



BRIEFING PAPER

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Hong Kong in 2019

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Summary

Hong Kong has been shaken by months of protests in 2019. The first protests in April were triggered by a proposed new bill to allow individuals to be extradited from the region to China. They have since morphed into a wider campaign to preserve Hong Kong's autonomy and freedoms. The withdrawal of the extradition bill has not ended the protests and clashes between police and activists have become increasingly violent.

The UK has long had an interest in Hong Kong. It was a British colony from 1842 until the UK transferred sovereignty over Hong Kong to the People's Republic of China in 1997, after which it became a Special Administrative Region of China. In preparation of the handover, in 1984 Great Britain and China agreed the Joint Declaration on the Question of Hong Kong.

The Joint Declaration states that the Hong Kong Special Administrative Region (SAR) will be directly under the authority of the People's Republic of China but will enjoy a "high degree of autonomy" and its social and economic systems and lifestyle will remain unchanged for fifty years. These are enshrined in Hong Kong's Basic Law.

However, in recent years there has been growing concern the principle 'One Country, Two Systems', in which Hong Kong is part of China but has separate legal and economic systems, is being steadily eroded. The UK Government has catalogued such fears in its six-monthly reports on Hong Kong, as has the Foreign Affairs Committee in reports on Hong Kong and China in 2015 and 2019. The 2019 protests reflect fears that Hong Kong's autonomy and freedoms are at risk.

The Joint Declaration is a legally binding treaty but it contains no enforcement provisions. The UK Government has said:

If at some stage in the future we were to take the view that China had breached its obligations under the Joint Declaration, this would, under international law, be a bilateral matter between us and China and we would pursue it accordingly.¹

Some Members have raised the status of British National (Overseas) individuals.

This briefing paper updates an earlier Library paper that focused on the [Joint Declaration](#) by including information on how the protests have developed and wider concerns about Hong Kong's status. A copy of the Declaration can be found in the appendix, along with a timeline of the protests.

¹ [PQ266293](#), 26 June 2019

1. Background: the UK and Hong Kong

British rule over Hong Kong dates to the 19th century, when Hong Kong island was ceded to Great Britain by China after the first Opium War in 1842. Further territory was added after the second Opium War and in 1898, when Great Britain obtained the New Territories on a 99-year lease.

Preparations for Hong Kong's return to China began in the 1980s. In 1984 Britain and China agreed, in a Joint Declaration on the Question of Hong Kong, that on 30 June 1997 Hong Kong will cease to be a British dependent territory and will become a Special Administrative Region within the People's Republic of China.² On 1 July 1997 the UK transferred sovereignty of Hong Kong to China.³

Hong Kong is now a Special Administrative Region of the People's Republic of China but has its own legal system, judiciary and borders. Hong Kong's high degree of autonomy, its 'one country, two systems' framework, was laid down in the 1984 Sino-British [Joint Declaration](#) on the Question of Hong Kong and preserved in the Basic Law. This Declaration is legally binding and remains in force.

² ['Relations Between the United Kingdom and China in the Period Up To and Beyond 1997'](#), Foreign Affairs Committee, 23 March 1994, HC 37 1993-94, pxxxiii

³ The build-up to the handover was covered extensively in Commons Library research papers at the time including: [Hong Kong: the final stages](#), RP96-104, 13 November 1996; [Hong Kong: the current issues](#), RP95-52, 26 April 1995; [Hong Kong and democracy](#), RP94-44, 10 March 1994. A more recent Lords Library paper provides a very short history: [Hong Kong Handover: 20 year anniversary 1 July 2017](#) (LLN-2017-0037)

2. The Joint Declaration

The [*Sino-British Joint Declaration on the question of Hong Kong*](#) (Cmnd 9543) was signed in Beijing on 19 December 1984 and entered into force on 27 May 1985.

2.1 ‘One country, two systems’: what does the Joint Declaration say?

Main points of the Declaration:

- The Declaration establishes a Hong Kong Special Administrative Region (SAR) which will be “directly under the authority” of the Central People's Government of the People's Republic of China.
- The SAR “will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government”. The laws currently in force will remain basically unchanged, with the SAR vested with “executive, legislative and independent judicial power, including that of final adjudication”.
- The current social and economic systems will remain unchanged for 50 years following the handover, as would its existing rights, freedoms and lifestyle. This explicitly includes rights and freedoms of the person, of speech, of the press, of assembly, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief.
- The Government will be composed of “local inhabitants” with the Chief Executive appointed by the Central People's Government “on the basis of the results of elections or consultations to be held locally”.
- The SAR will retain the status of a free port and a separate customs territory. The Declaration protects private property and foreign investment and states the SAR will “retain the status of an international financial centre” with independent finances. The SAR may develop and conclude agreements with states, regions and relevant international organisations and issue travel documents for entry into and exit from Hong Kong.
- The Government of the SAR is responsible for maintaining public order.

The Declaration includes an annex which expands on the above points. The provisions of the Joint Declaration are enshrined in Hong Kong's [Basic Law](#). The text of the Declaration is attached to the end of this briefing paper.

2.2 Is the declaration legally binding?

The agreement entered into force on 27 May 1985 and was registered at the [United Nations](#) by the Chinese and British Governments on 12 June 1985.

