. The protestors seek to protect and maintain the Hong Kong they believe the Chinese and Hong Kong governments promised that 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.

It is also a Hong Kong ruled by the people of Hong Kong and will 1 day elect its Chief Executive and all the members of its Legislative Council by universal suffrage in elections in which any eligible resident can run as a candidate, a promise made by China in Hong Kong's Basic Law.

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, the actions of the Chinese and Hong Kong governments have threatened freedom of speech, constricted local political choice, and undermined Hong Kong's promised high degree of autonomy. Since 1997, many people in Hong Kong believe that if they did not rise up in protest, the city they wish to protect and maintain will disappear.

In 2003, an estimated half million people rallied in opposition to a proposed national security bill that they felt would curtail their civil liberties.

In 2014, thousands of protestors occupied the streets of Hong Kong's Admiralty, Causeway Bay, and Mong Kok Districts for nearly 3 months, an event known as the Umbrella Movement, to object to a decision by the Chinese Government that the protestors thought would unduly restrict the nomination process for the chief executive.

Now in 2019, more than 1 million people have risen up to oppose proposed legislation that, for the first time, would have permitted the extradition of a criminal suspect from Hong Kong to mainland China to face what Nathan just said and many in Hong Kong consider an unfair and corrupt court system.

The Chinese Government views the current situation in Hong Kong from a very different perspective. For China's leaders, the United Kingdom acquired Hong Kong illegitimately under the terms of unequal treaties tied to the Opium Wars. To them, Hong Kong's return to Chinese sovereignty in 1997 redressed a past injustice and restored the nation's territorial integrity. To them, as article 1 of the Basic Law states, "the Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China."

China's state media have portrayed the 2019 protests as part of an international plot led by the United States to undermine China's authority over Hong Kong and encourage separatism. As such, China's leaders see the protests as a threat to national sovereignty and integrity. As a result, the Chinese Government has pressed the Hong Kong Government to use greater force to redress this threat and end the protests.

For the Hong Kong Government, all four of its chief executives to date have struggled with balancing their obligations to the Chinese Government and to the people of Hong Kong. In the end, all four arguably have been more beholden to the Chinese Government than to their fellow Hong Kongers.

These fundamentally different perspectives of the protestors and the Government of Hong Kong and China do not offer a ready solution for the current crisis. For now, it appears the protests will continue until either the protestors' five demands are met or more dramatic action is taken by the Chinese and Hong Kong governments.

There are many other issues I could have brought up today in my testimony, but for sake of time, I wanted to limit it to what I thought was the fundamental issue, the key differences of perspective between the protestors and the Hong Kong and Chinese government.

Chairman Gardner, Ranking Member Markey, Senator Young, thank you again for the opportunity to testify, and I am pleased to respond to any questions you and other people may have.

[The prepared statement of Dr. Martin follows:]

PREPARED STATEMENT OF MICHAEL F. MARTIN



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TESTIMONY

Statement of

Michael F. Martin
Specialist in Asian Affairs

Before

Committee on Foreign Relations
Subcommittee on East Asia, the Pacific, and International Cybersecurity
Policy
U.S. Senate

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).¹ The protesters have responded by carrying signs reading, "Five demands, not one less."² 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).³ 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.⁴ Despite the large-scale

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

² In Chinese, "五大訴求，缺一不可。"

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

⁴ 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.⁵ 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.⁶

On July 1, 2019, the 22nd 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.⁷ 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.⁸ 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.⁹ 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 1984.¹⁰ It is also a Hong Kong ruled by the people of Hong Kong, and that will one day elect its Chief

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

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

⁷ 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.

⁸ 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.

⁹ CRS communications with anonymous protesters, various dates from June to September 2019.

¹⁰ 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.¹¹

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 LIHK, Signal, Telegram, and WhatsApp to discuss plans and make decisions.¹² 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.

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

¹¹ 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 Kinmy 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).

¹² 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

Date	Action
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 Rimsky 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.¹³ 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.¹⁴ 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.¹⁵ 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.¹⁶

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.¹⁷ 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.¹⁸ Defending its implementation of its "One Country, Two Systems" policy, China has emphasized, "'One Country' is the foundation of and prerequisite for 'Two Systems.'"¹⁹

On September 4, 2019, Chief Executive stated her government "will formally withdraw the [extradition] bill in order to fully allay public concerns."²⁰ 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.²¹ Most of the residents expressed

¹³ 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.

¹⁴ 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.

¹⁵ 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 Shump, Set for 2 Million Fewer Travellers in 2019," *South China Morning Post*, September 24, 2019.

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

¹⁷ See China's Ministry of Foreign Affairs, "Spokesperson of the Commission'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.

¹⁸ 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.

¹⁹ 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.

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

²¹ Kenneth Leung, Anna Kan, 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.²² 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."²³ 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.²⁴

At other times, President Trump has made statements that could be seen as supportive of the protesters and their quest for "liberty."²⁵ 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."²⁶ 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

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

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

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

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

²⁵ 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.

²⁶ "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.²⁷

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.²⁸ 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."²⁹

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.

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

²⁸ 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.

²⁹ See H.Res. 514.

Senator GARDNER. Thank you, Dr. Martin. And thank you again, all three, for your testimony today.

Mr. Law, you and I have had the occasion to meet before, and I cannot tell you how grateful I am for your presence here before this committee and before the Congress of the United States and the people of this country who stand with Hong Kong and the autonomy that you fight for and the freedoms that you strive for.

