

# 2021 Hong Kong Policy Act Report - United States Department of State

## *Bureau of East Asian and Pacific Affairs*

Consistent with sections 205 and 301 of the United States-Hong Kong Policy Act of 1992 (the “Act”) (22 U.S.C. 5725 and 5731) and section 7043(f)(3)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, P.L. 116-260), the Department submits this report and the enclosed certification on conditions in Hong Kong from June 2020 through February 2021 (“covered period”).

### **Summary**

The Department of State assesses during the covered period, the central government of the [People’s Republic of China \(PRC\)](#) took new actions directly threatening U.S. interests in Hong Kong and inconsistent with the Basic Law and the PRC’s obligation pursuant to the Sino-British Joint Declaration of 1984 to allow Hong Kong to enjoy a high degree of autonomy. In the Certification of Hong Kong’s Treatment under United States Laws, the Secretary of State certified Hong Kong does not warrant treatment under U.S. law in the same manner as U.S. laws were applied to Hong Kong before July 1, 1997.

By unilaterally imposing on Hong Kong the Law of the PRC on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL), the PRC dramatically undermined rights and freedoms in Hong Kong, including freedoms protected under the Basic Law and the Sino-British Joint Declaration. Since the imposition of the NSL in June 2020, Hong Kong police arrested at least 99 opposition politicians, activists, and protesters on NSL-related charges including secession, subversion, terrorism, and collusion with a foreign country or external elements. These include 55 people arrested in January for organizing or running in pan-democratic primary elections in July 2020, 47 of whom were formally charged with subversion on February 28. Additionally, the Hong Kong government used COVID-19-related public health restrictions to deny authorizations for public demonstrations and postponed Hong Kong’s Legislative Council (LegCo) elections for at least one year.

### **National Security Law**

In June 2020, the PRC National People’s Congress Standing Committee (NPCSC) unilaterally imposed the NSL on Hong Kong implementing major structural changes that significantly reduced the city’s autonomy. The law created four broad categories of offenses: secession, subversion, terrorist activities, and collusion with a foreign country or external elements, which includes “provoking hatred” against the PRC or Hong Kong governments. The NSL also grants the NPCSC, rather than Hong Kong courts, the authority to interpret the NSL. The NSL established an Office for Safeguarding National Security (OSNS) in Hong Kong, staffed by PRC security services and not subject to the jurisdiction of the Hong

Kong government. The OSNS, rather than Hong Kong courts, is empowered to exercise jurisdiction over certain cases brought under the NSL. The NSL also established a new Committee for Safeguarding National Security, led by the chief executive and accountable to the PRC.

### **Impact on the Rule of Law**

The NSL increased PRC control over the Hong Kong government's policy and security functions. It required the Hong Kong government to establish separate National Security units within the Hong Kong Police Force (HKPF) and the Hong Kong Department of Justice. It requires the chief executive to seek the opinion of the OSNS before appointing the heads of the HKPF National Security Department (NSD) and the Department of Justice's National Security Prosecutions Division. The NSL authorizes the embedding of PRC security personnel in the HKPF NSD and the OSNS. In a June 2020 statement, Hong Kong Security Chief John Lee said PRC security services would operate in Hong Kong "as needed." There was limited information available during the reporting period regarding the activities of the OSNS or its involvement in human rights abuses against Hong Kong residents. There were reports PRC security services detained, questioned, and intimidated Hong Kong-based activists visiting mainland China.

Hong Kong authorities reportedly asked financial institutions to freeze bank accounts of former lawmakers, civil society groups, and other political targets who appear to be under investigation for their pro-democracy activities. Activists alleged police used aggressive physical tactics against nonviolent demonstrators. Hong Kong's Complaints Against Police Office (CAPO) and Independent Police Complaints Council (IPCC) are designed to play the role of police watchdogs and are charged with investigating alleged corruption or abuses within the HKPF. However, CAPO is staffed by members of the HKPF and thus lacks institutional independence, while the IPCC, which oversees CAPO, lacks the necessary investigative powers to conduct an effective investigation. A Hong Kong court declared in November 2020 existing mechanisms for handling complaints against the police are "inadequate."