The UK Government is clear that “the Joint Declaration is a legally binding treaty, registered with the [United Nations](#), which continues to remain in

force. It remains as valid today as it did when it was signed over thirty years ago".⁴

The Foreign Secretary reaffirmed this on the 22nd anniversary of the handover when he declared the UK's commitment to the Declaration as "unwavering".⁵

The UK Government also says the UK "has an obligation and a right to monitor its implementation closely, and we are strongly committed to doing so".⁶

2.3 China challenges the status of the Joint Declaration

Chinese officials have, in recent years, challenged the status of the Joint Declaration.

The Foreign Affairs Committee noted comments by Chinese Foreign Ministry officials in 2017 suggesting the arrangements under the Joint Declaration are "now history" and described it as "ridiculous for the UK to pose itself as a supervisor... on Hong Kong affairs".⁷

This view was repeated more recently following UK Government concerns about the police response to protests in June-July 2019. Foreign Ministry spokesman Geng Shuang said Hong Kong's affairs "are purely China's internal affairs" and "we deplore and resolutely oppose certain countries' flagrant interference in them".⁸ The Chinese Ambassador to the UK, Liu Xiaoming, accused the UK of "interfering" in China's affairs in Hong Kong and suggested the UK Government "should seriously reflect on the consequences of its words and deeds".⁹

Sir Alan Duncan, Foreign Minister for Europe and the Americas, addressed these points when responding to an urgent question on Hong Kong on 2 July:

We reject the Chinese Government's assertion that the joint declaration is an "historic document", by which they mean that it is no longer valid, and that our rights and obligations under that treaty have ended. Our clear view is that the Sino-British joint declaration of 1984 obliges the Chinese Government to uphold Hong Kong's high degree of autonomy, and its rights and freedoms, and we call on the Chinese Government to do so.¹⁰

⁴ ["China and the rules-based international system"](#), Foreign Affairs Committee, 4 April 2019 HC 612 2017-19, [written evidence CIR0018](#)

⁵ ["Anniversary of the Hong Kong handover: Foreign Secretary statement"](#), FCO, 30 June 2017

⁶ [PQ 267231](#), 28 June 2019

⁷ ["China and the Rules-Based International System"](#), Foreign Affairs Committee, HC 612 2017-19, 4 April 2019, para 79-80

⁸ [Foreign Ministry spokesman press conference](#), Chinese Foreign Ministry, 2 July 2019

⁹ ["Hands off Hong Kong' China's Ambassador tells the UK"](#), Sky News, 3 July 2019

¹⁰ [HC Deb 2 July 2019 c1063](#) Sir Alan Duncan was sitting in for the Minister for Asia-Pacific, Mark Field, who was at the time suspended as a Minister.

The Foreign Office noted the Chinese Ambassador's comments in its latest six-monthly report on Hong Kong, saying "it is unacceptable to suggest it is no longer valid".¹¹

Foreign Secretary Jeremy Hunt said the Government recognises Hong Kong is part of China but that he expects China to honour the agreement it has with the UK:

We are a country that has championed democracy, the rule of law, civil rights across the world for much of our history. We see the situation as very worrying. And we're just asking very simply for that agreement that we have with China, from 1984 to be honoured.¹²

2.4 Breaching the Declaration

The Joint Declaration contains no enforcement or dispute provisions.

The UK Government has assessed there has been one "serious breach" of the Joint Declaration. This was in 2015 and related to the involuntary removal of British citizen and Hong Kong bookseller Lee Po from Hong Kong to mainland China. This was reported in the FCO's six monthly report for the period [July to December 2015](#).

When asked by Caroline Lucas about the compatibility of the proposed extradition law with the Joint Declaration, Foreign Office Minister Dr Andrew Murrison said:

We do not assess that the extradition proposals themselves breach the Sino-British Joint Declaration, as the Treaty did not explicitly deal with extradition arrangements.

If at some stage in the future we were to take the view that China had breached its obligations under the Joint Declaration, this would, under international law, be a bilateral matter between us and China and we would pursue it accordingly.¹³

2.5 Six monthly reports to Parliament on Hong Kong

Since July 1997 the Foreign Secretary has reported to Parliament at six-monthly intervals on the implementation of the Sino-British Joint Declaration on the Question of Hong Kong. This requirement is not specified in the Joint Declaration. According to the Foreign Affairs Committee, in its [report on China](#) in 2000, the Government's decision to produce six-monthly reports on Hong Kong was taken in response to Parliament's interest in the issue.¹⁴

The reports are collated on the Foreign Office website: [Six monthly reports on Hong Kong](#).

¹¹ "[The six-monthly report on Hong Kong 1 January to 30 June 2019](#)", Foreign and Commonwealth Office, 31 October 2019

¹² "[Jeremy Hunt refuses to rule out sanctions against China](#)", the Guardian, 4 July 2019

¹³ [PQ266293](#), 26 June 2019

¹⁴ Foreign Affairs Committee, *China*, 29 November 2000, HC 574-I 1999-2000, para 142

3. ‘One country, one system?’: Concerns about Hong Kong’s autonomy

The demonstrations against the extradition bill in 2019 reflect wider fears that Hong Kong’s autonomy and freedoms are at risk. Many observers worry the ‘one country, two systems’ approach is being deliberately undermined and fear Hong Kong’s autonomy and freedoms are at risk. Commentators point to the erosion of political and media liberties in Hong Kong and risk of self-censorship.