The first visit that I made to Hong Kong several years ago, President Xi was a relatively new leader in China. Some of the civil society leaders that I had met with at the time had said things to the effect of, well, perhaps the anti-corruption campaign that President Xi is leading or perhaps some of the policies that he is enacting are because he is a real reformer and that he is cracking down in this way so that he will have the freedom and the ability to make real reforms that could turn China away from an authoritarian rise or away from the society that they were locked into perhaps and they would build more freedoms.

And I think it is pretty clear after activities that we have seen throughout China, around China, throughout the region, in Hong Kong, as they treat Taiwan as well, that that is not the case, that this is not a reformer leader, that this is not an opening leader for more opportunity of freedom and autonomy, human rights, and the dignity that goes along with every person in this world, let alone in China.

And so the discussions we had on Hong Kong led to discussions about what makes this work in Hong Kong. How will Hong Kong survive under this leadership of President Xi and the new governance, the new direction, the more authoritarian direction of China?

When I met with U.S. businesses, they would talk about the independence of the judiciary. When I talked to civil society, they would talk about the independence of the judiciary. And as we saw indexes of freedom or indexes of economic freedoms or personal liberties or news stories of book owners being kidnapped and people taken from Hong Kong into China, and as we saw the news of those activities increase and the decline of freedoms multiply, people would always go back to the freedom and independence of the judiciary in Hong Kong. And it just seems to me, looking in from the United States what was happening in Hong Kong, that the extradition bill that was put forward seemed to strike at the very core of that independence.

Mr. Law, do you agree with that or am I misreading it? And how should I think about what I learned when I was there and how it applies today and the protests and the work that you have taken?

Mr. LAW. Thanks for the question, Chairman Gardner.

I think your observation is precise about what is happening in Hong Kong. I think what is happening in Hong Kong is not an isolated case. It is the all-around policy by China. If you look at expanding the concentration camp in Xinjiang, you look at the cultural wipeout in Tibet, you look at intimidation to Taiwan, and all sorts of civic society cracking down in mainland China, you will see the same process and the same way of annihilation of free society and free values are happening in China.

And the way that they treat these regions are not only treating their internal affairs, but they are also having an authoritarian ex-

pansionist angle. They are treating the world by using like Belt and Road Initiative and all sorts of geopolitical influence to get some other places into a more authoritarian way. And we could see that trend from a lot of indexes and a lot of reports from INGO which looked into that issue.

So I do believe that the trend in Hong Kong is definitely an issue for Hong Kong people because it threatens our freedom and threatens rule of law, and these are the cornerstones of our prosperity. But also, it is an issue that the world has to join hands and face because the way that they expand and export authoritarianism definitely hampers the spread of democracy and result in the revival of authoritarianism and the recess of democracy.

So I do believe what is happening in Hong Kong is a great symbol of how China treats the world order and free societies. And I do believe that what is happening in Hong Kong and we at the forefront of the clash of authoritarian and liberal values—it needs more attention and help and concrete support from the free society. So I think the observation is accurate, and I think it should be transformed into actions in countering the kind of encroachment in Hong Kong's free society.

Senator GARDNER. You mentioned the Hong Kong Act, and we have talked about the Hong Kong Act that passed both the House and Senate committees yesterday. What more would you like to see from the United States to address what you just mentioned?

Mr. LAW. Well, first of all, I do hope that it can be passed in the floors of the House and Senate. And I think Hong Kong people are extremely excited about it because it is a way that the global community, especially the U.S., showing support to Hong Kong. Sometimes we feel isolated because of the tightened control of China, and sometimes people see Hong Kong as an economic entity but not a place that protests and fight for democracy took place.

But for now, we demonstrate our determination of fighting democracy and autonomy. And our demand is just so humble because we just want China to do what they have promised, and the way they treat Hong Kong, as President Trump just said, will set an example of how they treat the other international treaties. So I do believe that we have a high moral ground and necessary helping hands should be delivered from the other places like the U.S. or even the U.N. and some other international organizations.

As for the bill, of course, the bill has—a huge portion of that bill is to sanction the officials who are responsible for the encroachment in Hong Kong. And I do believe it plays an important role. Just look at the kids and daughters of our senior officials in Hong Kong. They are not even studying in Hong Kong. They just kind of mess up Hong Kong's system and then take their daughters and kids overseas and let them to be British or U.S. citizens where they reap all the fruits, all the rewards from China giving them in the expense of Hong Kong's future. So I do believe that this set of sanctions is kind of a way to warn them that you cannot get it both ways. For China and for the officials in Hong Kong, you cannot get it both ways. If you are eroding Hong Kong's autonomy, you cannot be rewarded by doing so because you are violating a lot of cornerstones of our society.

So I do think that even though the bill is passed, the administration should take the responsibility actively enacting this portion of the bill in order to send a signal to them.

Senator GARDNER. Thank you, Mr. Law.

Senator Markey?

Senator MARKEY. Thank you, Mr. Chairman.

The Hong Kong Policy Act of 1992 allows but does not require the United States to treat Hong Kong differently than China. And I was proud to vote for that act as a Member of the House of Representatives. But I am growing increasingly concerned about Hong Kong's level of autonomy and what that means for U.S. policy going forward.

