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Freedom in the World 2015 - Hong Kong

Trend Arrow:

Hong Kong received a downward trend arrow due to restrictions on press freedom and freedom of assembly surrounding protests against a Chinese government decision to limit candidate nominations for future executive elections.

Overview:

China's growing political influence over Hong Kong encountered dramatic public resistance in 2014. In August, the Standing Committee of China's National People's Congress (NPC) issued a decision that would allow a popular vote for chief executive in the territory for the first time in 2017, but would empower an effectively pro-Beijing committee to control nominations for the contest. Prodemocracy groups criticized the decision, arguing that it violated promises of eventual universal suffrage that China had made under Hong Kong's Basic Law and in a corresponding 2007 NPC Standing Committee decision.

Long-standing disagreements between the authorities and a large section of the population over the degree of free choice in future elections came to a head in response to the ruling. Large student-led protests broke out in September, with demonstrators establishing encampments and barricades at several points in the city center. The occupations continued for more than two months, though the police periodically attempted to clear them, at times using tear gas and batons. The police were also accused of enabling violence by counterprotesters with alleged links to organized crime groups. The last encampments were removed by mid-December.

Meanwhile, the territory's press freedom suffered a sharp decline. The number of physical attacks on journalists increased during the year, major businesses withdrew advertising from critical media outlets, and reporters acknowledged the growing practice of self-censorship.

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 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 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 Legco increased from 60 to 70 seats. 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. 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; changes to the Basic Law require a two-thirds majority.

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 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. The NPC ruled in 2007 that it might allow universal suffrage for the 2017 chief executive election and the 2020 Legco election.

In June 2014, as discussion of possible new electoral reforms mounted, a prodemocracy campaign called Occupy Central with Love and Peace organized an unofficial referendum in which nearly 800,000 participants endorsed plans that would allow the public to nominate candidates for chief executive. The activists also proposed civil disobedience protests to back its demands. However, the August 31 ruling by the NPC Standing Committee closed the door on public nominations. Although the decision would allow the chief executive to be elected in a vote by all eligible citizens, their options would be limited to 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 participation in the popular vote. The 27 prodemocracy Legco members vowed to block any reform bill that did not include some form of public nomination. The mass protests soon followed, and the Legco had yet to take up a bill at year's end.

C. Functioning of Government: 6 / 12

Hong Kong is generally regarded as having low rates of corruption. It was ranked 17 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index. However, business interests are closely intertwined with the government.

In October 2014, it was revealed that Leung had received \$6.4 million in undisclosed payments from an Australian engineering firm that acquired DTZ Holdings, of which Leung was a director, months before he became chief executive. Leung maintained that he was not obliged to disclose the payments, which had continued after he took office.

In December, a jury convicted billionaire property developer Thomas Kwok and Rafael Hui, who had served as Hong Kong's second-ranked executive official from 2005 to 2007, of a massive bribery scheme. They were sentenced to 5 and 7.5 years in prison, respectively. Kwok's brother and business partner, Raymond Kwok, was acquitted.

The Independent Commission Against Corruption (ICAC) was widely criticized in 2013 after an independent review found that its former chief had continually breached spending rules during his 2007–12 tenure. In 2014, the ICAC raided the home of Jimmy Lai, a major media owner and outspoken critic of Beijing, as well as the office of Labor Party chairman and legislator Lee Cheuk-yan. The commission said it was investigating bribery allegations, but many observers criticized the searches as part of a broader attempt to intimidate and discredit Lai in light of his support for the prodemocracy camp.

Civil Liberties: 49 / 60 (-2)

D. Freedom of Expression and Belief: 13 / 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. However, in recent years the Hong Kong and Chinese governments, as well as businesses that have close ties with Beijing, have increased physical attacks and pressure against local journalists. Several media owners are current or former members of the NPC and CPPCC, and many have significant business interests in mainland China.

In June, Next Media group claimed that two major banks, HSBC and Standard Chartered, had stopped placing millions of dollars in advertising in the group's *Apple Daily* newspaper beginning in late 2013 at the request of the Chinese government. Other independent media lost advertising from major companies around the same time. Also in June, the newspaper's website suffered a large-scale cyberattack that was seen as part of an effort to disrupt the unofficial electoral reform referendum, which the paper vocally supported. The referendum's website was attacked as well. During the fall prodemocracy protests, *Apple Daily* faced ongoing cyberattacks, and thuggish counterdemonstrators repeatedly blocked distribution of the paper and destroyed thousands of copies. In November, Next Media's Jimmy Lai was pelted with animal organs at one of the protest encampments by three men, who were then seized by protesters and handed over to police. Lai was briefly arrested at the protest site in December, and stepped down as company chairman the same month.