UK Government view

The UK Government has catalogued its concerns about the robustness of the ‘one country, two systems’ framework in its [six monthly reports on Hong Kong](#). In 2017 the FCO reported “Hong Kong’s high degree of autonomy is under increasing pressure.”¹⁵ This view was repeated in its report covering the second half of 2018, when the Foreign Secretary expressed concern that “Hong Kong’s high degree of autonomy is being reduced”.¹⁶ The latest report, covering the first half of 2019, identifies several significant political developments which the Foreign Office notably react to with a comment on the need to maintain Hong Kong’s autonomy. These include an instance in which the Chief Executive was instructed to provide a written report on a specific issue to the Central Chinese Government; the prospect of further integration with mainland China under the Greater Bay Area proposals; and a new agreement “that demonstrates the growing ties between the two jurisdictions in civil and commercial matters”.¹⁷

The reports are collated on the Government’s website: [Six-monthly reports on Hong Kong](#).

Mark Field, then Minister for Asia and the Pacific, discussed the Government’s concerns during a debate on the proposed extradition law in June 2019:

I should make it clear that we do not believe that the proposed changes to the extradition laws in themselves breach the joint declaration, as the treaty is silent on matters of extradition. However, we are concerned that the proposals, as currently framed, risk leaving the extradition process open to political interference. That could, of course, in future undermine Hong Kong’s high degree of autonomy and the rights and freedoms, guaranteed in the joint declaration, that are of course central to its continued success.

¹⁵ “[Six-monthly report on Hong Kong: July to December 2017](#)”, Foreign and Commonwealth Office, 15 March 2018

¹⁶ “[Six monthly report on Hong Kong: July to December 2018](#)”, Foreign and Commonwealth Office, 27 March 2019

¹⁷ “[Six-monthly report on Hong Kong 1 January to 30 June 2019](#)”, Foreign and Commonwealth Office, 31 October 2019, p10-12

Those concerns are heightened by the knowledge that the court system in mainland China lacks many of the judicial safeguards that exist in Hong Kong. We remain concerned about the continuing detention and trials of human rights lawyers and defenders, and the lack of due process and judicial transparency within mainland China. There is, of course, alarm at the prospect that fear of politically motivated extradition to China could cause a chilling effect on Hong Kong's rights and freedoms, and more insidiously might result in increasing self-censorship.¹⁸

Foreign Affairs committee reports

The Foreign Affairs Committee discussed Hong Kong in its 2019 report on China and, in more depth, in a 2015 report on the Joint Declaration.¹⁹

In 2015 the Committee observed “the belief that China is eroding Hong Kong's autonomy is strongly held by many people in Hong Kong” and reported a feeling that “‘one country’ is increasingly infringing on ‘two systems’”.²⁰

The Committee hardened its position in its 2019 report, saying:

[...] we fear that Hong Kong is in reality moving towards “One Country, One and a Half Systems”. We also believe that the Chinese government's approach to Hong Kong is moving closer to “One Country, One System” than it is to maintaining its treaty commitments under the Joint Declaration.²¹

MPs' concerns

MPs have raised similar concerns during debates on the extradition bill protests (see [urgent question](#) and [adjournment debate](#) on 10 June; an [oral statement](#) on 13 June; and urgent questions on [2 July](#) and [26 September](#) 2019). Catherine West MP said, “the amendments to the extradition law would significantly compromise the firewall that separates the sharply different systems.” [Helen Goodman](#) MP suggested the proposed law threatens the judicial independence of Hong Kong. Alistair Carmichael MP described China as riding “roughshod” over the Joint Declaration. Emily Thornberry MP, the [shadow Foreign Secretary](#), discussed the “steady erosion over recent years of compliance with the joint UK-Sino declaration.” She criticised the Government for its ‘craven’ approach to China (referring to [comments](#) made by the last Governor of Hong Kong, Lord Patten of Barnes, in 2017). Members of the Lords have also voiced their worries about the situation in Hong Kong, most recently in a debate on [24 October](#).

Commentary

[Hong Kong Watch](#) is a UK-based charity that “monitors threats to Hong Kong's basic freedoms, the rule of law and autonomy”. They produce regular analysis of events in Hong Kong, for example a [report](#) published in

¹⁸ [HC Deb 13 June 2019 c852](#)

¹⁹ And previously in ‘[Relations Between the United Kingdom and China in the Period Up To and Beyond 1997](#)’, Foreign Affairs Committee, 23 March 1994, HC 37 1993-94, pxxxiii; ‘[China](#)’, Foreign Affairs Committee, 22 November 2000, HC 574-1 1999-2000

²⁰ “[The UK's relations with Hong Kong: 30 years after the Joint Declaration](#)”, Foreign Affairs Committee, 3 March 2015, HC 469 2014-15

²¹ ‘[China and the international rules-boiased system](#)’, Foreign Affairs Committee, 4 April 2019, HC 612 2017-2019, para 95

May 2019 on fears of business leaders, lawyers and pro-democracy leaders about the extradition law proposals. In September Hong Kong Watch likened the actions of the Hong Kong police to that of a police state:

Hong Kong Police brutality and arbitrary arrests of peaceful demonstrators have reached a severe and shocking level, leading to increasing concerns that Hong Kong is in grave danger of becoming a police state.

[...]

The Hong Kong government should recognise that the key problem at the heart of the crisis is no longer the extradition bill, but the current political system as a whole and the lack of trust and sense of disenfranchisement on the part of Hong Kong people.²²

Media coverage of the extradition law protests has discussed the wider context. The [BBC](#), for example, said rights groups have accused China of meddling in Hong Kong, that artists and writers feel under pressure to self-censor, and that there have been moves to restrict media reporting (the Financial Times Asia Editor was [refused entry](#) to Hong Kong after he hosted an event that featured an independent activist).