So, Dr. Martin, what degree of autonomy does Hong Kong currently have, and what are the chances that Hong Kong can increase its autonomy in the coming months and years, given the fact that it is a 50-year deal and we are now 22 years into that process?

Dr. MARTIN. Senator Markey, a very good question and one that is very difficult to answer.

I would say different aspects of Hong Kong's autonomy remains relatively high, but other parts less so. There have been a number of actions taken by the Chinese central government, for example, interpreting the Basic Law, or what they call interpreting the Basic Law that ends up restricting the governance of Hong Kong, one of which was utilized to disqualify Nathan Law and five other members of the Legislative Council who were elected by adding provisions in the Basic Law, regarding how to take oaths. So you have a number of areas in terms of the legal environment where the actions of the Chinese central government have reduced the autonomy of Hong Kong.

A concern right now in the protest movement is to what extent are the Hong Kong police force is reporting to the chief executive, Carrie Lam, or are they reporting to other authorities. There are a lot of rumors floating around in the current environment, but there are some signs that basically the Hong Kong police force are acting with a high degree of independence and may be reporting to authorities in the liaison office in Hong Kong, as well as in Shenzhen or even in the central government in China.

And one other aspect where you see an erosion of autonomy is the involvement of the liaison office in the political environment in Hong Kong. It is quite well known in Hong Kong that the liaison office communicates to political figures in the business community about who they want to be the chief executive, who they want elected in district council elections, which are coming up in November. Joshua Wong hopes to run, but it is not clear he will be able to run. So the liaison office is increasingly active in local politics.

There is a provision in the Basic Law that says no agency in the Chinese central government can be involved in the local internal affairs of Hong Kong. So that is another area where people point to violations.

Senator MARKEY. So let me ask you this, Mr. Law. On August 30th, I wrote to Mark Zuckerberg asking why Facebook runs targeted ads for state controlled media organizations, including those in mainland China, that dehumanize and spread disinformation about protestors. Unlike Twitter, which changed its policy during

the protest, Facebook still at this very moment and which it confirmed in its responses to my letter—I sent them a letter on August 30th. And in their response to me, they said that they do accept money from Chinese state-run outlets that use its platform to cast protestors as rioters and as extremists.

So, Mr. Law, what impact do you think Chinese state media content spread on social platforms like Facebook might have on these protests and on the reaction to them?

Mr. LAW. Well, thanks for the question, Senator Markey.

And I do believe that the way Chinese are manipulating propaganda in terms of dehumanizing the protestors—the protest is overwhelming because I think this is also an ideology that affects not only the citizens who are in support of the pro-Beijing camp but also the law enforcement. So you could have a lot of claims. They are proclaiming the protestors as cockroaches or even the reporters. Therefore, they legitimize their use of force or even those obviously violating the protocol that they should follow in order to do their crackdown. And that is what Carrie Lam relies on.

So I do believe for social medias and any other advertising companies should be aware of that tactic because sometimes if you are trying to be neutral and get an advertisement for some other different sides of the organization, you may actually be helping them in respect of certain ideology. So I think the dehumanization that the police force has been using just like the Rwanda genocide had adopted, even though the degree is incomparable, but the essence is the same.

Senator MARKEY. But what do you want Facebook to do?

Mr. LAW. Well, of course, like Facebook and Twitter have been taking measures to delete accounts recently orchestrated by the Chinese Government. And I applaud for these measures. I hope they continue to do so. And if they find any advertisement that is spreading hate speech, disinformation, also dehumanization, well, discourse toward the protestors and Hong Kong people, they should take prompt action to stop it.

Senator MARKEY. Mr. Yates or Mr. Martin, what role is social media playing in this, especially American companies, in their complicity in any of these activities? We know in Burma it happens, but here in Hong Kong as well. So if you could just give us your views on that.

Mr. YATES. Well, Senator, I think it is an incredibly important issue given that these were supposed to be tools of liberation. The advent of the Internet, social media, all these things were supposed to connect people in positive ways, allow for free expression. What we see in the Communist Party of China is a very effective use of the tools of liberation, now militarized into tools of control and intimidation. And so, trying to find policies and technical ways to combat oppressors' abilities to use these tools against free people I think is a massive challenge, and we need to be pressing those companies to be a part of it.

What is happening in Hong Kong today on the use of those tools is going to be used in Taiwan in their upcoming election in January where there is definitely going to be an attempt to try to manipulate information and possibly undermine the legitimacy of an election outcome. Those same tools very well could be deployed in the

United States over the course of 2020 and try to shape American minds. The most offensive image among many I think out of Hong Kong in recent times was a very slickly produced video that compared the protestors in Hong Kong to the Taliban and suggested that they were terrorists. And so, they have money, technology, and social platforms that are weaponizing propaganda in ways I do not think we have ever seen.

Senator MARKEY. Thank you.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Markey.

Senator Young?

Senator YOUNG. Mr. Law, thank you for your courage, for your activism, for your presence here today.

Let me begin by offering a message once again to the Chinese Communist Party leadership. You covet strength. You covet control. You covet stability. You have a pattern of broken promises, however. And I believe that your pattern of one-sided free trade, of predatory economic practices, your effort to export the tools of population control in Orwellian fashion through your Belt and Road Initiative, your human rights transgressions—I predict that by continuing to expose these practices by shining a bright light on them, a credibility gap has not only—it has not only been exposed, but it will continue to grow. And the Chinese leadership will 1 day fall into it.