### **Arrests, Bail, and Investigations Proceedings**

During the covered period, police carried out arrests under the NSL of at least 99 people, including one U.S. citizen. All but one of the arrests on grounds related to the NSL were for nonviolent behavior. Hong Kong government prosecutors brought charges against 56 individuals for crimes under the NSL, according to HKPF public statements. No NSL case has gone to trial yet. The NSL is not restricted in its application to Hong Kong or its residents, but also applies to offenses committed outside the region. Police issued arrest warrants under the NSL for about 30 individuals residing abroad, including U.S. citizens, according to a local media report. (Note: These warrants are not public nor confirmed by any officials. End note.) Additionally, the HKPF NSD reportedly carried out arrests on grounds unrelated to the NSL.

Democracy activists, including renowned Beijing critic and media mogul Jimmy Lai, are increasingly being denied bail. The NSL provides a higher standard for bail, and government prosecutors argued the "presumption of innocence" standard does not apply in NSL-related bail hearings. Under the NSL, bail shall not be granted unless the judge has sufficient grounds to believe the defendant or suspect will not continue to commit acts endangering national security. The HKPF has the power to compel even those released without charges to

post bail and subject them to bail restrictions as long as the investigation continues. Activists argue the bail system leaves the person in limbo, i.e., not officially charged but required to attend monthly check-ins, with no defined end date under which the government is required to bring charges. Police seized travel documents and other possessions from individuals under investigation for NSL-related charges, preventing those under police bail from traveling.

The NSL grants the HKPF broad authorities to conduct wiretaps or electronic surveillance without warrants in national security-related cases. The NSL also empowers police to conduct searches without a warrant, including of electronic devices. Police can require internet service providers to provide or delete information relevant to these cases. There were credible reports that PRC security services and the OSNS monitored pro-democracy and human rights activists and journalists in Hong Kong.

### **Impact on Democratic Institutions**

Under the supervision of the PRC, the Hong Kong government used the NSL to stifle pro-democracy voices and crack down on political activity. Since June 2020, elements of the HKPF and the Hong Kong Department of Justice worked with, and under the supervision of, mainland Chinese officials to carry out politically motivated reprisals against opposition politicians and activists.

The NSL requires all Hong Kong residents who stand for election or assume public office to take an oath to uphold the Basic Law and swear allegiance to Hong Kong. In December 2020, government officials began to require all Hong Kong civil servants to take these oaths. A senior Hong Kong government official announced civil servants may lose their jobs if they refuse to swear their oaths and may face criminal charges if they later engage in behavior, including speech, deemed to violate their oaths.

### **Progress towards Universal Suffrage and Impact on the Legislature**

Hong Kong voters do not enjoy universal suffrage in elections for the chief executive, and thus this office is not accountable to the Hong Kong public. Hong Kong voters only enjoy universal suffrage in electing 40 of the 70 seats of the LegCo; limited-franchise constituencies elect the remaining 30 seats. Hong Kong voters do enjoy universal suffrage for district council elections. Article 45 of the Basic Law establishes as the “ultimate aim” the selection of the chief executive by “universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.” The chief executive is elected by a Chief Executive Election Committee of approximately 1,200 members (1,194 members in 2017, the most recent election). The election committee consists of the 70 members of the LegCo and a mix of professional, business, and trade elites. The Basic Law also says the “ultimate aim” for selecting the LegCo is “the election of all the members of the LegCo by universal suffrage.”

During the reporting period, the Hong Kong government and PRC took repeated actions to restrict the ability of Hong Kong voters to elect their representatives. Since 2016, the Electoral Affairs Commission required all LegCo candidates to sign a pledge stating that Hong Kong is an “inalienable part” of China. In July 2020, the commission disqualified twelve candidates for the since-postponed September 2020 LegCo elections, including four sitting LegCo members, for speech the commission deemed incompatible with the pledge.

In July 2020, Chief Executive Carrie Lam, with the support of the PRC, postponed the September 2020 LegCo election for at least one year. Lam cited COVID-19 concerns in her decision, despite significantly fewer per capita cases of COVID-19 than in other nations and cities that have conducted elections safely during the pandemic. Opposition politicians and democracy advocates maintained the Hong Kong government's actual motive was to avoid defeat in the elections. Opposition pan-democratic candidates won more than 70 percent of seats in the most recent District Council elections in November 2019. At the writing of this report, the government has not announced dates for new elections.