Richard Lloyd Parry, The Times's Asia editor, warned "Hong Kong people face a one-party dictatorship, encroaching on the liberties supposedly guaranteed under the Sino-British "one country, two systems" agreement".²³

Hilton Yip, a Taiwan-based journalist, wrote "Hong Kong has seen the steady erosion of its political and media liberties in the last few years, while facing the possibility of being absorbed into the mainland through the Greater Bay Area" and warned the extradition bill, if passed "will signal the virtual end of Hong Kong" as a distinct city under One country, Two systems.²⁴

²² ["Statement: Withdrawal of the extradition bill is "far too little, far too late". Hong Kong Watch urges the government to meet other demands to resolve the crisis"](#), Hong Kong Watch, 5 September 2019

²³ ["Bravery of Hong Kong shames the West"](#), The Times, 3 July 2019

²⁴ ["The end of Hong Kong is almost here"](#), Foreign Policy, 18 May 2019

4. The extradition law protests

Protests began in March 2019 to oppose a draft amendment to Hong Kong's extradition laws. The Bill was formally withdrawn in September 2019 but demonstrations in favour of greater democracy have continued.

4.1 The protests

Thousands of Hong Kong residents took to the streets in April to demonstrate their opposition to proposals to amend Hong Kong's existing extradition laws. Opposition marches have occurred [every weekend](#) since then, growing in number and, at times, in violence as police have increasingly used tear gas, rubber bullets and water cannon against protestors.

A timeline compiled by Reuters is included at the end of this briefing paper. A few events are worth highlights, however.

On [12 June](#) some Government offices were closed in what the BBC described as the "worst violence the city has seen in decades". The BBC reported "[pitched battles](#)" between protestors, trying to prevent lawmakers discuss the bill in parliament, and police around government headquarters. A few days later an estimated nearly [two million](#) people marched on 16 June. On [1 July](#) protestors broke into the parliamentary building, the LegCo, on the anniversary of the handover from British to Chinese rule and draped a colonial-era Hong Kong flag on the podium.

Dozens of masked men, dressed in white t-shirts, assaulted pro-democracy protestors and passers-by with rods and metal sticks when they [stormed a train](#) station in July. Protestors took over Hong Kong's airport in mid-August, disrupting flights.

The Hong Kong Special Administration Region's Government has so far [resisted calls](#) for an independent inquiry to investigate allegations of police brutality. The Government is also resisting demands for charges against those arrested during the demonstrations to be dropped.

At the time of writing mass protests continue to be held. The Guardian reported on 14 September "[tensions between supporters and critics of the pro-democracy movement have escalated](#)".

The extradition bill

The Hong Kong Government introduced a bill in early 2019 to amend the *Fugitives Offenders Ordinance* and *Mutual Legal Assistance in Criminal Matters Ordinance* to allow the extradition of individuals to mainland China.²⁵

Opponents feared it would enable the Chinese government to pursue political opponents. Nearly seventy NGOs, including Amnesty International, Human Rights Watch and Hong Kong Human Rights Monitor, warned:

²⁵ "Hong Kong is considering changing the law on transferring fugitives", South China Morning Post, 13 February 2019

the proposed changes will put at risk anyone in the territory of Hong Kong who has carried out work related to the Mainland, including human rights defenders, journalists, NGO workers and social workers, even if the person was outside the Mainland when the ostensible crime was committed.²⁶

The UK and Canada issued a [joint statement](#) voicing concerns for their citizens on 30 May 2019.

Carrie Lam, Hong Kong's Chief Executive, announced she would suspend progress of the Bill on [15 June](#). This did not satisfy opponents who feared it would simply be re-introduced at a later date. Lam announced she was suspending the bill on 9 July but notably did not withdraw it.²⁷ She formally announced her intention to withdraw the bill on 4 September. In her announcement she acknowledged "after more than two months of social unrest, it is obvious to many that this discontent extends far beyond the bill".²⁸

The LegCo was expected to formally withdraw the extradition bill in mid-October on the first day of the new session, but the session was suspended before that could happen.²⁹ The Secretary for Security finally made an announcement of the withdrawal of the Bill at the Council meeting of 23 October 2019.³⁰

Morphing into a pro-democracy movement

It is clear however the motives of those marching have moved beyond just opposition to the extradition bill. While not an organised movement, several clear demands have emerged, including an independent inquiry into police behaviour, an amnesty for those detained during the unrest and, more broadly, universal suffrage and greater democratic freedoms.³¹ As discussed in section three, there are real concerns about preserving Hong Kong's autonomy. The Times reports the demonstrations show no signs of ending "[having developed into a wider pro-democracy movement](#)".

Some protestors are directly appealing to other nations to intervene. Some are focusing on [America](#), where Democratic Party members of Congress are proposing a new [Hong Kong Human Rights and Democracy Act](#) (click here for the [Senate version](#)) which would require the US to certify Hong Kong's autonomy on an annual basis to justify its special trade status.³² Hundreds of protestors carried [Union Jacks](#) outside the British consulate and called for the UK to intervene.

