



Published on *Freedom House* (<https://freedomhouse.org>)

[Home](#) > Hong Kong *

Hong Kong *

Country:

Hong Kong *

Year:

2016

Freedom Status:

Partly Free

Political Rights:

5

Civil Liberties:

2

Aggregate Score:

63

Freedom Rating:

3.5

Overview:

A political standoff over the degree of autonomy and democratic rule in Hong Kong remained unresolved in 2015. In a decision the previous year, the Standing Committee of China's National People's Congress (NPC) had authorized the self-governing territory to hold a direct popular vote for its chief executive for the first time in 2017, but an effectively pro-Beijing committee would control nominations for the contest. The proposal was met with strong civil society opposition in Hong Kong, leading to large student-led protests that continued for more than two months. Opponents were motivated in part by a growing sense that Hong Kong was losing its unique political and cultural character in the face of rising interference and migration from the mainland.

The Hong Kong government nevertheless presented an electoral reform bill in June 2015 that closely tracked Beijing's directives, and the measure was rejected by the territory's Legislative Council (Legco), leaving the existing system of indirect elections in place. Meanwhile, the authorities continued to deal with the aftermath of the 2014 protests. A number of student leaders were charged with offenses that carry a five-year prison sentence.

Increasing pressure on freedom of expression added to concerns about Hong Kong's civil liberties, which remain far more expansive than on the mainland. In an unprecedented move in October, the University of Hong Kong's governing council blocked the

appointment of a prodemocracy academic as pro-vice-chancellor. Also that month and in December, five Hong Kong residents associated with a local book publisher went missing and were believed to be in the custody of mainland authorities at year's end. The publisher had been known for producing books that were critical of Chinese leaders.

Political Rights and Civil Liberties:

Political Rights: 16 / 40 [Key]

A. Electoral Process: 3 / 12

Hong Kong's 1997 Basic Law calls for the election of a chief executive and the unicameral Legco. Under electoral reforms adopted in 2010, the chief executive, who serves a five-year term, is chosen by a 1,200-member election committee. Some 200,000 "functional constituency" voters—representatives of various elite business and social sectors, many with close ties to Beijing—elect 900 of the committee's members, and the remaining 300 consist of Legco members, Hong Kong delegates to China's NPC, religious representatives, and members of the Chinese People's Political Consultative Conference (CPPCC), an advisory body to the NPC. Candidates for chief executive must be nominated by at least 150 members of the election committee.

Also under the 2010 reforms, which took effect in 2012, the number of seats in the Legco increased from 60 to 70. While 30 members are still elected by the functional constituency voters, 35—up from 30—are chosen through direct elections in five geographical constituencies. Hong Kong's 18 district councils nominate candidates for the remaining 5 Legco seats from among themselves, and the nominees then face a full popular vote. All 70 members serve four-year terms.

In March 2012, the election committee chose Leung Chun-ying, a member of the CPPCC, as the new chief executive. He won 689 of the 1,050 valid votes cast following an unusually competitive race against two other candidates—Henry Tang, a high-ranking Hong Kong civil servant who took 285 votes, and Democratic Party leader Albert Ho, who secured 76. Officials from China's Liaison Office reportedly lobbied members of the election committee to vote for Leung and pressured media outlets to remove critical coverage of him ahead of the balloting. Leung took office in July 2012.

During the Legco elections in September 2012, pro-Beijing parties won 43 seats, though only 17 of those were directly elected. Prodemocracy parties took 27 seats, which would enable them to block any proposed constitutional changes; amendments to the Basic Law require a two-thirds majority.

B. Political Pluralism and Participation: 7 / 16

Over a dozen parties in Hong Kong's multiparty system are currently represented in the Legco. The main parties in the prodemocracy camp are the Civic Party, the Democratic Party, and the Labor Party. The largest pro-Beijing party is the Democratic Alliance for the Betterment and Progress of Hong Kong. The Chinese Communist Party (CCP) is not formally registered in Hong Kong but exercises considerable influence, both through its

interactions with local government officials and through indirect economic and other pressure.

Hong Kong residents' political choices are limited by the semidemocratic electoral system, which ensures the dominance of pro-Beijing interests. While the Basic Law states that universal suffrage is the "ultimate aim," only incremental changes have been permitted to date.

Under the NPC Standing Committee's 2014 decision on electoral reforms for 2017, the chief executive could be elected in a popular vote, with the two or three candidates selected by a nominating committee whose membership would mirror that of the current election committee. Moreover, whereas candidates currently need only 150 votes on the election committee to be nominated for a place in the body's final vote, at least half the members of the new nominating committee would have to approve candidates for the popular vote.

The prodemocracy Legco members vowed to block any reform bill that did not include some form of public nomination. Despite that pledge and the massive protests—known as the Umbrella Movement—that followed the NPC's ruling, in April 2015 the Hong Kong government introduced legislation that matched Beijing's guidelines. As expected, the Legco rejected it in June, failing to muster the necessary two-thirds majority for passage. Because most progovernment lawmakers left the chamber in an attempt to prevent a quorum and delay the voting, the final count was 28 against and only 8 in favor.