And so your presence here today, Mr. Law, I think is really important, as is your continued activism. My only fear, anxiety is that you and others in fairly short order may not enjoy the political space, the freedom to continue exposing these practices, these violations of your human rights.

There is legislation, as I know you are aware and you have urged my colleagues and I to support, for us here in the U.S. Senate that has been offered by Senator Rubio. It would prohibit the State Department from denying a visa because the individual applying has been arrested or detained or had the Hong Kong or Chinese government take action against him or her.

I believe we should welcome Hong Kongers who believe that rights are not the gifts of government but instead they are gifts from God or a creator or whatever one's faith, tradition, or philosophical perspective might be. I believe that we should welcome Hong Kongers who understand the job of our government leaders is to represent and serve but not to rule.

And so going beyond Senator Rubio's legislation, which I really believe will pass, I hope will pass, I wonder whether creation of a special immigration status for any besieged Hong Kongers seeking to come to the United States of America would be of interest to those protesting so that they too might enjoy living in freedom and advancing democratic values but also so that they too might work with others, other likeminded individuals in the United States of America who might be mobilized to contest Chinese authoritarianism and the threat it poses to all democratic, peaceful societies worldwide.

And so I ask you, do you believe that creation of this sort of special immigration status might be of interest to many Hong Kongers?

Mr. LAW. Well, thank you for the question, Senator Young, and encouragement and a great suggestion.

I do believe that the special status or criteria for Hong Kong protestors or people who believe in universal values as the others in this room could, indeed, boost the morale and actually help Hong Kong people because if you look at the way the government has been prosecuting and arresting the protestors, basically they do it in an arbitrary fashion and do it to intimidate people not to go out on the street and conflict with the police and speak up for the justice. So I do believe that if such a recognition from the U.S., especially in terms of supporting the people who stand up for their justice in Hong Kong, indeed help them, and the protestors in Hong Kong would welcome this measure.

Senator YOUNG. Well, so many of the leaders, the Communist leaders, in Hong Kong, as you indicated, send their own children to the United States, to the United Kingdom to enjoy our freedoms, to be educated, and so forth, and they will continue to do so. And so it strikes me as right and proper that we give strong consideration to affording similar dispensation to those Hong Kongers who are prepared to put everything on the line, their lives, their fortunes, their sacred honor in order to defend the very values that our country is trying to uphold.

I also know that there are some who may prefer to continue to stay in Hong Kong to march for freedom and democratic values, and I certainly would be respectful of that.

But with your direction, I think we will work on that initiative. I appreciate the feedback.

On September 9th, Mr. Law, the "Global Times," a Chinese news publication said that the mainland is set to defend Hong Kong. Meanwhile, media reports in China have characterized the protestors as violent radicals and mobsters—and you indicated in your testimony they have even called them cockroaches, dehumanizing them—while praising the police for showing great professionalism and restraint. This seems to be setting the stage for a larger crackdown, a more serious one.

So if mainland China moves in to suppress Hong Kongers, I am concerned that we could witness something on the scale of or something that is on par with the gravity of the Tiananmen Square massacre, which I think has been scrubbed from the Internet for most of those who live in mainland China.

What will the next steps by mainland China tell you about Hong Kong's future and the mainland's ambitions?

Mr. LAW. Well, of course, I do think that there are signals of them showing a tougher stance on Hong Kong by deploying troops near to the Hong Kong border and sending all the messages online and intimidating Hong Kong people.

But I do think that Hong Kongers do play an important role in the economy, especially Hong Kong is the largest port of getting money in, getting FDI in China, and getting the money out of China, and also it provides, well, supports for the Belt and Road Initiative and all sorts of things that could help China to catalyze it. So I do believe that they will be making a very cautious decision in terms of sending troops in Hong Kong to create another scene that resembles the world about 1989.

But it does not mean that they will stop the suppression. It will happen in a more subtle way. For example, the police force will be expanding their power and torturing all the protestors in a place that no camera will capture them and in a place that no hospital will be willing to kind of get treatment on them, et cetera because the protestors are too afraid of going to the hospital and being arrested, and so on.

So I do believe there is a potential crackdown took place in the future, especially it is getting close to the 1st of October which the Chinese Government will be celebrating its 70th year anniversary, and the crackdown will get much more severe. So I do believe that is an important date that we should put focus on and closely monitor how China acts and how the state apparatus in Hong Kong operates.

Senator YOUNG. Thank you.

Senator GARDNER. Thank you, Senator Young.

Mr. Law, I think one of the more alarming images that I saw in the heart of some of the protests a few weeks ago—I was at a company in Colorado that does a lot of spatial imaging, and one of the employees showed me an image of basically a buildup. It looked like a military buildup on the border of Hong Kong. And you saw what looked like, at least from space, armored personnel carriers almost in a stadium of some kind that looked like they were ready to invade.

So a couple of questions. Do you still see that kind of buildup along the border? Do you still see the shocking videos that we saw in the United States of these white-shirted thugs at a train station beating people randomly as they went by, as the police just simply ignored what was happening? Do you still see those kinds of things? Is it random? Is the force still there, the pressure still there?

Mr. LAW. Well, thank you for the question, Chairman Gardner.