The PRC, in another unprecedented move, also disqualified sitting LegCo members. In November 2020, the NPCSC issued a decision that any public or elected official found to be engaged in actions "detrimental to national security" would immediately lose qualifications for the positions they held. The decision applied to the four sitting LegCo members earlier disqualified by the Hong Kong government from running for reelection. The Hong Kong government then announced those four members were immediately disqualified for the remainder of the current LegCo session. There was no judicial recourse. Critically, the loss of the four pan-democratic seats gave the pro-Beijing bloc a supermajority in the LegCo, effectively removing the last formal pan-democratic check on legislation. The 15 remaining pan-democratic members of the LegCo resigned in solidarity. The Hong Kong government refused to hold by-elections for the vacant seats. As a result of these and earlier resignations and disqualifications, as of January, 27 of the 70 seats in the LegCo are vacant, including 20 of the 40 directly elected seats.

The Hong Kong government cracked down on electoral organizing activities by opposition politicians. In January, police arrested 49 of the 52 candidates (all currently present in Hong Kong) in a July 2020 unofficial primary election organized by civil society actors. The opposition pan-democratic camp used the primary election to select candidates for the now-postponed September 2020 LegCo elections. Police also arrested six organizers of the primary election, including one U.S. citizen. Hong Kong and PRC officials argued the primary election's stated goal (and discussion of that goal) amounted to subversion under the NSL because the primary election's organizers stated their goal was to achieve a pan-democratic majority within the LegCo, then subsequently refuse to pass the Hong Kong government's budget and force the resignation of the chief executive. These actions are all permitted in the Basic Law.

### **Impact on the Judiciary**

Hong Kong courts continue to exercise the power of judicial review over Hong Kong legislation, but the NSL states the NPCSC, rather than Hong Kong courts, have the power to interpret the NSL. NPCSC decisions, including to disqualify four sitting HK LegCo members, have the force of law in Hong Kong and are not subject to judicial review by Hong Kong courts. The NSL authorizes the mainland China judicial system, which lacks judicial independence and has a 99 percent conviction rate, to take over any national security-related case at the request of the Hong Kong government or the OSNS. Under the NSL, the Hong Kong chief executive is required to establish a list of judges to handle all cases concerning national security-related offenses. Although Hong Kong's judiciary selects the specific judge(s) who will hear any individual case, analysts argued this unprecedented involvement of the chief executive weakens Hong Kong's judicial independence. OSNS activities are not subject to Hong Kong legal jurisdiction and decisions made by the Committee for Safeguarding National Security are not subject to judicial review under the NSL.

While the Hong Kong government generally respected judicial independence and impartiality during the covered period, the PRC took actions to undermine this independence. PRC-controlled state media outlets in both Hong Kong and mainland China repeatedly accused Hong Kong judges of bias following the acquittals of protesters accused of rioting and other crimes. In November 2020, a senior PRC official responsible for Hong Kong policy called for “judicial reform” to remove “alien values” from the Hong Kong courts. Some Hong Kong and PRC officials questioned the existence of a “separation of powers” in Hong Kong, including some statements that judicial independence is not enshrined in Hong Kong law and judges should follow “guidance” from the government.

### **Impact on Freedom of Assembly**

Hong Kong law provides for protection of freedom of assembly, but the Hong Kong government did not respect this right during the reporting period. Under Hong Kong law, organizers of public meetings and demonstrations are required to apply for a required “letter of no objection” from police, but the police did not issue any such letters during the reporting period, effectively banning all protests. The government cited COVID-19 restrictions to refuse authorization for assemblies, although civil rights organizations said the intent of the denials was aimed at preventing political gatherings rather than promoting public health. In June 2020, police refused to grant approval to an annual vigil to commemorate the victims of the 1989 Tiananmen Square massacre for the first time ever, citing COVID-19-related social distancing concerns.

During the reporting period, Hong Kong authorities arrested and prosecuted activists and opposition politicians for allegedly organizing and taking part in unauthorized nonviolent demonstrations. For example, in December 2020, a Hong Kong court sentenced activists Joshua Wong, Ivan Lam, and Agnes Chow to sentences of between seven and 13.5 months for their involvement in a June 2019 non-violent protest at the Hong Kong police headquarters. As of September 2020, according to media reports, police arrested more than 10,000 people on various charges in connection with anti-government protests. Most of those arrested were released on bail. Prosecutors also filed charges against more than 2,200 people in connection with the protests.

