

## Calendar No. 494

108TH CONGRESS  
2D SESSION

# S. J. RES. 33

Expressing support for freedom in Hong Kong.

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### IN THE SENATE OF THE UNITED STATES

APRIL 21, 2004

Mr. BROWNBACK (for himself, Mr. TALENT, Mr. ALLEN, Mr. LEAHY, Mr. LIEBERMAN, Mr. SMITH, Mr. GRAHAM of South Carolina, Mr. CORZINE, Mr. FEINGOLD, and Mr. AKAKA) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

APRIL 29, 2004

Reported by Mr. LUGAR, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and the preamble and insert the part printed in *italic*]

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## JOINT RESOLUTION

Expressing support for freedom in Hong Kong.

Whereas according to the April 1, 2004, “U.S.-Hong Kong Policy Act Report” by the Department of State, “The United States has strong interests in the protection of human rights and the promotion of democratic institutions throughout the world. The Hong Kong people share many values and interests with Americans and have worked to make Hong Kong a model of what can be

achieved in a society based on the rule of law and respect for civil liberties”;

Whereas according to section 103(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(3)), “The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory which is fully autonomous from the People’s Republic of China with respect to economic and trade matters”;

Whereas the Government of the Hong Kong Special Administrative Region (SAR) and the People’s Republic of China have frustrated the gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as envisioned by the Basic Law of the Hong Kong SAR; and

Whereas the Standing Committee of the National People’s Congress of the People’s Republic of China on April 6, 2004, declared itself, as opposed to the people of Hong Kong, the final arbiter of democratic reform: Now, therefore, be it

*Whereas according to the April 1, 2004, report by the Department of State entitled U.S.-Hong Kong Policy Act Report, “The United States has strong interests in the protection of human rights and the promotion of democratic institutions throughout the world. The Hong Kong people share many values and interests with Americans and have worked to make Hong Kong a model of what can be achieved in a society based on the rule of law and respect for civil liberties”;*

*Whereas according to section 103(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(3)), “The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory which is fully autonomous from the People’s Republic of China with respect to economic and trade matters”;*

*Whereas the People’s Republic of China has frustrated the gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as envisioned by the Basic Law of the Hong Kong SAR; and*

*Whereas on April 6, 2004, the Standing Committee of the National People’s Congress of the People’s Republic of China declared itself, as opposed to the people of Hong Kong, the final arbiter of democratic reform and, on April 26, 2004, declared that universal suffrage would not apply to the election of the third Chief Executive in 2007 or to the election of all members of the fourth Legislative Council in 2008: Now, therefore, be it*

1       *Resolved by the Senate and House of Representatives*  
 2 *of the United States of America in Congress assembled,*  
 3 *That Congress—*

4               ~~(1)~~ *declares that the people of Hong Kong*  
 5       *should be free to determine the pace and scope of*  
 6       *constitutional developments; and*

7               ~~(2)~~ *calls upon the President of the United*  
 8       *States to—*

(A) call upon the People's Republic of China, the National People's Congress, and any groups appointed by the Government of the People's Republic of China to guarantee that all revisions of Hong Kong law are made according to the wishes of the people of Hong Kong as expressed through a fully democratically elected legislature and chief executive;

(B) declare that the continued lack of a fully democratically elected legislature in Hong Kong constitutes a violation of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing December 19, 1984 (the Sino-British Joint Declaration of 1984); and

(C) call upon the Government of the People's Republic of China to honor its treaty obligations under the Sino-British Joint Declaration of 1984.

*That Congress—*

*(1) declares that the people of Hong Kong should be free to determine the pace and scope of constitutional developments; and*

1           (2) *calls upon the President of the United States*  
2     *to—*

3                   (A) *call upon the People's Republic of*  
4                   *China, the National People's Congress, and any*  
5                   *groups appointed by the Government of the Peo-*  
6                   *ple's Republic of China to guarantee that all re-*  
7                   *visions of Hong Kong law reflect the wishes of*  
8                   *the people of Hong Kong as expressed through a*  
9                   *fully democratically elected legislature and chief*  
10                  *executive;*

11                  (B) *declare that the continued lack of a*  
12                  *fully democratically elected legislature in Hong*  
13                  *Kong is contrary to the vision of democracy set*  
14                  *forth in the Agreement between the Government*  
15                  *of the United Kingdom of Great Britain and*  
16                  *Northern Ireland and the Government of the Peo-*  
17                  *ple's Republic of China on the Question of Hong*  
18                  *Kong, done at Beijing December 19, 1984 (the*  
19                  *Sino-British Joint Declaration of 1984); and*

20                  (C) *call upon the Government of the Peo-*  
21                  *ple's Republic of China to honor its treaty obli-*  
22                  *gations under the Sino-British Joint Declaration*  
23                  *of 1984.*

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Reported with an amendment and an amendment to the  
preamble