

A Free and Open Society

Overview

Hong Kong is a free and open society. The community enjoys the rights and freedoms deeply rooted in the rule of law and enshrined with the Central Government's sanction in its constitution, the Basic Law. Hong Kong people administer Hong Kong with the high degree of autonomy guaranteed under the Basic Law.

The Basic Law guarantees:

- Equality before the law
- The right to vote and stand for election
- Private ownership of property
- Freedom of speech
- Freedom of the press
- Freedom of assembly
- Freedom of movement
- Freedom of religious belief
- Freedom of academic research

Free Media

One of the most vital factors in Hong Kong's success has been a fast, free and unregulated flow of information coupled with a robust and vibrant media. As at July 2013, there were 53 daily newspapers – 27 in Chinese, 12 in English, nine bilingual and five in other languages. There are over 700 periodicals, including Chinese, English, bilingual and other languages.

More than 85 international media organisations have offices in Hong Kong, which is the Asian base for a number of high-profile journals. The *Financial Times*, *The Wall Street Journal Asia*, *USA Today International*, *International Herald Tribune* and *The Nikkei* are also printed in Hong Kong.

Hong Kong is also a regional broadcasting hub, with 18 satellite broadcasters transmitting from the territory. Satellite and cable broadcasters together offer more than 600 channels, with programmes on news and information, entertainment and infotainment, sports, movie, documentaries, education, and more.

In June 2013, there were five domestic television licensees, 18 non-domestic television licensees and 194 internet service providers. Internet content is not censored or edited by government agencies. Four operators have launched digital audio broadcasting (DAB) services. The new service will comprise a total of 18 DAB channels.

Level Playing Field

Hong Kong's level playing field ensures that businesses can compete equally and freely on the basis of their merits and strengths. Foreign businesses are treated the same way as local businesses.

The free movement of goods and capital has been central to Hong Kong's success as an international financial centre. There are no restrictions on the amount of money allowed into or out of Hong Kong. The Hong Kong dollar is freely convertible. Gold, silver and securities are traded freely without any foreign ownership restrictions.

The Executive Authorities

The Chief Executive (CE) is the head of the Hong Kong Special Administrative Region (HKSAR). The fourth-term CE, elected by the Election Committee enlarged from 800 to 1 200 members, began his term of office on July 1, 2012.

The CE is assisted in policy-making by the Executive Council, whose members are appointed by the CE from Principal Officials, Members of the Legislative Council and public figures.

The Government introduced the Political Appointment System in 2002. Under the system, a number of Principal Officials are appointed by the CE to oversee the administration of different policy areas. In 2008, two additional layers of political appointees, namely Deputy Directors of Bureaux and Political Assistants, were created to assist Principal Officials undertake political work. The Political Appointment System has enhanced the accountability of the Government, and helped preserve a permanent, professional and politically neutral civil service.

The civil service remains the backbone of the Government and continues to assist in policy formulation and implementation.

The Legislature

The 70-member Legislative Council (LegCo) is Hong Kong's law making body. It is responsible for enacting laws, examining and approving government budgets, taxation and expenditure, as well as raising questions on the work of the Government.

Members of the current Fifth LegCo are returned by geographical constituencies (GCs) through direct elections and by functional constituencies (FCs). Since the establishment of the HKSAR, LegCo elections have been held in 1998, 2000, 2004, 2008 and 2012. The term of office of LegCo shall be four years, except the first term, which was two years.

According to the Basic Law, LegCo shall be constituted by election and shall be composed of Chinese citizens who are permanent residents of Hong Kong with no right of abode in any foreign country. However, recognising that Hong Kong is an international city with many foreign nationals, permanent residents of the HKSAR who are not of Chinese nationality or who have the right of abode in foreign countries may also be elected as LegCo members, provided that the proportion does not exceed 20 per cent of the total membership of the Council.

The Judiciary

An independent judiciary administers justice and protects the rights and liberties of Hong Kong people. While the courts interpret the laws, the power of final adjudication is vested in Hong Kong's Court of Final Appeal (CFA).

The CFA is a collegiate court of five judges, comprising the Chief Justice, three permanent judges and one non-permanent judge. The Basic Law provides for the participation of overseas judges in the Court. In addition to Hong Kong judges, judges from other common law jurisdictions may be invited to sit on the CFA, allowing the court to tap their experience while maintaining close links with other common law jurisdictions.

Universal Suffrage

In 2007, the Standing Committee of the National People's Congress (NPCSC) decided that the CE may be elected by universal suffrage in 2017, and after that all Members of LegCo may also be elected by universal suffrage in 2020.

The NPCSC's Decision is a very important milestone which provides a clear direction and timeframe to take forward Hong Kong's constitutional development towards the universal suffrage.

In 2010, Hong Kong took another important step towards universal suffrage, when a package of proposals for constitutional reform for the 2012 CE and LegCo elections was passed by a two-thirds majority in LegCo, given consent by the CE and endorsed by the NPCSC. The two elections were held successfully in March and September 2012 respectively.

The passage of the 2012 constitutional reform package by LegCo gives the Hong Kong community greater confidence in and a stronger base for forging consensus on the issue of universal suffrage. It also enhanced the democratic element of the two electoral methods for 2012, while expanding the space for political participation.

The size of the Election Committee for the CE election in 2012 was increased from 800 to 1 200 members. The members were drawn from 38 subsectors representing various trades, professions, labour and social welfare groups as well as district organisations, giving Hong Kong people greater opportunity to participate in the CE election.

In the 2012 LegCo elections, the number of seats increased from 60 to 70. Five of the new seats were returned by geographical constituencies (GCs) through direct elections. The other five new seats were returned by the new District Council (second) functional constituency (FC). These five seats were returned by 3.2 million registered electors who did not have a vote in other FCs. In other words, all registered voters were entitled to two votes in the 2012 LegCo elections – one for GCs, and the other for FCs.

To take forward the constitutional development of Hong Kong, the current term Government will launch a comprehensive consultation for the electoral methods for CE elections in 2017 and the LegCo in 2016, and

initiate the necessary constitutional procedures at an appropriate juncture.

The Basic Law

On July 1, 1997, Hong Kong became a Special Administrative Region (HKSAR) of the People's Republic of China. On the same date, the Basic Law came into effect, giving Hong Kong a comprehensive constitutional document for the first time in its history.

Under the 'One Country, Two Systems' principle, Hong Kong's economic and social systems have remained unchanged. The Basic Law guarantees Hong Kong:

- That its capitalist system and way of life will remain unchanged for 50 years.
- A high degree of autonomy, except in defence and foreign affairs.
- The authority to conduct its own external economic and trade affairs.
- Continuation of the common law system and laws previously in force.
- That the rights and freedoms (e.g. of the press, of speech, of religion, of travel) of its citizens will remain intact.
- That its status as an international financial centre and free port will be retained, including a separate customs and immigration regime.
- The right to exercise executive, legislative and independent judicial powers, including the power of final adjudication.

For more information, please visit
www.basiclaw.gov.hk
www.ceo.gov.hk
www.cmab.gov.hk
www.legco.gov.hk