While there are no legal restrictions on ethnic minorities participating in politics or running for office, the Legco had no ethnic minority members as of 2015. The Basic Law requires most top elected and appointed officials to be permanent Hong Kong residents with no right of abode in a foreign country, though up to 20 percent of Legco members can be permanent residents who are non-Chinese or have right of abode in a foreign country.

C. Functioning of Government: 6 / 12

Directly elected officials have little ability to set and implement government policies under the territory's political system, and mainland authorities are highly influential. The Basic Law restricts the Legco's lawmaking powers, prohibiting legislators from introducing bills that would affect Hong Kong's public spending, governmental operations, or political structure.

Hong Kong is generally regarded as having low rates of corruption. It was ranked 18 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index. However, business interests are closely intertwined with the government.

In October 2015, former chief executive Donald Tsang was charged with misconduct. He had stepped down at the end of his term in 2012, and the Independent Commission Against Corruption had been investigating allegations that he accepted gifts from tycoons while in office. The charges were related to Tsang's failure to disclose that he leased a luxurious flat in Shenzhen from a Chinese businessman with substantial interests in Hong

Kong. Tsang was the highest-ranking Hong Kong official ever to be arrested. His deputy, Rafael Hui, was sentenced in December 2014 to seven and a half years in prison for his role in a massive bribery scheme. Billionaire property developer Thomas Kwok was sentenced to five years in prison in the same case. Appeals were pending at the end of 2015.

Civil Liberties: 47 / 60 (-2)

D. Freedom of Expression and Belief: 12 / 16 (-1)

The Basic Law upholds freedoms of speech, press, and publication. Residents have access to dozens of daily newspapers, international radio broadcasts, and satellite television. Foreign media operate without interference. Mainland China's internet censorship regime does not apply in Hong Kong, and residents enjoy unrestricted access to a wide range of news sites. However, in recent years the Hong Kong and Chinese governments, as well as businesses that have close ties with Beijing, have increased political and economic pressure on media independence, and physical attacks against journalists are a growing problem.

In December 2015, mainland e-commerce giant Alibaba acquired the *South China Morning Post*, Hong Kong's leading English-language newspaper. Although the paper had faced accusations of self-censorship and pro-Beijing bias under its previous owner, its purchase by a company with strong ties to the Chinese central government stoked fears of a further reduction in its editorial independence.

The media company Next Media and its founder, Jimmy Lai, have been subject to intimidation for their support of Hong Kong's prodemocracy movement. In January, Next Media's headquarters and Lai's home were targeted in firebomb attacks, and a large quantity of the company's *Apple Daily* newspapers were stolen from a vendor.

In August, two men were sentenced to 19 years in prison for attacking and nearly killing former *Ming Pao* newspaper editor Kevin Lau in early 2014, but they refused to disclose who had ordered the attack. Lau had been known for overseeing investigations into local officials and politically connected mainlanders.

The authorities arrested at least nine people for their online activities between June 2014 and June 2015, according to a report produced by the Journalism and Media Studies Centre at the University of Hong Kong. Most were accused of inciting violence or illegal protest actions on social media.

In the year's most dramatic media freedom development, five Hong Kong residents associated with a Hong Kong publishing house and bookstore went missing between October and December and were believed to be in the custody of mainland authorities at year's end. The publisher had released a number of books that were critical of the Chinese leadership. One of the men disappeared while in Thailand, three were last seen in mainland China, and the fifth was thought to have been abducted in Hong Kong, raising fears that Chinese authorities no longer respected the territory's legal autonomy. Moreover, two of the men held citizenship in European countries.

Religious freedom is generally respected in Hong Kong. Adherents of the Falun Gong spiritual movement, which is persecuted in mainland China, are free to practice in public. However, in recent years they have frequently been confronted and harassed by members of the Hong Kong Youth Care Association (HKYCA), which has ties to the CCP.

University professors can generally write and lecture freely, and political debate on campuses is lively. However, a series of incidents in 2015 stoked concerns that Beijing is putting greater pressure on Hong Kong's academic sphere. In April, City University of Hong Kong abruptly closed its creative writing program, whose students had published a number of works that were supportive of the Umbrella Movement in 2014. In an unprecedented move in September, the governing council of the University of Hong Kong rejected a nominee for the post of pro-vice-chancellor, Johannes Chan, who had been unanimously approved by the search committee. The majority of the council members are neither students nor university employees; six are appointed directly by the Hong Kong chief executive. Chan's supporters said that he had been rejected because his background as a human rights lawyer and prodemocracy scholar made him unacceptable to Beijing. In December, Chief Executive Leung appointed a pro-Beijing scholar and close ally, Arthur Li, as chairman of the university's governing council.