The presence of the collusion of thugs and police is still very obvious. And from the recent protests, we can see signs of the gangsters attacking the protestors. And when the police were approaching, they were just guarding those gangsters out and arresting those who were under attack by them.

So I do believe that the government has been outsourcing violence to these gangsters in order to intimidate the protestors and assault them. And that is the way that Hong Kong has turned into a police state which is a true source of violence, no matter one or informal one, are actually targeting the protestors and harming them.

So I do believe it is a worrying phenomenon, and that is exactly how the Chinese Government wanted to manipulate the situation of Hong Kong. Obviously, a lot of these gangsters—well, in the morning, a cross-border bus drove them to the site. And after they attacked, they just drove back to mainland China. There is no way to trace them. There is no way to follow them and that is under the allocation of the Chinese Communist Party. So I do believe that is a worrying trend, and we should be aware of that.

Senator GARDNER. Thank you.

Mr. Yates, in your testimony in your recommendations, you talked about visiting Hong Kong, and you talked about seeking ac-

cess to detained demonstrators. Mr. Law talked about torturing protestors.

What do we know about how many demonstrators may be detained? What can we do? What should we do? Is there a role that the United States or other international organizations could play in this to make sure that these protestors, these detained demonstrators are okay?

Mr. YATES. Thank you, sir.

I do believe that there is a role to play. Some of your colleagues and maybe some of you in due course will visit Hong Kong and its near abroad. When you do, we have decades of cooperation with Hong Kong authorities. We have invested lots of money in joint training and other kinds of activities over the years. And there are many, many truly professional and respectable people who work in that government. Some of them even risk their fortunes joining the demonstrators. And so, I think there is value in going and engaging.

I do not have a good gauge on the total numbers of those arrested. There seems to be places they are being held and questioned in ways that are not consistent with the Hong Kong we had thought we were dealing with. I think that it is important to seek access to these facilities. There are some named ones. I would be happy to share a list that I have been given that are worth going and seeing.

Of course, we have experience in other parts of the world where there are political prisoners being held, and I do consider people who have peacefully protested to be political prisoners if they are being incarcerated.

So, I do think that there is a role. I would encourage all Members to avail themselves of it to the extent time allows, and I think that we may actually find some allies within the Hong Kong Government who want transparency and accountability too.

Senator GARDNER. Thank you, Mr. Yates. If you could provide that list, please do so.

Mr. Law, any idea of what you are seeing, demonstrators that are jailed? You mentioned a concern about their treatment.

Mr. LAW. Well, obviously, a lot of torture happening on them out of camera, and it relies on the international news organization or INGO's like Amnesty International to do a thoughtful investigation on it. I do believe that this evidence should be valued and should be brought up no matter to the floor of the Congress or any other places in the U.S. that could actually be evidence to apply some pressure to the Hong Kong Government and also the law enforcement.

And this could actually be evidence if in the future there is any possible sanction on them. Well, that could create a kind of atmosphere for them to let them know that even though those things that they have done without surveillance but actually people could speak on that. They will be punished for their misbehaviors of what they have been doing. So I do believe that other than, well, helping them by these kind of measures that we can take.

Also, for the U.S. what I have just mentioned and Senator Young has just mentioned about the visa and about any status or academically we provide more room for Hong Kong students who are

suffering from this kind of suppression, these are great measures to be taken.

Senator GARDNER. Thank you, Mr. Law.

Dr. Martin, the Basic Law, the Sino-British Joint Declaration stipulate with regard to Hong Kong's status and how it is going to be treated, the way their relationship will work. As an international treaty, is the Joint Declaration enforceable at the United Nations or in other international venues?

Dr. MARTIN. As an international treaty, it is registered with the United Nations, and its duration till 2047. My understanding from lawyers is it still remains in effect.

In terms of enforceable, it does not have any teeth in it. There is no provision for punishment for either the United Kingdom or China for not abiding by the terms of it, but there is certainly, as Mr. Yates pointed out, the international pressure that could be brought against China for not living up to its commitments, in terms of the treaty.

If I may make a quick comment.

Senator GARDNER. Please.

Dr. MARTIN. You asked about the number of prisoners. I believe we are approaching about 1,500 people that have been arrested. The numbers go up every day. There were just a few arrested last night in Sha Tin.

And in terms of locations, the detention center that Nathan referred to later, is one that is normally used for illegal immigrants. It is not one that is used for Hong Kong residents. It does not have closed circuit TV capacity so that when those being detained are being visited by police officers or any enforcement officers, there are no records of what is taking place.

Like I said earlier, rumors are quite rampant in Hong Kong. There have been reports and allegations of abuse, torture, and I fear to say even worse that is taking place at that center.

Some members of the democratically elected Legislative Council, that is, members who were elected by the general public, have asked to go to that detention center as, for example, U.S. Members of Congress would like to go to detention centers in the United States. The Hong Kong Government has denied access. They said, no, you may not attempt to see. So I would encourage, for example, if you want to find out more about it and if you go to Hong Kong, asking to see where these people are being held is one of the things you could consider.

Senator GARDNER. Is there a way for members of the Legislative Council to request perhaps a United Nations delegation to inspect or to attend these detention centers as well?

Dr. MARTIN. Can they do so? I believe that would be within the authority of the Legislative Council in Hong Kong. They operate under very different rules. Most legislation in Hong Kong is introduced by the chief executive and the secretary. It is a parliamentary system. So there are strict restrictions on the type of legislation LegCo members—shorthand—can introduce.

