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*Plenary sitting*

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**A8-0382/2017**

28.11.2017

# **REPORT**

on a European Parliament recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Hong Kong, 20 years after handover (2017/2204(INI))

Committee on Foreign Affairs

Rapporteur: Alyn Smith

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## DRAFT EUROPEAN PARLIAMENT RECOMMENDATION

**to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Hong Kong, 20 years after handover  
(2017/2204(INI))**

*The European Parliament,*

- having regard to the Basic Law of the Special Administrative Region (SAR) of Hong Kong adopted on 4 April 1990, which entered into force on 1 July 1997,
- having regard to the Joint Declaration of the Government of the United Kingdom and the Government of the People’s Republic of China on the Question of Hong Kong of 19 December 1984, also known as the Sino-British Joint Declaration,
- having regard to the Commission’s 2016 Annual Report of 26 April 2017 on the Hong Kong Special Administrative Region (JOIN(2017)0016), the Commission’s 2015 Annual Report of 25 April 2016 on the Hong Kong Special Administrative Region (JOIN(2016)0010), and the Commission’s 2014 Annual Report of 24 April 2015 on the Hong Kong Special Administrative Region (JOIN(2015)0012),
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 22 June 2016 on elements for a new EU strategy on China (JOIN(2016)0030), the Commission communication of 15 October 2015 on trade for all (COM(2015)0497), and the Council conclusions of 18 July 2016 on EU Strategy on China,
- having regard to the EU’s ‘One China’ policy,
- having regard to the 1999 EU-HKSAR Customs Co-operation Agreement<sup>1</sup>,
- having regard to the visa-free entry to the Schengen area<sup>2</sup> and the rest of the European Union for holders of Hong Kong Special Administrative Region passports and vice versa,
- having regard to the EU-China dialogue on human rights launched in 1995,
- having regard to its previous resolutions on Hong Kong, in particular those of 24 November 2016 on the case of Gui Minhai, jailed publisher in China<sup>3</sup>, of 4 February 2016 on the case of the missing book publishers in Hong Kong<sup>4</sup>, of 15 December 2005 on human rights situation in Tibet and Hong Kong<sup>5</sup>, of 8 April 2003 on the Third and the Fourth Annual Reports by the Commission and the Council to the European Parliament on the Hong Kong Special Administrative Region<sup>6</sup>, of 19 December 2002 on

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<sup>1</sup> OJ L 151, 18.6.1999, p. 20.

<sup>2</sup> OJ L 81, 21.03.2001, p. 1.

<sup>3</sup> Texts adopted, P8\_TA(2016)0444.

<sup>4</sup> Texts adopted, P8\_TA(2016)0045.

<sup>5</sup> OJ C 286 E, 23.11.2006, p. 523.

<sup>6</sup> OJ C 064 E, 12.03.2004, p. 130.

Hong Kong<sup>1</sup>, of 26 October 2000 on the First and the Second Annual Reports by the Commission and the Council to the European Parliament on the Hong Kong Special Administrative Region<sup>2</sup>, of 8 October 1998 on the communication from the Commission to the Council on the European Union and Hong Kong: Beyond 1997<sup>3</sup>, and of 10 April 1997 on the situation in Hong Kong<sup>4</sup>,

- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 22 June 2016 on elements for a new EU strategy on China (JOIN (2016)0030), the Commission communication of 14 October 2015 entitled ‘Trade for All: Towards a more responsible trade and investment policy’ (COM (2015)0497), and the Council conclusions of 18 July 2016 on the EU Strategy on China,
  - having regard to its previous resolutions on China, in particular those of 16 December 2015<sup>5</sup> and of 14 March 2013 on EU-China relations<sup>6</sup>,
  - having regard to Rule 113 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A8-0382/2017),
- A. whereas sovereignty over Hong Kong was transferred from the United Kingdom to the People’s Republic of China (PRC) on 1 July 1997;
- B. whereas the 1984 Sino-British Joint Declaration guaranteed, and the 1990 Basic Law of the Hong Kong Special Administrative Region (SAR) stipulates that Hong Kong will maintain the autonomy and independence of the executive, legislature and judiciary for 50 years after the handover of sovereignty;
- C. whereas the EU and the European Parliament remain strong supporters of the ‘one country, two systems’ principle and Hong Kong’s high degree of autonomy under China;
- D. whereas the EU and Hong Kong hold an annual high-level meeting called the Structured Dialogue, which was initiated in 2005; whereas the 10th annual Structured Dialogue took place in Brussels on 17 November 2016;
- E. whereas bilateral relations between the EU and Hong Kong continue to grow stronger; whereas the EU is Hong Kong’s second largest trading partner after mainland China, and Hong Kong is the EU’s 14th largest trading partner in goods and a key partner for trade in services; whereas future bilateral relations should benefit from Hong Kong’s need for further economic diversification, close links with the New Silk Road and greater integration with the Pearl River Delta region; whereas according to the UN Conference on Trade and Development (UNCTAD), Hong Kong is the world's second

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<sup>1</sup> OJ C 031 E, 05.02.2004, p. 261.

<sup>2</sup> OJ C 197 12.07.2001, p. 387.

<sup>3</sup> OJ C 328, 26.10.1998, p. 186.

<sup>4</sup> OJ C 132, 28.04.1997, p. 222.

<sup>5</sup> Texts adopted, P8\_TA(2015)0458.

<sup>6</sup> OJ C 36, 29.01.2016, p. 126.

largest target market for foreign direct investment;

- F. whereas Hong Kong's defence and foreign affairs are within the remit of the Government of the PRC;
- G. whereas the Basic Law gives the Hong Kong SAR the right to organise its own external economic relations and to become a member of international organisations;
- H. whereas even after 1 July 1997, existing agreements on civil, political, economic, social and cultural rights and international human rights agreements have continued to apply; whereas the PRC has also signed and ratified international agreements guaranteeing these rights and has thus acknowledged the significance and universality of human rights; whereas China has established forums for dialogue with the EU and other international partners on matters linked to the rule of law;
- I. whereas Hong Kong is a member or associate member of more than 20 international organisations including the World Trade Organisation (WTO), the International Monetary Fund (IMF), Asia-Pacific Economic Cooperation (APEC), Interpol, the Bank for International Settlements (BIS), the Asian Development Bank (ADB), the Asian Infrastructure Investment Bank (AIIB), the International Olympic Committee, the International Chamber of Commerce and the International Confederation of Free Trade Unions;
- J. whereas Hong Kong is party to the International Covenant on Civil and Political Rights (ICCPR);
- K. whereas the Basic Law lays down provisions providing protection for human rights and individual freedoms;
- L. whereas Article 27 of the Basic Law guarantees freedom of speech, of the press and publication, and of association, assembly, procession and demonstration;
- M. whereas Articles 45 and 68 of the Basic Law stipulate that the Chief Executive and all members of the Legislative Council should ultimately be elected by universal suffrage;
- N. whereas the PRC State Council issued a white paper on the practice of the 'one country, two systems' policy in Hong Kong on 10 June 2014, stressing that the autonomy of the Hong Kong SAR is ultimately subject to central PRC government authorisation;
- O. whereas Hong Kong's traditional open society has paved the way for the development of a genuine and independent civil society that actively and constructively takes part in the public life of the SAR;
- P. whereas Hong Kong's civil society has raised public awareness of civil and political rights, religion, healthcare, the environment, climate change, women's political participation, the rights of domestic workers, LGBTI rights, and academic and cultural freedoms;
- Q. whereas Hong Kong enjoys a lively multi-party system; whereas, over the years, the people of Hong Kong have witnessed mass demonstrations in favour of democracy and

the full implementation of the Basic Law, including the 2014 protests by the so-called Umbrella Movement, as well as on media freedoms, and, among other things, against the disappearance of the Hong Kong booksellers;