²⁶ "[Open letter regarding proposed changes to Hong Kong's extradition law](#)", Human Rights Watch, 6 June 2019

²⁷ "Hong Kong: Carrie Lam says extradition bill is 'dead' but will not withdraw it", The Guardian, 9 July 2019

²⁸ "After months of protests, Hong Kong leader Carrie Lam withdraws controversial extradition law", CNN, 4 September 2019

²⁹ "[Hong Kong Parliament to scrap extradition bill](#)", NHK, 15 October 2019; "[Hong Kong's Carrie Lam abandons speech after protests](#)", BBC News, 16 October 2019

³⁰ [List of Bills](#), Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China, accessed 4 November 2019

³¹ "What do the Hong Kong protestors want", the Guardian, 13 August 2019

³² "Hong Kong protestors appeal to Trump for help", BBC News, 8 September 2019

It is too early to speculate on the likely impact the demonstrations of summer 2019 will have. Alice Wu, writing in the South China Morning Post, decries the “devastating, if not irreparable, carnage left behind by an incompetent, stubborn and arrogant chief executive” adding “the damage is so dead and widespread that no one knows how long it will take for Hong Kong to bounce back again”.³³

4.2 Carrie Lam’s future

One of the protestors demands is universal suffrage with some also demanding the resignation of Carrie Lam, Hong Kong’s Chief Executive.

According to Hong Kong’s Basic Law, the Chief Executive is appointed by the Central People’s Government ([Article 15](#)). In practical terms, the chief executive is elected by an Election Committee, made up of around 1,200 people made up of members of the legislative chamber plus representatives of various sectors in Hong Kong. Reporting on the 2017 election for the Chief Executive, the Daily Telegraph said the committee is seen as being “unfairly weighted” towards representatives in business and trade who commonly vote in accordance with the wishes of Beijing, and that Beijing heavily lobbies in favour of a particular candidate.³⁴

This is not a new demand. In 2014 pro-democracy activists calling for universal suffrage in what became known as the ‘[Umbrella Revolution](#)’.

In late October/early November media began to report moves in China to look again at the Chief Executive’s position. The FT reported the Chinese Government was drawing up plans to replace Carrie Lam with a successor to see out her term, which ends in 2022.³⁵

China’s leaders have signalled they are looking to change how they deal with Hong Kong, the BBC reported in early November. A senior official said they looking to “to improve the central government’s mechanism of appointing and removing Hong Kong’s chief executive and other key officials”, but the BBC China correspondent says it is unclear what this means.³⁶

4.3 China’s response

China has resisted pressure from the UK, Germany and others, arguing Hong Kong is an internal matter.

In August China deployed units of the People’s Armed Police Force, which CNN describes as a “paramilitary force the government regularly deploys to quell protests within its borders”.³⁷

³³ “Carrie Lam listened to 19 Hong Kong elites after ignoring millions of marchers in June – that’s why the bill withdrawal has solved nothing”, South China Morning Post, 9 September 2019

³⁴ “[The Hong Kong Chief Executive election: what you need to know](#)”, Daily Telegraph, 26 March 2017; “[Hong Kong elects a new chief executive: what you need to know](#)”, The Guardian, 22 March 2017

³⁵ “Beijing draws up plan to replace Carrie Lam as Hong Kong chief”, Financial Times, 23 October 2019

³⁶ “[China’s leaders ‘send message’ to Hong Kong](#)”, BBC News, 1 November 2019

³⁷ “[Chinese paramilitary forces are gathered near Hong Kong border](#)”, CNN, 15 August 2019

Liu Xiaoming, the Chinese Ambassador to the UK, discussed the situation in Hong Kong in a press conference in August. The Ambassador accused “radical forces” and extremists of using opposition to the bill to undermine the rule of law and social order. He said, “Hong Kong now faces the gravest situation since its handover”. The Ambassador warned:

Should the situation in Hong Kong deteriorate further into unrest uncontrollable for the Government of the Hong Kong Special Administrative Region (SAR), the Central Government would not sit on its hands and watch. We have enough solutions and enough power within the limit of the Basic Law to quell any unrest swiftly.

The Ambassador rejected protestors calls for charges against those arrested to be dropped, saying “violent offenders must be brought to justice in accordance with law” adding “The Central Government of China firmly supports the SAR Government and Hong Kong police in strict, rigorous and decisive enforcement”.

The Ambassador demanded foreign forces “stop interfering in Hong Kong’s affairs”, accusing foreign forces of intervening and publicly or covertly supporting “the violent radicals”. He described “a dark hand” behind the opposition movement and responded positively to a Russia Today journalist’s suggestion that the protests are a US plot to destabilise China.³⁸

Chinese Premier Li Keqiang spoke out in support of Hong Kong’s government during a visit to Germany, alongside Chancellor Angela Merkel who called for a peaceful solution to the violence.”³⁹

4.4 UK Government response

The UK and Canada issued a [joint statement](#) voicing concerns for the potential effect of the extradition proposals may have on their citizens on 30 May 2019. The two Governments said, “we believe that there is a risk that the proposals could impact negatively on the rights and freedoms set down in the Sino-British Joint Declaration”.