### **Impact on Freedoms of Speech and Association**

Hong Kong law provides protections for freedom of speech, but the government regularly took actions inconsistent with this right. In July 2020, some of the initial NSL arrests included individuals carrying stickers and signs with slogans critical of the government. In September 2020, the government charged an activist for chanting anti-government slogans under a sedition statute that has not been used since Hong Kong’s handover to Chinese sovereignty in 1997. Hong Kong activists and legal scholars raised concerns the sedition statute is incompatible with the freedoms listed in Hong Kong’s Bill of Rights. In October 2020, the government charged a teenage activist with secession and conspiring to publish seditious content, allegedly for content published on social media. That same activist was also separately convicted in December 2020 to four months in prison for “insulting China’s national flag.” Under the NSL, speech critical of the central or local government or their policies can be potentially construed as pro-secession, subversive, or inciting hate against the government. In June 2020, Hong Kong passed a law making insulting or disrespecting the Chinese national anthem a crime punishable by up to three years in prison. Several pro-independence political parties and activist groups, including student groups, disbanded in June after the NSL was announced, for fear their freedom of association would no longer be

respected under the new legal regime. The NSL also created the offense of “collusion with a foreign country or with external elements,” giving rise to further concerns.

### **Impact on Freedom of the Press**

The Basic Law provides for freedom of the press, which is guaranteed under the Sino-British Joint Declaration, but actions by the police and security services increasingly threatened it. Local and international media outlets operating in Hong Kong were active and expressed a wide range of views, but there were credible reports the HKPF and PRC national security forces harassed, threatened, and arrested some journalists and media organization employees. There were continued reports of media self-censorship due to fears of reprisal by authorities. In February, Radio Television Hong Kong, Hong Kong’s main publicly funded broadcaster, ceased broadcasting BBC World Service radio after the PRC pulled BBC World News off the air in mainland China.

In June 2020, a survey conducted by the Hong Kong Journalists Association (HKJA) showed that an overwhelming majority of journalists in Hong Kong worry about their personal safety. There were reports of unexplained visa delays for foreign journalists, as well as outright restrictions on foreign journalist access in Hong Kong. In July 2020, the Hong Kong government denied the renewal of a residence permit to an Australian journalist employed by The New York Times. The company announced later that month it would relocate its regional digital operations from Hong Kong to Seoul due to concerns about the NSL.

Additional impacts on press freedoms and media during the covered period are detailed in the Hong Kong 2020 Human Rights Report. As noted in previous reports, the Department of State has no information indicating Hong Kong agents, persons, or entities were involved in the surveillance, abduction, detention, or forced confessions of certain booksellers and journalists.

### **Disinformation/Malign Political Influence Activities**

Media organizations owned directly or indirectly by the PRC are actively conducting disinformation activities in Hong Kong. The main thrust of the disinformation seems to be aimed at painting the United States and other foreign countries as fomenters of unrest in Hong Kong and deflecting attention away from the demands of Hong Kong people and their criticism of the PRC or Hong Kong governments. In June 2020, Twitter announced it removed more than 23,000 Chinese Twitter accounts linked to the CCP in part because they were “continuing to push deceptive narratives about the political dynamics in Hong Kong” with some 150,000 amplifier accounts with few or no followers strategically designed to artificially inflate metrics to make it appear that the tweets were highly popular.

### **Impact on Internet Freedoms**

The Hong Kong government did not generally disrupt access to the Internet, although there were isolated reports the authorities disrupted access to certain websites. In addition, some activists claimed authorities monitored their email and internet use. Messages posted on Facebook, Telegram, and LIHKG (a local website) led to arrests under the NSL and the Public Order Ordinance, causing concern and self-censorship by individuals and organizations. Following the imposition of the NSL, major international social media companies announced they would no longer comply with requests from the HKPF for user

information. In July 2020, four students were arrested under the NSL based on their Facebook posts, which allegedly incited secession. In January, the organizer of an online platform alleged local Internet providers made the site inaccessible for users in Hong Kong following requests from the Hong Kong government. One ISP subsequently confirmed it blocked a website “in compliance with the requirement issued under the National Security Law.”

### **Impact on Freedom of Movement**

Hong Kong law provides for freedom of movement, including internal movement, foreign travel, emigration, and voluntary return, but during the covered period the government limited this right in certain cases. Hong Kong law enforcement used a provision of the NSL to seize travel documents from democracy activists and opposition politicians arrested under the NSL, including the 55 individuals arrested in January, even without filing charges. Government prosecutors sometimes asked courts to confiscate travel documents or enforce travel bans for activists, protesters, and politicians facing charges for non-NSL crimes related to nonviolent participation in anti-government protests. Activists reported in August 2020, the HKPF monitored a group of twelve activists with travel bans who sought to travel to Taiwan by speedboat, leading to their detention by the China Coast Guard. Shenzhen authorities returned the two minors in December 2020, where they were charged locally and sentenced the remaining ten activists to prison terms of between seven months and three years.