- R. whereas during the last 20 years, some journalists and other media workers, often supporters of democracy and expressing critical views, have been forced to resign, moved to cover less sensitive areas and, in some cases, even threatened with violence;
- S. whereas at the end of 2015, four Hong Kong residents and one non-resident associated with the publishing house Mighty Current and its bookshop disappeared, whereas months later, information emerged that they were detained in mainland China in undisclosed locations, and whereas one of the released booksellers reported that his confession of wrongdoing had been forced;
- T. whereas, over the last few years, growing self-censorship has been observed in the Hong Kong media on matters concerning mainland China, as also corroborated by the surveys and reports by the Hong Kong Journalists Association;
- U. whereas Hong Kong offers scope for pursuing high-level training and reaching a high academic level, but academic freedom is in danger owing to repeated interferences by China's central government, particularly as regards university council appointments;
- V. whereas a poll conducted at regular intervals by Hong Kong University's public opinion programme catalogues a lengthy decline in identification with China;
- W. whereas in January 2017, the Hong Kong Environment Bureau published the cross-sectoral 'Hong Kong Climate Action Plan 2030+', which, following the Paris Agreement, sets new targets for carbon emissions, namely reducing carbon intensity by two thirds and absolute carbon emissions by one third by 2030 compared with the 2005 base line;
- X. having regard to the importance of the port of Hong Kong to the PRC and international trade;
- 1. Recommends the following to the Council, the Commission and the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:
  - (a) to stress with the authorities of the Hong Kong Special Administrative Region and the PRC that in the same way that the EU's 'One China' policy is the cornerstone of the EU's engagement, fully respecting the Basic Law of the Hong Kong SAR and the 'one country, two systems' principle is of key importance for the development and further strengthening and expanding of present and future relations with the EU, and that intervening in Hong Kong's internal affairs has the potential to undermine that principle and should therefore be avoided;
  - (b) to condemn the constant interference of the PRC in Hong Kong's internal affairs, which may put at risk the long-term viability of the 'one country, two systems' model;

- (c) to reinforce bilateral dialogue with the Government of the Hong Kong SAR, not least through the annual EU-Hong Kong Structured Dialogue, on a wide range of topics and policy areas, such as democracy, human rights, the rule of law, trade, investment, financial services, customs, the environment, climate change, research and education, to support the implementation of the ‘one country, two systems’ principle, and to continue annual reporting by the VP/HR and the Commission to Parliament and the Council on developments in Hong Kong;
- (d) to acknowledge that, over time, Hong Kong evolved into an open society in which citizens enjoy human rights, freedoms, high standards of public health and safety, transparency, and have a judiciary which is trusted, and where the rule of law and low levels of corruption prevail, and that the people of Hong Kong have a legitimate right to expect to continue enjoying their way of life and these rights and values under a high degree of autonomy;
- (e) to emphasise that respecting Hong Kong’s autonomy is essential for its further positive development and favourable relations with the Chinese mainland, and for the resumption of the dialogues between the mainland and Taiwan;
- (f) to commit fully to supporting Hong Kong’s autonomy, prosperity and the rights and freedoms of its people, and to express firm support for the start of a political reform process which complies with international standards and the Basic Law, which grants the people of the SAR the right to elect and to be elected in the selection process for top leadership positions, and which reflects the majority view within Hong Kong public opinion;
- (g) to call, in this context, on the Governments of Hong Kong and the PRC to maintain their commitment and to build up momentum once again for the reform of universal suffrage in the future election of the Chief Executive and the members of the Legislative Council in Hong Kong, in order to have an election system that is democratic, fair, open and transparent;
- (h) to find ways to support the consolidation of Hong Kong’s democracy and its multi-party system and to express concern at the increasing harassment of opposition political parties and the refusal of the Companies Registry to register a number of pro-democracy groups;
- (i) to welcome the record turnout in the last Legislative Council elections in 2016, while regretting that, in 2016, Hong Kong authorities refused to register a new pro-independence political party for the Legislative Council elections and disqualified six candidates with views promoting greater autonomy for Hong Kong;
- (j) to condemn threats to the personal safety of pro-democracy politicians, including abductions and physical violence, as reported by some lawmakers;
- (k) to welcome the release on bail of the three leaders of the pro-democracy movement Joshua Wong, Nathan Law and Alex Chow recently sentenced to jail for between six and eight months for ‘unlawful assembly’, after having been sentenced last year to non-custodial penalties, including community service, for

their participation in peaceful protests; to urge the Hong Kong Court of Final Appeal to consider the cases of Mr Wong, Mr Law and Mr Chow in accordance with Hong Kong's obligations under international human rights law, and to urge the Hong Kong Government to revise the Public Order Ordinance to bring it in line with international human rights standards;