Jeremy Hunt, then Foreign Secretary, raised concerns about the situation in Hong Kong with the Chief Executive in June. Answering questions raised by MPs, on 25 June he urged the Hong Kong government to establish a “robust, independent investigation into the violent scenes” in Hong Kong.⁴⁰

Theresa May, then Prime Minister, expressed shock at the use of violence in the LegCo on 2 July and observed the vast majority of those marching were peaceful and lawful. Theresa May added “it is vital that Hong Kong’s high degree of autonomy and the rights and freedoms set down in the Sino-British Joint Declaration are respected”.⁴¹

MPs have repeatedly raised concerns about the situation with the Government. These are discussed more fully in section three. In September,

³⁸ [“Ambassador Liu Xiaoming Holds a Press Conference on the Situation in Hong Kong”](#), Embassy of the People’s Republic of China in the UK, 15 August 2019

³⁹ [“Hong Kong protests: China’s premier backs government to end ‘chaos’”](#), BBC News, 6 September 2019

⁴⁰ [HC Deb 25 June 2019 c551](#)

⁴¹ [HC Deb 3 July 2019 c1196](#)

in response to MPs questions, the Foreign Secretary, Dominic Rabb, expressed serious concern about the situation adding:

The route to resolution through the current situation is via meaningful political dialogue, taken forward under the high degree of autonomy that Hong Kong has under the model of one country and two systems.⁴²

The Foreign Secretary restated his call for a “a meaningful dialogue between all parties, with a credible political track to protect the rights and freedoms” as set out in the Basic Law and the Joint Declaration, in the foreword to the FCO’s latest six-monthly report.⁴³ The report chronicles events related to the protests during the first six-months of 2019 and concludes:

The proposals to amend Hong Kong’s extradition laws clearly worried a large proportion of Hong Kong’s population, and sparked widespread protests. HMG has been clear that we condemn violence, but support the right to peaceful and lawful protest. The Hong Kong SAR Government needs to identify a clear and peaceful way forward under its high degree of autonomy. It is imperative that this is done through constructive, meaningful dialogue with the Hong Kong people, to ensure the concerns of the Hong Kong people are addressed.⁴⁴

British consulate employee detained in China

An employee of the British consulate, Simon Cheng, was detained by mainland Chinese authorities as he was returning to Hong Kong from Shenzhen in August 2019. He was [released](#) two weeks later.

UK arms exports to Hong Kong

Export licenses to the Hong Kong Special Administrative Region are considered separately to those for mainland China.

Some Members have pressed the Government to suspend exports to Hong Kong for crowd control equipment. Mark Field, then Foreign Minister for Asia and the Pacific, said in June:

The last export licence from the UK for tear gas hand grenades and tear gas cartridges used for training purposes by the Hong Kong police was in July 2018. The last export licence for rubber bullets was in July 2015. We rejected an open licence for riot shields as recently as April 2019.⁴⁵

Jeremy Hunt announced on 25 June the UK will not issue any further export licenses for crowd control equipment to Hong Kong “unless we are satisfied that concerns raised about human rights and fundamental freedoms have been thoroughly addressed”.⁴⁶

⁴² [HC Deb 5 September 2019 c8](#)

⁴³ [“Six-monthly report on Hong Kong 1 January to 30 June 2019”](#), Foreign and Commonwealth Office, 31 October 2019

⁴⁴ [“Six-monthly report on Hong Kong 1 January to 30 June 2019”](#), Foreign and Commonwealth Office, 31 October 2019, p9

⁴⁵ [HC Deb 13 June 2019 c858](#)

⁴⁶ [HC Deb 25 June 2019 c551](#)

The Government has since said there are no extant export licences for crowd control equipment.⁴⁷

The Government announced on 13 September that three open export licenses (OGELs) had been [amended](#) after a review of export licenses to Hong Kong.

The question of imposing sanctions has also been raised. Jeremy Hunt refused to rule out [imposing sanctions](#) on China or expelling diplomats in an interview with the Today programme on 4 July 2019.

⁴⁷ [PQ 26969](#), 26 June 2019

5. British National (Overseas)

Home Office guidance explains:

British national (overseas) status was created by the [Hong Kong \(British Nationality\) Order 1986](#). Adults and minors were entitled to be registered as British Nationals (Overseas), and to hold a passport in that status if they:

- were a British dependent territories citizen by connection with Hong Kong
- would not have been a British dependent territories citizen but for a connection with Hong Kong

The [Hong Kong \(British Nationality\) \(Amendment\) Order 1993](#) set out the dates for registration. Those who wished to become British nationals (overseas) needed to register before 30 September 1997. There can be [no new applications](#) for British National (Overseas) status.⁴⁸

A British National (Overseas) may hold a British passport but is subject to immigration controls and does not have an automatic right to live or work in the UK. Neither are they considered a UK national by the European Union. There have been some calls to give British Nationals (Overseas) the right to abode in the UK.

Further details are available on Gov.uk website: [British national \(overseas\)](#) and in Home Office [guidance](#). A more detailed discussion of citizenship issues at the time of the handover can be found in a 1996 Library briefing paper "[Hong Kong: the final stages](#)" (RP96-104).

Calls for more support

A petition on behalf of a group of over 3,000 British national (overseas) passport holders was presented by Steve Double MP. The petition requested the Government carry out an "urgent review of rights of British national (Overseas) Passport holders":

The petitioners therefore request that the House of Commons urges the Government to carry out an urgent review of the rights of British National (Overseas) passport holders, addressing the need for these passport holders in Hong Kong and China to be access British consular assistance and request diplomatic protection in view of the ongoing political situation in Hong Kong, and allowing BN(O) passport holders with Tiers 4 and 5 visas to be given routes to residency in the UK.⁴⁹

British nationals (overseas) are entitled to UK consular assistance. However, the Government says:

We cannot help British nationals (overseas) of Chinese ethnic origin in China, Hong Kong and the Macao Special Administrative Regions. The Chinese authorities consider British nationals (overseas) of

⁴⁸ "[British nationals \(overseas\)](#)", Home Office, 14 July 2017

⁴⁹ [Petition PO2491](#), presented by Steve Double MP, 10 July 2019

Chinese ethnic origin as Chinese nationals, and we have no power to get involved in mainland China.⁵⁰

