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2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 3.5

Civil Liberties (1 = best, 7 = worst): 2

Political Rights (1 = best, 7 = worst): 5

OVERVIEW

Hong Kong chief executive Leung Chun-ying, who was elected in March 2012 by a committee dominated by pro-Beijing elites, faced growing public discontent in 2013 over his close ties to the Chinese central government and the slow progress of political reforms under his leadership. Leung survived an impeachment attempt initiated by prodemocracy members of the territory's Legislative Council (Legco), which is also dominated by pro-Beijing interests.

Official discussion on reforms that would allow universal suffrage for future chief executive and Legco elections stalled in 2013. In September, the director of Beijing's Liaison Office in Hong Kong publicly rejected the open nomination of candidates for the next chief executive election in 2017 – the clearest indication yet that the central government would not permit major electoral reforms.

The Independent Commission Against Corruption (ICAC) continued to investigate several high-profile graft scandals from 2012. Two property tycoons, along with a senior official who allegedly received bribes from them, were scheduled to face trial in May 2014. In September 2013, an independent review found that a former ICAC commissioner had breached rules on personal travel and entertainment expenses during his tenure. The agency was widely criticized for failing to enforce its own employee guidelines.

In October, the Hong Kong government issued free-to-air television licenses to two companies, ending a long-standing duopoly. However, critics noted that both new licensees are controlled by billionaire tycoons with close ties to the central government, and that a third applicant was rejected without explanation. Meanwhile, the number of physical attacks on journalists increased during the year, adding to concerns about a broader decline in freedom of expression.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 16 / 40*A. Electoral Process: 3 / 12*

Hong Kong's Basic Law calls for the election of a chief executive and a unicameral Legislative Council (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 National People's Congress (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.

The 2010 amendments to the Basic Law added 10 seats to the Legco, giving it a total of 70 seats after the 2012 elections. 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. 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.

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 usually 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. Tang was initially Beijing's preferred candidate, but after his popularity fell due to a series of scandals, the central government switched its backing to Leung. 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 enabled them to retain a veto on constitutional changes.

B. Political Pluralism and Participation: 7 / 16

Over a dozen factions 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 officially 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. The NPC ruled in 2007 that it might allow universal suffrage for the 2017 chief executive election and the 2020 Legco election, but official discussion on such a move stalled in 2013. In September, Liaison Office director Zhang Xiaoming rejected a proposal to allow the registration of candidates who receive the endorsement of at least 2 percent of the electorate. Meanwhile, Chief Executive Leung expressed opposition to interference by foreign governments after Hugo Swire, minister of state at Britain's Foreign Office, published an article expressing support for universal suffrage in the territory.

C. Functioning of Government: 6 / 12

Hong Kong is generally regarded as having low rates of corruption, though business interests exercise a strong influence in the government. The ICAC continued to prosecute public officials and corporate executives linked to high-profile cases throughout the year. However, graft complaints reported in the first 10 months of 2013 were down 35 percent compared with the same period of the previous year, leading critics to argue that the drop showed a lack of confidence in the ICAC. The commission was widely criticized in September after an independent review found that former ICAC chief Timothy Tong had breached spending rules on 42 occasions during his 2007-12 tenure. Meanwhile, pretrial proceedings continued for billionaire property developers Thomas and Raymond Kwok, who were accused of bribing Rafael Hui, a former second-ranked executive official who was also facing trial for his part in the alleged arrangement. Prodemocracy Legco members tried unsuccessfully to impeach Leung as chief executive in January 2013, claiming that he had been dishonest about illegal construction on his property. Hong Kong was ranked 15 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 51 / 60

D. Freedom of Expression and Belief: 14 / 16

Under Article 27 of the Basic Law, Hong Kong residents enjoy 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. However, the government continued to impose controls on access to information in 2013. The administration held fewer press conferences, and several official visits to Beijing were unannounced, including a trip by Leung in October. The territory's Code on Access to Information, which lacks a centralized system for retrieving government data, remained unchanged despite calls for amendment. In February, Leung sent a legal letter to a local newspaper, seeking the retraction of an article that he believed was defamatory. The newspaper denied the accusation and said Leung had set a bad precedent for freedom of speech in Hong Kong. In October, the ICAC dropped its controversial attempt to obtain a magazine's internal records on an interview with a former supporter of Leung. In the interview, published in January in *iSun Affairs*, former CPPCC Standing Committee member Lew Mon-hung alleged that Leung had lied about his handling of illegal construction on his property and considered democratic politicians his "enemies."