Private discussion is open and free in Hong Kong, though mainland security agencies are suspected of monitoring the communications of prodemocracy activists.

E. Associational and Organizational Rights: 8 / 12

The Basic Law guarantees freedoms of assembly and association. The Public Order Ordinance requires organizers to give police seven days' notice before protests and to obtain official assent, which is rarely denied.

The 2014 Umbrella Movement protests against Beijing's electoral reform plan drew more than 100,000 people at their peak, and featured long-term encampments that paralyzed key commercial and government districts. Police made only sporadic and partial attempts to break up the camps during most of the protest period. Nevertheless, their increased use of baton charges, pepper spray, and arrests to clear the last groups of protesters late in the year was seen as part of a recent trend of eroding respect for freedom of assembly. The encampments also faced assaults by counterdemonstrators, many of whom were later found to have links with criminal gangs. Such developments have helped to fuel radicalization among some in the prodemocracy and localist movements.

Most of the hundreds of people arrested during the Umbrella Movement were quickly released, and only about 160 had been charged by September 2015, with alleged offenses including unlawful assembly and assaulting police. Several civilians and police officers have also been charged for assaulting protesters. In August, authorities announced charges against student leaders Joshua Wong, Nathan Law, and Alex Chow for unlawful assembly and other offenses. Their trials were pending at year's end.

Separately in 2015, annual mass demonstrations on June 4 and July 1, marking the 1989 Tiananmen Square crackdown and the 1997 handover of Hong Kong from Britain to China, drew tens of thousands of people and proceeded without incident.

Hong Kong hosts a vibrant and largely unfettered nongovernmental organization (NGO) sector. Trade unions are independent, but collective-bargaining rights are not recognized, protections against antiunion discrimination are weak, and there are few regulations on working hours.

F. Rule of Law: 14 / 16 (-1)

The judiciary is independent, and the trial process is generally fair. The NPC reserves the right to make final interpretations of the Basic Law, effectively limiting the power of Hong Kong's Court of Final Appeal. A white paper issued by the Chinese government in June 2014 declared that for Hong Kong officials, including judges, "loving the country is the basic political requirement," which many jurists saw as a demand for loyalty to Beijing and a threat to the territory's rule of law and judicial impartiality.

Police are forbidden by law to employ torture and other forms of abuse. They generally respect this ban in practice, and complaints of abuse are investigated. Arbitrary arrest and detention are illegal; detained suspects must be charged within 48 hours or released. Prison conditions largely meet international standards.

Citizens are generally treated equally under the law, though South Asian minorities face language barriers and de facto discrimination in education and employment. Antidiscrimination laws do not specifically protect LGBT (lesbian, gay, bisexual, and transgender) people.

There were an estimated 11,500 refugees in Hong Kong as of 2015, most of whom came from South or Southeast Asia. While the government does not accept them for settlement, it does offer protection from refoulement, and those deemed eligible can be referred to UN officials for third-country resettlement. However, under a unified screening system launched in 2014, fewer than 20 of about 5,400 people screened have had their claims substantiated, raising serious doubts about the fairness of the process. While awaiting adjudication of their cases, asylum seekers are not permitted to work and receive only small food and housing allowances, forcing many to live in precarious and impoverished conditions.

G. Personal Autonomy and Individual Rights: 13 / 16

Hong Kong residents generally enjoy freedom of movement, though authorities periodically deny entry to visiting political activists and Falun Gong practitioners, raising suspicions of a Beijing-imposed blacklist. While property rights are largely respected, collusion among powerful businessmen with political connections is perceived as an impediment to fair economic competition. A 2012 Competition Ordinance took full effect in December 2015, empowering a commission to enforce compliance.

After many mainland women came to Hong Kong to give birth in order to access the welfare system or skirt China's controls on family size, the territory in 2013 barred those without Hong Kong spouses from delivering in its hospitals, with violations punishable by

fines or jail time. Pregnant mainlanders can also be denied entry if they lack an appointment at a Hong Kong hospital or proof of another purpose for their visit.

Women in Hong Kong are protected by law from discrimination and abuse, and they are entitled to equal access to schooling and to property in divorce settlements. However, they continue to face de facto inequality in employment opportunities, salary, inheritance, and welfare. Only 11 of the 70 Legco members are women, and there are no women on the Court of Final Appeal.

Despite government efforts, Hong Kong remains a destination and transit point for human trafficking linked to sexual exploitation and forced labor. Hong Kong's roughly 330,000 foreign household workers, primarily from Indonesia and the Philippines, are vulnerable to abuse. Since foreign workers face deportation if dismissed, many are reluctant to bring complaints against employers. In addition, household workers are exempt from the territory's hourly minimum-wage law; the government instead sets minimum monthly wages and food allowances that are far below the hourly rate. Foreign household workers are often required by their recruitment agencies to pay exorbitant fees.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

Source URL: <https://freedomhouse.org/report/freedom-world/2016/hong-kong>