Right now they are not in session. Part of the reason they are not in session is the chambers were damaged on July 1 of this year in a demonstration. But it is also traditionally the time when they are in recess.

So in terms of this extradition bill, it has not been formally withdrawn yet. All that Carrie Lam has said is that she will submit such a withdrawal request to the Legislative Council when they reconvene in October. So I would also say we should be watching to see whether or not that takes place and what exactly transpires when that occurs.

Senator GARDNER. Thank you.

Senator Markey?

Senator MARKEY. Thank you.

So 2 days ago President Trump at the U.N. said, we are carefully monitoring the situation in Hong Kong. The world fully expects that the Chinese Government will honor its binding treaty it made with the British and registered with the United Nations in which China commits to protect Hong Kong's freedom, legal system, and democratic way of life. How China chooses to handle the situation will say a great deal about its role in the world in the future.

But previously, President Trump referred to the protest as, quote, "riots" and said that China, quote, "will have to deal with that themselves."

So, Mr. Law, what is the consequence of such a mixed signal coming from the President of the United States?

Mr. LAW. Thank you, Senator Markey.

Obviously, we noticed that there is like kind of a volatile stance taking place by the administration. And even though there are some times President Trump has been speaking up for Hong Kong, but sometimes the messages are quite confused in a certain degree of matters.

So I do believe that as a force in the council and in Congress, there has been a huge momentum pushing forward the Hong Kong Human Rights and Democracy Act, and it should create a momentum that is actually not only in the Congress but in the administration side. They should take prompt actions in order to handle the situation of Hong Kong and give support of the people of Hong Kong who are fighting for human rights and justice.

So I do believe that even though sometimes we get a mixed message, but as long as we follow the measures that we have registered, we will kind of make it into a law, and then we monitor the application of the administration, urge them to do in accordance to what is happening in Hong Kong and the violation of the international treaty that China has been having. And I do believe that the U.S. could be a strong support not only for Hong Kong but also for the liberal world and for the justice and human rights that we all share. So I do think adding more exposure of the Hong Kong issue in the Congress and in the society as a whole indeed helps to push forward to that direction and also sending a delegation from the Congress to the San Uk Ling holding center that we mentioned or generally to observe the situation of Hong Kong to feed back to the American public and to the global community could also be a helping hand for them to realize and understand the situation of Hong Kong.

Senator MARKEY. Let me ask you this.

We are 22 years now into the agreement between the Chinese Government and Great Britain. And at the end of that 50-year period, which would be 2047, Hong Kong would fully be part of

China. That is the agreement. So we are now 22 years into. We are now 44 percent of the way through this process toward 2047.

So what does it mean, from your perspective, as a preview of coming attractions that China is now through Carrie Lam ordering these kind of actions in terms of what your greatest fears might be as to what will happen as an erosion of rights before we reach 2047 where, under the agreement, Hong Kong is fully part of China?

Mr. LAW. Well, I do believe that we have to send a strong signal to the Chinese Communist Party that in the Hong Kong issue, they cannot get it in both ways. The special economic status of Hong Kong is kind of being determined by the Hong Kong Policy Act of 1992 in the U.S. Congress, and the other parts of the world followed. And if China has had a mind of kind of stripping out all the contents of the "One Country, Two Systems" but remaining the shell of it in order to make an illusion that Hong Kong operates well and autonomy is still being preserved, then I think they are making huge mistakes because Hong Kong people clearly understand our autonomy has been stripped away. And we urge the Chinese Communist Party to know that if they want to destroy Hong Kong's democracy and autonomy, that it cannot just simply reap its economic outcome.

Senator MARKEY. So thank you. Again, thank you for your courage.

Mr. Martin, what do you think this means in terms of the deadline arriving now in a relatively brief period of time from a historical perspective?

Dr. MARTIN. The Joint Declaration stipulates that Hong Kong will be treated by China in a particular way for 50 years, but it makes no clear statement about what happens at the end of that 50-year period.

Back when I was living in Hong Kong on July 1, 1997 and I saw the Union Jack come down for the last time, many of us were hopeful but concerned about what the future would bring for a city that we know and lived in at the time. At that time, I think the feeling was that over time there will be changes and that by 2047, there will be full democracy in Hong Kong, as promised in the Basic Law, not in the Joint Declaration, and that things will have changed, as Mr. Yates had described, in mainland China so that the situation would be so different than what it was at that time, that it would not be particularly problematic.

Events of the last few years I think indicate that maybe that was overly optimistic and that, for example, this pledge for universal suffrage and choosing the chief executive and all the members of the LegCo by universal suffrage is not going to be provided in a manner that people like Nathan and others feel allows them true democracy. So they talk about genuine universal suffrage. What they want is democracy, the right to vote for candidates of their choice.

And another element that I hear among the young people is self-determination. They want to be able to have a say in their own future. In 1984 when the Joint Declaration was signed, during that negotiation process, there were no Hong Kong representatives at the table. It was Chinese officials and British officials negotiating. And ever since then, anytime there has been a critical issue, the

people of Hong Kong feel like—many of them, not all of them—their voice is not being heard.

So by 2047, I will be quite elderly and I do not know if I will be around to see what transpires. But what Nathan and Joshua Wong and the younger people are saying is they want to have self-determination. They want democracy.