Direct and indirect efforts by Beijing to interfere in news reporting in Hong Kong persisted in 2013. Several media owners are current or former members of the NPC and CPPCC, and many have significant business interests in mainland China. The Hong Kong government in October issued free-to-air television licenses to PCCW and i-Cable Communications, ending the nearly 40-year duopoly of Television Broadcasts Limited (TVB) and Asia Television Limited (ATV). However, officials failed to explain why they rejected the application of a third company that was seen as more independent; both PCCW and i-Cable are controlled by pro-CCP tycoons. Separately, in September Louie King-bun, a former executive editor of the pro-Beijing newspaper *Ta Kung Pao*, took the executive director position at ATV, whose former employees have alleged increasing self-censorship and political interference. Though violence against journalists has historically been rare in Hong Kong, a series of attacks occurred in 2013, including beatings, assaults during protests, and an incident in which unidentified men threatened newspaper distribution workers and destroyed 26,000 copies of the critical *Apple Daily*.

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, they are frequently confronted by members of the Hong Kong Youth Care Association (HKYCA), which has ties to the CCP. In July 2013, a teacher was filmed berating police for allegedly

favoring HKYCA in their handling of a standoff between protesters from the two groups, leading to a smear campaign against the teacher and a broader debate over civil liberties in the territory.

University professors can write and lecture freely, and political debate on campuses is lively. Although a pro-Beijing curriculum for Hong Kong schools was shelved in 2012, controversy over national education continued in 2013. In July, copies of a booklet about the Basic Law that contained CCP-style nationalistic rhetoric were reportedly distributed in local primary schools.

E. Associational and Organizational Rights: 9 / 12

The Basic Law guarantees freedoms of assembly and association, and police permits for demonstrations are rarely denied. Several large protests against the Chinese government took place during 2013. The annual June 4 vigil to commemorate the 1989 Tiananmen Square massacre drew 150,000 people, including activists who came from mainland China, where such events are banned. In October, more than 100,000 protesters attended a rally to demand an explanation from the government after it rejected the third applicant for a free-to-air television broadcasting license. Other major demonstrations were held during the year to demand Leung's resignation.

Hong Kong authorities have demonstrated reduced respect for freedom of assembly in recent years, and activists have complained that police are not punished for arresting protesters whose cases are subsequently dropped or dismissed. In an alleged case of selective enforcement, a resident was investigated by a serious crime squad and charged with criminal damage in April for writing graffiti that cursed Chinese president Xi Jinping.

Hong Kong hosts a vibrant and largely unfettered nongovernmental organization sector, and trade unions are independent. However, there is limited legal protection for basic labor rights. Collective-bargaining rights are not recognized, protections against antiunion discrimination are weak, and there are few regulations on working hours.

F. Rule of Law: 15 / 16

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. In November 2013, after that court's former chief justice said the NPC should not use its authority to overrule the Hong Kong judiciary, a former NPC deputy warned that no one should question the Beijing body's power to interpret the Basic Law.

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; suspects must be charged within 48 hours of their arrest. Prison conditions generally meet international standards.

Citizens are treated equally under the law, though Hong Kong's 300,000 foreign household workers remain vulnerable to abuse and poor housing accommodation. Since foreign workers face deportation if dismissed, many are reluctant to bring complaints against employers. In 2013, the Court of Final Appeal upheld the 2012 reversal of a lower court ruling that would have allowed foreign household workers, like other foreigners in Hong Kong, to apply for permanent residency after seven years of uninterrupted stay. South Asians also routinely complain of discrimination. In early 2013, a young South Asian construction worker accused the police of racial bias after he was detained for a year on suspicion of robbery in a case that was finally dropped due to lack of evidence. Antidiscrimination laws do not specifically protect LGBT (lesbian, gay, bisexual, and transgender) people.

G. Personal Autonomy and Individual Rights: 13 / 16

Hong Kong maintains its own immigration system, but the authorities periodically deny entry to political activists and Falun Gong practitioners, particularly at sensitive times, raising suspicions that the government enforces a Beijing-imposed political blacklist. In 2013, the immigration department stopped processing a work visa application for Chang Ping, an outspoken journalist from the mainland, after he reportedly waited two years whereas an official response usually takes no more than four weeks.

Many mainland women have given birth in Hong Kong with the aim of accessing its advanced welfare system or skirting China's one-child policy, spurring public resentment in the territory. A regulation that bans mainland women without Hong Kong spouses from giving birth in the territory came into effect in January. In April, a woman from Guangdong Province who gave birth in Hong Kong through a sham marriage with a local resident was sentenced to one year in prison.

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 settlement. 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 all of the judges on the Court of Final Appeal are men. Despite government efforts, Hong Kong remains a destination and transit point for human trafficking linked to sexual exploitation and forced labor.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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