### **Impact on Freedom of Religion or Belief**

Hong Kong generally respected freedom of religion or belief. Following the imposition of the NSL, however, some religious leaders and advocates expressed concern the law would enable the Hong Kong government to curtail freedom of religion or belief and freedom of expression in the name of combating so-called subversion. In December 2020, police froze the bank accounts of a church, raided two church buildings, and arrested two church officials, stating the church was under investigation for money laundering and fraud related to a crowd funding campaign. The church’s pastor denied the allegations and claimed the raid and asset freezes were political retaliation for the church’s support for pro-democracy protesters.

### **Impact on U.S. Citizens**

An estimated 85,000 U.S. citizens live in Hong Kong, while 1.1 million visited or transited in 2019. In 2020, just 81,000 U.S. citizens visited or transited Hong Kong, a decrease attributed to stringent COVID-19 related travel restrictions. Rates of crime in Hong Kong remain low. Since the imposition of the NSL in June 2020, the PRC increasingly exercised police and security power in Hong Kong, subjecting U.S. citizens who are publicly critical of the PRC to a heightened risk of arrest, detention, expulsion, or prosecution both in Hong Kong and outside its borders. In January, the HKPF arrested a U.S. citizen under the NSL.

Police counterparts provide timely notification when U.S. citizens are arrested, and the police facilitate access for U.S. consular officers to visit detained U.S. citizens. Immigration officials provide timely consular notification and access for arrests and refusals of entry at the airport. However, the Hong Kong government no longer recognizes dual nationality and new enforcement of existing provisions of the Nationality Law of the PRC in place since 1997 led to the denial of consular assistance for U.S. citizens who also hold Chinese

citizenship, including Hong Kong passport holders.

### **Impact on Academics and Exchanges**

The NSL requires the Hong Kong government to promote “national security education” in schools and universities. In February, the Hong Kong Education Bureau issued guidelines for implementing a national security education curriculum at all grade levels in government-funded schools, as well as, to a lesser extent, in international and private schools. The education bureau also instructed schools to prevent and suppress any curriculum and activities that are in breach of the NSL, the Basic Law, or other Hong Kong law.

Academics and pro-democracy advocates reported NSL-related changes to secondary education texts. In August 2020, some textbook publishers agreed to a government-initiated voluntary review of liberal arts textbooks. According to media reports, these publishers later removed the phrase “separation of powers,” images related to Hong Kong’s protests, and criticisms of the PRC political system. In November 2020, Lam announced changes to public high schools’ liberal studies component. All new learning materials and textbooks will require pre-approval by the education bureau. The liberal studies curriculum will be reduced and shifted to focus on PRC national development, the PRC Constitution, Hong Kong’s Basic Law, and the rule of law.

Hong Kong officials encouraged teachers to avoid voicing political opinions. In October 2020, officials revoked the registration of a primary school teacher who allegedly used materials related to Hong Kong independence in a classroom discussion on freedom of speech, effectively imposing a lifetime ban on the teacher from working in Hong Kong’s education sector. In November 2020, officials revoked the registration of a second teacher for alleged factual misrepresentation in a history lesson. In July 2020, officials announced they began nearly 200 investigations of teachers for their participation in the 2019 protest movement. In July 2020, the University of Hong Kong fired Benny Tai, a tenured law professor and pro-democracy activist, against the recommendation of the university’s senate, based on a criminal conviction for his role in organizing the “Occupy Central” protest movement.

U.S. institutions typically conduct a wide range of academic, cultural, educational, and scientific exchanges with Hong Kong counterparts, but the COVID-19 pandemic halted in-person classes on Hong Kong campuses as well as all ECA-funded exchange programs to Hong Kong. Executive Order (E.O.) 13936 resulted in the termination of the Hong Kong Fulbright program in July 2020.