- (l) to point out to China that, even though the Basic Law, the Sino-British Joint Declaration and the 'one country, two systems' principle are largely respected, there are growing and widespread concerns that the agreed high degree of autonomy of Hong Kong, or the legal value, or the spirit of the Sino-British Joint Declaration have been called into question;
- (m) to express deep concern about the National People's Congress Standing Committee issuing interpretations, whether unsolicited or otherwise, of the Basic Law prior to court rulings, suggesting that democratically elected legislators should be disqualified, and thus undermining trust in the full independence of the judiciary in the individual cases in question; to recall that the Hong Kong court system and normal judicial process should be the main instrument to resolve disputes;
- (n) to emphasise that the handling of the case of the five missing booksellers has raised regrettable questions about the autonomy of the SAR, as stated in its Basic Law, and about the lack of clarity concerning the role of mainland law enforcement agencies in Hong Kong;
- (o) to express concern at allegations that China's law enforcement agencies are operating in Hong Kong, which would constitute a violation of the Basic Law and would be inconsistent with the 'one country, two systems' principle;
- (p) to underline that freedom of information and freedom of speech have generally been upheld, while expressing concern at the steady deterioration of press freedom in Hong Kong, with growing pressure on the media, both print and electronic, increasing self-censorship with regard, in particular, to covering sensitive issues on mainland China or concerning the Hong Kong Government, and the tightening of control over the sale of sensitive political books by monopolising ownership of almost all storefront bookshops;
- (q) to continue the bilateral dialogue with the Government of the Hong Kong SAR on a variety of policy areas as well as on the implementation of the 'one country, two systems' principle;
- (r) to reiterate that any legislation introduced under the Basic Law, including any legislation to be proposed on the basis of Article 23 of the Basic Law such as a possible National Security Bill, must not interfere with the independence and exclusive jurisdiction of the Hong Kong judiciary and should not undermine obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), nor should it undermine freedoms such as freedom of speech, media freedoms, freedom of association and assembly, freedom of demonstration, freedom to form trade unions and to strike, and freedom of academic research and cultural and artistic expression, and should not be used to target human rights



activists and government critics;

- (s) to encourage and support the regionally coordinated pro-democracy movements as a key tool to foster Asian cooperation on democracy and human rights issues;
- (t) to find ways to support Hong Kong's civil society, in particular organisations that uphold universal values, promote human rights and support the independence of the judiciary and press freedom; to stress that only non-violent forms of protest and dialogue can be a means to engage in disputes;
- (u) to recommend to the Legislative Council of Hong Kong that it carefully examine future legislation on high-speed rail in consultation with civil society organisations and the citizens of Hong Kong;
- (v) to encourage Hong Kong's academic institutions to maintain the high standards of their curricula and research and to preserve academic freedoms, but to express concern, in this respect, about the procedure for the appointment of university councils and the external interferences aimed at modifying school curricula, which could undermine the independence of higher education institutions; to promote the strengthening of ties between European and Hong Kong academic institutions;
- (w) to call for the timely adoption of an anti-discrimination law;
- (x) to recall that Hong Kong's society and its people have been heavily influenced by immigration, including refugees, and to call on the Hong Kong Government to bring its refugee and migration policy in line with international standards, particularly when it comes to unaccompanied minor refugees;
- (y) to point out that, even though recent surveys show that many inhabitants of Hong Kong wish to emigrate, it would be unfortunate if Hong Kong could not keep its brightest and best, and troubling if so many, particularly young people, were to lose their faith in the future;
- (z) notes with concern that the UN Panel of Experts on North Korea has established in its reports that Hong Kong is one of two business jurisdictions in which the largest share of North Korean-controlled front companies have been operating; recalls that joint international ventures with North Korea are in violation of the most recent UN Security Council resolution (2388) and urges the Hong Kong authorities to address the concerns of the UN Panel of Experts on North Korea;
- (aa) to draw the attention of the Hong Kong authorities to the fact that, according to a study, municipal waste in Hong Kong has increased by 80 % in the past decade, which is more than double that of the population growth, and to assist them in developing an effective waste reduction policy, promoting recycling and other forms of circular economy, and raising awareness of responsible consumption;
- (ab) to underline to the Chinese authorities that full respect for Hong Kong's autonomy could provide the model for a process of deep democratic political reforms in China and for the gradual liberalisation and opening up of Chinese society;