Senator MARKEY. So I went with President Clinton in July 1998 on his trip to China for 10 days. So I was with him during that trip. One of the leaders said to us privately that they were going to follow the model of perestroika in Russia at that time—this is pre-Putin—to open up more opportunities for entrepreneurial activity inside of their country and that they believed that perestroika made a lot of sense for China as well, but that they disagreed with the Soviet Union, with the Russians with regard to glasnost, openness that that had created from their perspective a mess inside of Russia. And they will not make that mistake. They will follow perestroika but not glasnost, restructuring of the economy but not openness.

So that was their plan beginning in 1997–1998 that they would move in that direction. And as Mr. Yates has said, they have now lost all humility and they are actually implementing their anti-glasnost policy, not just in Hong Kong but across the entirety of their country. That is at the heart of what they are doing.

So what from your perspective is the goal that China has for Hong Kong in 2047? What do they want to be the conditions under which the people in Hong Kong are living? Any of you.

Mr. YATES. My presumption is, number one, they fully intend for the Communist Party of China to remain in total control of China by 2047. And I think that if we look back at the handover, at the close of the Cold War, it was inconceivable that a Communist Party was going to endure, even get stronger over time. But as far as their plans, they look for a “One Country, One System”. They look for party first, ethnicity second, and then whatever is in their constitution—

Senator MARKEY. But for Hong Kong, what does that mean?

Mr. YATES. Hong Kong would be a part of one single Chinese system under communist control.

Senator MARKEY. And their system would be the same as the system in Beijing or Shanghai—

Mr. YATES. Correct. The one they impose upon everybody else. No more special status.

Senator MARKEY. No special status, no special rights, no special freedoms.

Mr. YATES. If we look at just the images of the pro-Beijing, pro-communist agitators, not just in Hong Kong, they have attacked people in Australia who are demonstrating. They have attacked people in Canada who are demonstrating. There is a virulent nationalism that is spreading in China where they feel entitled and demanding of respect.

Senator MARKEY. Do they feel that under the agreement that the people of Hong Kong have no choice but to live under rigid communist control by 2047? Do you think there is any wiggle room in that agreement toward achieving that goal?

Mr. YATES. I think the Chinese Government has willfully disregarded the treaty as even being a treaty. And their decision tree, it seems to me, is first if you are ethnically Chinese, you owe your allegiance to us, whether you are a citizen of the United States, the United Kingdom, or anywhere else. And out of duty to us, you then must follow and respect the leaders of the party. We have a leader of the most populous authoritarian government who is afraid of Winnie the Pooh. If there are people who post images of Winnie the Pooh on social media associating with him, they literally get locked up.

Senator MARKEY. So for Mr. Law, he has essentially 28 years to go—26 years to go before all of these freedoms are gone, and you will be alive, Mr. Law. You will be living in that world. So perhaps you could speak to how concerned you are about what is going to unfold if Mr. Yates is 100 percent correct.

Mr. LAW. Well, 2047 has always been a landmark for Hong Kong and a question that has been hanging in our hearts and minds about what the future of Hong Kong will be so that we propose a self-determination direction which we wanted to decide our own future. But, obviously, China has been so rigid about it.

But I do believe that we have got 20-something years to change China. I do not think China is unchangeable. We need to have faith on that even though the past engagement policy they have been adopting seems like kind of futile in terms of transforming it into a more democratic nation. But I do believe that a change of China-U.S. policy and also the struggle of Hong Kong indeed help opening up China, and the way China has been supported by nationalism and economic success—these factors are declining. They are on a downturned roll of their own history. So I do believe that in that critical moment of time, if we join hands together, we can actually make something out of it.

Senator MARKEY. So what is the role that you envision for the United States and other western nations in helping to advance your vision in terms of our relationship with China?

Mr. LAW. Well, of course, I do think that for a certain degree that the way we treat China has to see it as an expander of the authoritarian regime. They are actually eating up the fruits of democracy and sending out a totalitarian order to the rest of the world. So we have to be aware of that not only just to make business to them, but we need to have a value-orientated policy to them.

Senator MARKEY. Are you concerned that Donald Trump may be subordinating human rights issues to his trade deal objectives in the short run, and then that sends a signal to China that they can continue with business as usual with regard to Hong Kong?

Mr. LAW. Well, obviously, we do not know the results of the trade talk. But I do believe that if the administration is sending a strong signal on Hong Kong's protests, supporting them firmly, and urging Beijing to solve that puzzle, solve that question, solve that problem with a civilized way to honor their own words, I do believe it is a good start to show the world that, well, U.S. and China or the world and China—we are not just talking about business. We are talking about human rights and the things that matter to the billion population in mainland China and billions of population in the world. So I do believe that this is the direction to go, and I do be-

lieve that by the time of 2047, there is a possibility that we are no longer living in an authoritarian country.

Senator MARKEY. Thank you. I appreciate it. Thank you for your courage, and thank all of you for expert testimony.

Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Markey.

Mr. Yates, you also talked about our China strategy and how we rethink this. Senator Markey and I have passed and signed into law by the President a bill called the Asia Reassurance Initiative Act that builds on three things: national security; economic opportunity; rule of law, human rights, and democracy. And the state and foreign operations appropriations bill that is out of committee puts about \$2.55 billion for the effort and the implementation of ARIA.