Members have raised the rights of BN(O) passport holders with the Government. Dominic Raab, the Foreign Secretary, said in September 2019:

Under the one country, two systems model, and its manifestation through the joint declaration signed by the UK and China, which has treaty status, we gave a range of residents in Hong Kong British National (Overseas) status. The importance of that is that we do not want to unpick, at least at this time, one part of the one country, two systems model. If we do that, we risk its not being respected on the Chinese side.⁵¹

Baroness Lister of Burtersett asked the Government for its response to the request by ex-Hong Kong servicemen for British citizenship for service to the Crown following their meeting with the Home Office in 2018. Baroness Williams of Trafford replied in October 2019:

Under the British Nationality Selection Scheme, that was introduced in 1990 and ran until 1 July 1997, a limited number of Hong Kong Military Service Corps personnel who were settled in Hong Kong could apply to register as a British citizen. We are giving careful consideration to representations made on behalf of those former Hong Kong Military Service Corps personnel who were unable to obtain citizenship through the selection scheme.⁵²

⁵⁰ [“Support for British Nationals Abroad: a guide”](#), Foreign and Commonwealth Office, 4 June 2014 (latest version 26 February 2019), page 5

⁵¹ [HC Deb 5 September 2019 c9](#)

⁵² [HL157](#), 30 October 2019 (note the Government corrected an earlier response given to this question).

Appendix 1: Text of the declaration

The [Sino-British Joint Declaration on the Question of Hong Kong](#) (Cmnd 9543) was signed on 19 December 1984. The agreement entered into force on 27 May 1985 and was registered at the [United Nations](#) by the Chinese and British Governments on 12 June 1985.

The full title is 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.

The Declaration consists of several documents:

- a. Annex I, in which the Government of the People's Republic of China establishes its basic policies towards Hong Kong;
- b. Annex II, which sets out the terms of reference and the working arrangements for the Sino-British Joint Liaison Group (JLG) which operated until January 1, 2000;
- c. Annex III, which provides for the protection of land rights and for land leases granted by the Hong Kong Government before 1 July 1997. It also establishes the Land Commission, which operated until June 30, 1997; and
- d. an exchange of memoranda associated with the Joint Declaration on the status of British Dependent Territories Citizens.⁵³

The Command Paper is available on [Parliamentary Papers](#). A more accessible version of all the above documents can be found on the [Hong Kong SAR website](#).

Text of the Declaration

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

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China have reviewed with satisfaction the friendly relations existing between the two Governments and peoples in recent years and agreed that a proper negotiated settlement of the question of Hong Kong, which is left over from the past, is conducive to the maintenance of the prosperity and stability of Hong Kong and to the further strengthening and development of the relations between the two countries on a new basis. To this end, they have, after talks between the delegations of the two Governments, agreed to declare as follows:

1. The Government of the People's Republic of China declares that to recover the Hong Kong area (including Hong Kong Island, Kowloon and the New Territories, hereinafter referred to as Hong Kong) is the common

⁵³ ["Joint Declaration"](#), the Government of the Hong Kong Special Administration Region, accessed 5 July 2019

aspiration of the entire Chinese people, and that it has decided to resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997.

2. The Government of the United Kingdom declares that it will restore Hong Kong to the People's Republic of China with effect from 1 July 1997.

3. The Government of the People's Republic of China declares that the basic policies of the People's Republic of China regarding Hong Kong are as follows:

(1) Upholding national unity and territorial integrity and taking account of the history of Hong Kong and its realities, the People's Republic of China has decided to establish, in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, a Hong Kong Special Administrative Region upon resuming the exercise of sovereignty over Hong Kong.

(2) The Hong Kong Special Administrative Region will be directly under the authority of the Central People's Government of the People's Republic of China. The Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government.

(3) The Hong Kong Special Administrative Region will be vested with executive, legislative and independent judicial power, including that of final adjudication. The laws currently in force in Hong Kong will remain basically unchanged.

(4) The Government of the Hong Kong Special Administrative Region will be composed of local inhabitants. The chief executive will be appointed by the Central People's Government on the basis of the results of elections or consultations to be held locally. Principal officials will be nominated by the chief executive of the Hong Kong Special Administrative Region for appointment by the Central People's Government. Chinese and foreign nationals previously working in the public and police services in the government departments of Hong Kong may remain in employment. British and other foreign nationals may also be employed to serve as advisers or hold certain public posts in government departments of the Hong Kong Special Administrative Region.

(5) 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 assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law in the Hong Kong Special Administrative Region. Private property, ownership of enterprises, legitimate right of inheritance and foreign investment will be protected by law.

(6) The Hong Kong Special Administrative Region will retain the status of a free port and a separate customs territory.

(7) The Hong Kong Special Administrative Region will retain the status of an international financial centre, and its markets for foreign exchange, gold, securities and futures will continue. There will be free flow of capital. The Hong Kong dollar will continue to circulate and remain freely convertible.

(8) The Hong Kong Special Administrative Region will have independent finances. The Central People's Government will not levy taxes on the Hong Kong Special Administrative Region.

(9) The Hong Kong Special Administrative Region may establish mutually beneficial economic relations with the United Kingdom and other countries, whose economic interests in Hong Kong will be given due regard.

(10) Using the name of 'Hong Kong, China', the Hong Kong Special Administrative Region may on its own maintain and develop economic and cultural relations and conclude relevant agreements with states, regions and relevant international organisations.