- (ac) to underline the EU's commitment to strengthening democracy, including the rule of law, the independence of the judiciary, fundamental freedoms and rights, transparency, and freedom of information and expression in Hong Kong;
2. Instructs its President to forward this recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and, for information, to the Government of the Hong Kong Special Administrative Region and the Government of the People's Republic of China.

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	21.11.2017
<b>Result of final vote</b>	+:               45 -:               5 0:               1
<b>Members present for the final vote</b>	Michèle Alliot-Marie, Francisco Assis, Petras Auštrevičius, Bas Belder, Mario Borghezio, Victor Boştinaru, Elmar Brok, Klaus Buchner, James Carver, Lorenzo Cesa, Javier Couso Permuy, Georgios Epitideios, Eugen Freund, Michael Gahler, Sandra Kalniete, Manolis Kefalogiannis, Tunne Kelam, Janusz Korwin-Mikke, Eduard Kukan, Ryszard Antoni Legutko, Barbara Lochbihler, Andrejs Mamikins, Ramona Nicole Mănescu, David McAllister, Tamás Meszerics, Francisco José Millán Mon, Pier Antonio Panzeri, Demetris Papadakis, Ioan Mircea Paşcu, Tonino Picula, Julia Pitera, Cristian Dan Preda, Michel Reimon, Jean-Luc Schaffhauser, Alyn Smith, Jordi Solé, Jaromír Štětina, Dubravka Šuica, Charles Tannock, László Tőkés, Ivo Vajgl, Geoffrey Van Orden
<b>Substitutes present for the final vote</b>	Asim Ademov, Laima Liucija Andrikienė, Jo Leinen, Urmas Paet, José Ignacio Salafranca Sánchez-Neyra, Marietje Schaake, Janusz Zemke
<b>Substitutes under Rule 200(2) present for the final vote</b>	Alex Mayer, Ivica Tolić

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

45	+
ALDE	Petras Auštrevičius, Urmas Paet, Marietje Schaake, Ivo Vajgl
ECR	Bas Belder, Ryszard Antoni Legutko, Charles Tannock, Geoffrey Van Orden
PPE	Asim Ademov, Michèle Alliot-Marie, Laima Liucija Andrikienė, Elmar Brok, Lorenzo Cesa, Michael Gahler, Sandra Kalniete, Manolis Kefalogiannis, Tunne Kelam, Eduard Kukan, David McAllister, Francisco José Millán Mon, Ramona Nicole Mănescu, Julia Pitera, Cristian Dan Preda, José Ignacio Salafranca Sánchez-Neyra, Ivica Tolić, László Tőkés, Jaromír Štětina, Dubravka Šuica
S&D	Francisco Assis, Victor Boştinaru, Eugen Freund, Jo Leinen, Andrejs Mamikins, Alex Mayer, Pier Antonio Panzeri, Demetris Papadakis, Ioan Mircea Paşcu, Tonino Picula, Janusz Zemke
VERTS/ALE	Klaus Buchner, Barbara Lochbihler, Tamás Meszerics, Michel Reimon, Alyn Smith, Jordi Solé

5	-
EFDD	James Carver
ENF	Jean-Luc Schaffhauser
GUE/NGL	Javier Couso Permuy
NI	Georgios Epitideios, Janusz Korwin-Mikke

1	0
ENF	Mario Borghezio

Key to symbols:

+ : in favour

- : against

0 : abstention