In January, Kevin Lau Chun-to, chief editor of the newspaper *Ming Pao*, was replaced with a Malaysian citizen who was seen as more beholden to the owner and the government. Lau, known for investigations of the Hong Kong and Chinese leaderships, was then badly injured in a knife attack in February. In March, four assailants used iron bars to beat two executives from an independent media company that was planning to launch a new paper. The prodemocracy news website House News shut down in July, with the owner citing political pressure and a lack of advertisers.

During the protest movement in the fall, many reporters were assaulted by counterprotesters or police, and there were signs of self-censorship by some outlets. In October, the television station TVB broadcast footage of police officers beating Civic Party activist and protester Ken Tsang Kin-chiu, but within hours it replaced the video's voiceover to downplay allegations of excessive force.

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 write and lecture freely, and political debate on campuses is lively. Although a pro-Beijing curriculum for Hong Kong schools was shelved in 2012, government efforts to promote "patriotic education" remain a matter of controversy. Student organizations played a leading role in the 2014 prodemocracy protests.

E. Associational and Organizational Rights: 8 / 12 (-1)

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 2014, including a vigil commemorating the June 1989 crackdown on prodemocracy protesters in mainland China. Pro-Beijing forces organized their own reportedly smaller march in August.

The fall protests against Beijing's planned electoral reforms drew more than 100,000 people at their peak, and featured long-term encampments that paralyzed key commercial and government districts. Police refrained from using deadly force, and they made only sporadic and partial attempts to break up the camps during most of the protest period. Nevertheless, their handling of the demonstrations was seen as part of a recent trend of reduced respect for freedom of assembly. Officers' early use of tear gas in September was considered unusually harsh for Hong Kong, and served to galvanize the movement. Baton charges, pepper spray, and arrests became more common in late November and December, as the authorities sought to disperse the last clusters of protesters.

The prodemocracy encampments also faced attacks by counterdemonstrators, many of whom were later found to have links with criminal gangs. During one such episode in October, a group of thugs assaulted protesters and groped women, and the violence went on for hours before police intervened decisively, leading many to suspect that the authorities were working with the gangs.

Hong Kong hosts a vibrant and largely unfettered nongovernmental organization 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: 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. 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. Seven officers were arrested for the October 2014 beating of Ken Tsang. Arbitrary arrest and detention are illegal; suspects must be charged within 48 hours of their arrest. Prison conditions generally meet international standards.

Citizens are generally treated equally under the law, though South Asians routinely complain of discrimination, and antidiscrimination laws do not specifically protect LGBT (lesbian, gay, bisexual, and transgender) people.

Hong Kong's roughly 320,000 foreign household workers, primarily from Indonesia and the Philippines, remain vulnerable to abuse. Since foreign workers face deportation if dismissed, many are reluctant to bring complaints against employers. In a high-profile trial, an employer stood accused of physically abusing a household worker over a period of eight months, denying her food and medical treatment for her injuries, and making her work 21 hours a day without a day off. News of the case in January triggered protests by thousands of foreign workers demanding justice and equal treatment. In a second case in November, a British banker was charged with murdering two women who had reportedly come to Hong Kong as household workers but turned to prostitution, as sometimes happens when such workers lose their jobs and are unable to repay large debts to recruitment agencies. Both cases were pending at year's end. In October, Hong Kong's Labour Department announced an increase in the minimum wage for household workers, but the new rates still amounted to less than the minimum for most Hong Kong workers, and the increases only applied to new contracts.

Hong Kong has been criticized for slow processing of refugee cases and poor provision of economic support and working rights to designated refugees. A new system of procedures for screening asylum claims was introduced in March 2014, but local activists argued that it remained confusing and lacked transparency.

G. Personal Autonomy and Individual Rights: 13 / 16

Hong Kong authorities periodically deny entry to visiting political activists and Falun Gong practitioners, particularly at sensitive times, raising suspicions that the government enforces a Beijing-imposed political blacklist. In April 2014, the Immigration Department barred well-known U.S.-based Chinese political activist Yang Jianli from entering the territory to attend the opening of a museum dedicated to the 1989 Tiananmen crackdown.

After many mainland women came to Hong Kong to give birth in order to access the welfare system or skirt China's one-child policy, the territory 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 none of the judges 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.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)

2015 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