

105TH CONGRESS
1ST SESSION

S. CON. RES. 38

To state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

IN THE SENATE OF THE UNITED STATES

JULY 10, 1997

Mr. ROTH submitted the following concurrent resolution; which was referred
to the Committee on Foreign Relations

CONCURRENT RESOLUTION

To state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

Whereas China resumed sovereignty over Hong Kong on July 1, 1997;

Whereas, in the Joint Declaration of the United Kingdom and the People's Republic of China, a legally binding document in all its parts and the highest form of commitment between sovereign states, the People's Republic of China pledged that after its resumption of sovereignty

over Hong Kong, “The current social and economic systems in Hong Kong will remain unchanged, and so will the life-style. Rights and freedoms, including those of the person, of speech, of the press, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and religious belief will be ensured by law in the Hong Kong Special Administrative Region”;

Whereas the People’s Republic of China further pledged in the Joint Declaration that the policies of the “... Joint Declaration will be stipulated in a Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, by the National People’s Congress of the People’s Republic of China, and they will remain unchanged for 50 years”;

Whereas the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, as adopted on April 4, 1990 by the Seventh National People’s Congress of the People’s Republic of China, prescribes the systems to be practiced in the Hong Kong Special Administrative Region after China’s resumption of sovereignty;

Whereas, according to Article 2 of the Basic Law, “The National People’s Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication”;

Whereas, according to Article 5 of the Basic Law, “The socialist system and policies (of the People’s Republic of China) shall not be practiced in the Hong Kong Special Administrative Region, and the previous capitalist system and way of life shall remain unchanged for 50 years”;

Whereas, according to Article 27 of the Basic Law, “Hong Kong residents shall have freedom of speech, of the press and publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike”;

Whereas, according to Article 32 of the Basic Law, “Hong Kong residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public”;

Whereas, according to Article 34 of the Basic Law, “Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities”;

Whereas, according to Article 39 of the Basic Law, “The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region”;

Whereas President Jiang Zemin of China, in his statement of July 1, 1997, at the ceremony in Hong Kong marking the establishment of the Hong Kong Special Administrative Region said, “... Hong Kong will enjoy a high degree of autonomy as provided for by the Basic Law, which includes the executive, legislative and independent judicial power, including that of final adjudication”;

Whereas President Jiang further said that the Hong Kong Special Administrative Region has the “ultimate aim of electing the Chief Executive and the Legislative Council by universal suffrage”;

Whereas President Jiang further said that “No central department or locality (of the People’s Republic of China) may or will be allowed to interfere in the affairs which, under the Basic Law, should be administered by the Hong Kong Special Administrative Region on its own”;

Whereas President Jiang further said that “the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international covenants as applied to Hong Kong shall remain in force to be implemented through the laws of Hong Kong’s regional legislation”;

Whereas President Jiang further said that adherence to these principles “serves Hong Kong, serves the (People’s Republic of China) and serves the entire nation as well. Therefore there is no reason whatsoever to change them. Here I want to reaffirm that ‘one country, two systems, Hong Kong administering Hong Kong’ and ‘a high degree of autonomy’ will remain unchanged for 50 years”; and

Whereas President Jiang, in another statement of July 1, 1997, at a rally in Beijing marking the establishment of the Hong Kong Special Administrative Region, said that the People’s Republic of China “will unswervingly carry out the principles of ‘one country, two systems’, ‘Hong Kong people administering Hong Kong’ and ‘high degree of autonomy’, and make sure that the previous socio-economic system and way of life of Hong Kong remain unchanged and that laws previously in force will remain basically unchanged. We will firmly support the Hong Kong SAR in its exercise of the functions and powers bestowed on it by the Basic Law and the Hong Kong SAR Govern-

ment in its administration in accordance with law.”:
Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That—*

3 (1) President Jiang Zemin’s statements con-
4 stitute a welcome reaffirmation of the obligations of
5 the People’s Republic of China under the Joint Dec-
6 laration and the Basic Law to ensure that Hong
7 Kong remains autonomous, the human rights of the
8 people of Hong Kong remain protected, and the gov-
9 ernment of the Hong Kong SAR is elected demo-
10 cratically; and

11 (2) China’s fulfillment of these obligations
12 under the terms of the Joint Declaration of the
13 United Kingdom and the People’s Republic of China
14 and the Basic Law constitute a crucial test of
15 Beijing’s ability to play a responsible global role.

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