I would love to get your feedback on that. Some of these resources will be used to help talk about democracy, to help with human rights conditions, to pursue awareness and civil society opportunities throughout Asia, and perhaps we can find ways to utilize here as well with this new opportunity through ARIA.

Just a final thought and final question. Mr. Yates, I will direct it to you. If anybody wants to reply. What message, what lesson—and you mentioned a little bit of it earlier—does Taiwan take from what is happening in Hong Kong today?

Mr. YATES. Well, thank you, Mr. Chairman.

Very, very clearly there have been different histories for the people of Taiwan and the people of Hong Kong. Being a British colony is different than being a Japanese colony living under martial law and then coming up with your own democracy in Taiwan. There are different perspectives.

And I would not characterize the relationship between the two peoples of having been particularly close over the decades.

I think that perceptions and connections have profoundly changed in the images that the people of Taiwan have watched in recent months. I think there have been profound lessons learned. Number one, talk within Taiwan political circles about whether one can make a deal with the Communist Party of China to buy peace, even temporarily, is something that most voters of Taiwan are no longer willing to accept. It has fundamentally changed some of those perceptions. I think that the people of Taiwan feel a camaraderie, even are inspired by the courage of the people they have seen in Hong Kong stand up.

And I think it is important to note that these people know that when they go to the streets—and while I admire the young people for doing it, we have a large cross section of Hong Kong's entire population doing it. They know that their images are scanned. They know that their identities are compromised. They know that they do not necessarily have to face a Tiananmen-like crackdown, that in due time of the government's own choosing, they may face some kind of retribution. So I think the people of Taiwan have truly admired the courage that they have witnessed of the people of Hong Kong to stand up.

I think if Beijing was true about its professed desire for unification with Taiwan, it is going about it all wrong. What they are doing I just think reinforces the determination of the people of Tai-

wan to go their own way. And to the extent that there are people in the American policy community or elsewhere that think that that is a problem, they need to work with their friends in Beijing to change what has been done because no force has driven the Taiwan people further away from some affinity toward China than have the actions by the Communist Party and its leadership.

Senator GARDNER. Thank you.

Dr. Martin, did you wish to add anything to that?

Dr. MARTIN. Yes, I would.

In my testimony, I referred to "One Country, Two Systems," a model that was originally developed for use with Taiwan. And it would seem the actions of recent days would indicate to Taiwan that "One Country, Two Systems" may not be a desirable model. And therefore, those in Taiwan who support separatism from the mainland are not interested in reunification in any form probably are feeling a little more emboldened politically in Taiwan.

Some things that I have seen about the upcoming Presidential elections indicate that China may have really helped out the prospects for President Tsai to get reelected. And China has a habit, it seems, of doing things not very deftly, to get contrary results to what they want by showing their hands in a certain way.

And then to bring it into Hong Kong—and I do see similar trends in Taiwan—you are seeing this development of a separate entity from the sort of global Chinese. Interviews that I have done, regular surveys in Hong Kong about how they identify themselves—increasingly people just say [Chinese spoken]. I am a Hong Konger. No reference to China. No reference to being Chinese. The surveys offer the opportunity to say [Chinese spoken] in Cantonese. They do not do that very much anymore.

And the last time I was in Taiwan, which was a few years ago, I saw a similar attitude emerging in the younger generation. They do not identify themselves as Chinese anymore. They are Taiwanese.

And so my final comment is there is kind of this tension socially, culturally that I see in Hong Kong and in Taiwan of developing a separate identity from the greater China concept, but at the same time, the mainland economy becoming more infiltrated into or engaged in in both Hong Kong, Taiwan, and elsewhere. Senator Markey referred to perestroika and glasnost, and those of us old enough to remember when that was an issue, perestroika has a down side sometimes. If perestroika allows these economies to get influence and power within the country, then those governments can use that economic influence for political means and other means.

And in Hong Kong, back in 1997 when I was working for the Trade Development Council, this is one of the things we talked about. Would this opening up of mainland China subjugate the Hong Kong economy to the mainland economy so that the desire for Hong Kong to have a high degree of autonomy would be undermined? And I would be concerned that that may be a reality or becoming a reality in Hong Kong. And I know in Taiwan, there are political figures who are extremely concerned about the same thing.

Senator GARDNER. Thank you, Dr. Martin.

Mr. Law, last word. I am going to close out the hearing here. Anything you would like to add?

Mr. LAW. Well, thanks, Chairman Gardner, for having this hearing. I do believe that it means a lot to the Hong Kong people because the intense attention to the Hong Kong situation shows that the free societies are watching and the ways that the Chinese Communist Party has been doing on Hong Kong is definitely proof that its ruthlessness and also atrocity will not be treasured by the global community and you will react enough—well, concrete actions. And these are a vital importance for Hong Kong people. Thank you.

Senator GARDNER. Thank you, Mr. Law. And when it comes to your fight for freedom, your fight for autonomy, and the opportunities you stand for, we are all Hong Kongers. Thank you very much for being here.

Thank you to everyone for attending today's hearing and to the witnesses, obviously, for your testimony.

For the information of members, the record will be open until the close of business on Monday, including for members to submit questions for the record. I would kindly ask that you would respond as quickly as possible, should those be submitted for record. Those answers will be made a part of the record.

And again, with the thanks of this committee, the hearing is now adjourned.

[Whereupon, at 12:12 p.m., the hearing was adjourned.]