### **Areas of Remaining Autonomy**

Despite PRC actions to encroach on Hong Kong’s political autonomy, significant economic, legal, and commercial differences continued to exist between Hong Kong and mainland China during the period covered by this report. As before the covered period, Hong Kong continued to exercise authority in the implementation of commercial agreements and practiced free and open trade, with negligible tariff or non-tariff barriers. The Hong Kong legal system continued to be based on common-law traditions, although the imposition of the NSL and pressure from the PRC raised serious concerns about the judicial system’s continued independence. Property rights were well-protected in law and practice. Hong Kong maintained its own currency, pegged to the U.S. dollar. The Hong Kong Monetary Authority set monetary policy autonomously from the People’s Bank of China. Hong Kong



continues to participate separately from mainland China in 24 international organizations and multilateral entities, including the Financial Action Task Force, the Asia-Pacific Economic Cooperation forum, the International Olympic Committee, and the World Trade Organization.

### **U.S.-Hong Kong Cooperation and Agreements**

The United States and Hong Kong continue to maintain several bilateral agreements regarding issues such as taxation, parcel delivery, and air services. However, under E.O. 13936 on Hong Kong Normalization, in August 2020 the United States notified the Hong Kong government of its suspension of an agreement concerning surrender of fugitive offenders and its termination of an agreement concerning transfer of sentenced persons and an agreement concerning certain reciprocal tax exemptions. In response, the Hong Kong government notified the United States of its purported suspension of the agreement concerning mutual legal assistance in criminal affairs. U.S. law enforcement had no engagement with the HKPF National Security Division, but U.S. law enforcement agencies continued to cooperate with other Hong Kong law enforcement counterparts to counter trafficking in persons, smuggling, drug trafficking, IPR theft, financial crimes, money laundering, and terrorism.

### **Export Controls**

In June 2020, the Commerce Department's Bureau of Industry and Security (BIS) suspended license exceptions for exports, re-exports, or transfers to or within Hong Kong that previously received differential treatment. This change in regulation brings Hong Kong license exceptions in line with PRC license exceptions. Several previously allowed license exceptions for Hong Kong were affected by the change in regulation. In December 2020, BIS created and published the "Military End User List." Three Hong Kong companies were listed in the initial tranche of entities known to support foreign militaries, notably the Hong Kong Government Flying Service, for its support of the PRC People's Liberation Army. In addition, BIS removed Hong Kong as a separate destination for exports from the United States. As a trading hub and major port city, there is a risk of illegal transshipment of U.S. controlled items through Hong Kong, and several Hong Kong companies were added to the BIS Entity List for suspected violations, but working with Hong Kong counterparts, BIS reduced the risks of diversion through Hong Kong.

### **Sanctions Implementation**

The United States communicated regularly with the Hong Kong government on issues involving sanctions implementation and multinational and local financial services firms in Hong Kong gained a greater awareness of sanctions-related risks in recent years, leading to increased compliance. Hong Kong-incorporated entities, often front companies whose owners are not located in Hong Kong, are cited in UN Panel of Expert reports on North Korea sanctions. Over time, the Hong Kong government increased its investigations into acts that may implicate UN sanctions within its territory. However, to date, the Hong Kong government has not taken action under Hong Kong law against or prosecuted any individuals in Hong Kong for acts implicating UN sanctions related to North Korea, although the Hong Kong government de-registered a number of companies suspected of facilitating DPRK-related economic activity. Several Hong Kong-registered entities were sanctioned by the Department of the Treasury under sanctions authorities related to Iran.

## **U.S. Sanctions**

During the reporting period, the U.S. government imposed financial sanctions on 35 Hong Kong and PRC officials in four separate tranches under E.O. 13936 in connection with the development, adoption, and implementation of the NSL and other actions and policies that undermined Hong Kong's autonomy and suppressed basic freedoms in Hong Kong. In October 2020, the Department of State submitted a report under the Hong Kong Autonomy Act identifying ten officials also sanctioned under E.O. 13936 who have materially contributed to the failure of the PRC to meet its obligations under the Joint Declaration and Basic Law. Under Section 7 of the executive order, those designated for financial sanctions and their immediate family members are also subject to visa restrictions.

## **Hong Kong Policy Act Findings**

In July 2020, then-President Trump issued E.O. 13936, which addressed the suspension of the application of Section 201(a) of the Hong Kong Policy Act to certain U.S. laws. E.O. 13936 is appended to this report. There were no terminations under section 202(d) or determinations under section 201(b) of the act during the period covered by this report, although the United States did suspend one agreement and terminate two others, as discussed in further detail in the section on bilateral agreements above.