The Government of the Hong Kong Special Administrative Region may on its own issue travel documents for entry into and exit from Hong Kong.

(11) The maintenance of public order in the Hong Kong Special Administrative Region will be the responsibility of the Government of the Hong Kong Special Administrative Region.

(12) The above-stated basic policies of the People's Republic of China regarding Hong Kong and the elaboration of them in Annex I to this 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.

4. The Government of the United Kingdom and the Government of the People's Republic of China declare that, during the transitional period between the date of the entry into force of this Joint Declaration and 30 June 1997, the Government of the United Kingdom will be responsible for the administration of Hong Kong with the object of maintaining and preserving its economic prosperity and social stability; and that the Government of the People's Republic of China will give its cooperation in this connection.

5. The Government of the United Kingdom and the Government of the People's Republic of China declare that, in order to ensure a smooth transfer of government in 1997, and with a view to the effective implementation of this Joint Declaration, a Sino-British Joint Liaison Group will be set up when this Joint Declaration enters into force; and that it will be established and will function in accordance with the provisions of Annex II to this Joint Declaration.

6. The Government of the United Kingdom and the Government of the People's Republic of China declare that land leases in Hong Kong and other related matters will be dealt with in accordance with the provisions of Annex III to this Joint Declaration.

7. The Government of the United Kingdom and the Government of the People's Republic of China agree to implement the preceding declarations and the Annexes to this Joint Declaration.

8. This Joint Declaration is subject to ratification and shall enter into force on the date of the exchange of instruments of ratification, which shall take place in Beijing before 30 June 1985. This Joint Declaration and its Annexes shall be equally binding.

Done in duplicate at Beijing on 19 December 1984 in the English and Chinese languages, both texts being equally authentic.

Appendix 2: Timeline

[Reuters](#) has compiled a timeline of key dates around the extradition bill and the protests it triggered:

February 2019 – Hong Kong’s Security Bureau submits a paper to the city’s legislature proposing amendments to extradition laws that would provide for case-by-case extraditions to countries, including mainland China, beyond the 20 states with which Hong Kong already has treaties.

March 31 - Thousands take to the streets of Hong Kong to protest against the proposed extradition bill.

April 3 – Lam’s government introduces amendments to Hong Kong’s extradition laws that would allow criminal suspects to be sent to mainland China for trial.

April 28 – Tens of thousands of people march on Hong Kong’s parliament to demand the scrapping of the proposed amendments to the extradition laws.

May 11 – Scuffles break out in Hong Kong’s legislature between pro-democracy lawmakers and those loyal to Beijing over the extradition bill.

May 21 – Lam says her administration is determined to push the bill through the legislature.

May 30 – Hong Kong introduces concessions to the extradition bill, including limiting the scope of extraditable offences. Critics say they are not enough.

June 6 – More than 3,000 Hong Kong lawyers take to the streets dressed in black in a rare protest march against the extradition law.

June 9 - More than half a million take to the streets in protest.

June 12 – Police fire rubber bullets and tear gas during the city’s largest and most violent protests in decades. Government offices are shut for the rest of the week.

June 15 – Lam indefinitely delays the proposed extradition law.

July 1 - Protesters storm the Legislative Council on the 22nd anniversary of the handover from British to Chinese rule, destroying pictures and daubing walls with graffiti.

July 9 - Lam says the extradition bill is dead and that government work on the legislation had been a “total failure”.

July 21 - Men, clad in white T-shirts and some armed with poles, flood into rural Yuen Long station and storm a train, attacking passengers and passers-by, including members of the media, after several thousand activists surrounded China’s representative office in the city earlier in the day, and clashed with police.

July 30 - Forty-four activists are charged with rioting, the first time this charge has been used during these protests.

Aug. 9 - China's aviation regulator demands Hong Kong flag carrier Cathay Pacific suspend personnel who have taken part in the protests. The airline suspends a pilot, one of 44 charged with rioting the month before, the next day.

Aug. 14 - Police and protesters clash at Hong Kong's international airport after flights were disrupted for a second day. The airport resumed operations later that day, rescheduling hundreds of flights.

Aug. 21 - China's biggest e-commerce company Alibaba delays its up to \$15 billion listing in Hong Kong, initially set for late August.

Sept. 2 - Lam says she has caused "unforgivable havoc" by igniting the political crisis engulfing the city and would quit if she had a choice, according to an audio recording obtained by Reuters of remarks she made to a group of businesspeople.

Sept. 3 - Lam says she had never asked the Chinese government to let her resign to end the Chinese-ruled city's political crisis, responding to the Reuters report.⁵⁴

Sept. 4 - Lam announces formal withdrawal of controversial extradition bill. Critics say it is too little, too late.

Sept. 7 - Police fire tear gas for a second consecutive night after fending off airport protests.

Sept. 8 - Security forces fire tear gas to disperse protesters in upmarket Causeway Bay shopping district.

Sept. 17 - Hong Kong leader Carrie Lam pledges to hold talks with the community to try to ease tensions.

Sept. 22 - Hong Kong police fire tear gas to break up pro-democracy demonstrators who trashed fittings at a railway station and shopping mall.

Sept. 26 - Hong Kong protesters trap city leader Carrie Lam in a stadium for hours after she holds her first "open dialogue" with the people.

Oct. 1 - City rocked by the most widespread unrest since the start of the protests, as China's Communist Party rulers celebrate 70th anniversary of the founding of the People's Republic.

⁵⁴ ["Key dates in Hong Kong's protests"](#), Reuters, 4 October 2019

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