



## A Free and Open Society

May 2011

### 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 Beijing's sanction in its constitution, the Basic Law. Hong Kong people run Hong Kong with the high degree of autonomy promised 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

### Freedom of the Press

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 of February 2011, there were 45 daily newspapers, – 20 in Chinese, 13 in English (including one in Braille), seven bilingual and five in Japanese. There were also 683 periodicals, of which 433 were in Chinese, 106 in English, 127 bilingual and 17 in other languages.

About 100 international media organisations have offices in Hong Kong, which is

the Asian base for a number of high-profile journals such as *The Wall Street Journal Asia*, *Financial Times* and *USA Today International*. Hong Kong is also the regional base for Time Warner and CNN International.

At the end of 2010 there were five domestic television licensees, 18 non-domestic television licensees and 184 internet service providers. Internet content is not censored or edited by government agencies. In early 2011, the Government awarded three digital radio licences.

### 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. There are no restrictions on ownership of property.

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, securities and real estate are traded freely without any foreign ownership restrictions.

### The Executive Authorities

The head of the Hong Kong Special Administrative Region (HKSAR) Government is the Chief Executive (CE). The CE is elected by an Election Committee,

comprising 800 members from various sectors. 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, there are 15 Principal Officials overseeing different policy areas. The civil service remains the backbone of the Government and continues to assist in policy formulation and implementation.

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 Legislature

The Legislative Council (LegCo) is responsible for passing laws, examining and approving government budgets, taxation and expenditure, as well as raising questions on the work of the Government.

It comprises 60 members elected on a four-year term. Half of the members are directly elected by geographical constituencies, while the other 30 members are returned by functional constituencies (FCs) representing Hong Kong's economic, social and professional sectors.

Since the establishment of the HKSAR, open and fair LegCo elections have been held on four occasions – in 1998, 2000, 2004 and 2008.

In recognition of the fact that Hong Kong is an international city with many foreign nationals, permanent residents of Hong Kong who are not of Chinese nationality, or who have the right of abode in foreign countries, may also stand for LegCo elections in 12 specified FCs.

### 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.

### Timetable for Universal Suffrage

In December 2007, the Standing Committee of the National People's Congress (NPCSC) decided that the CE may be elected by universal suffrage in 2017, and thereafter that all Members of LegCo may also be elected by universal suffrage in 2020. The NPCSC also stipulates that appropriate amendments conforming to the principle of gradual and orderly progress may be made to the two electoral methods in 2012.

The NPCSC decision is a very important milestone which provides a clear direction and timetable to take forward Hong Kong's constitutional arrangements towards universal suffrage. As reflected in opinion polls conducted by universities, the decision was well received by the community.

In November 2009, the HKSAR Government published a public consultation document concerning the methods for selecting the CE, and for forming LegCo in 2012.

The HKSAR Government put forward on 14 April 2010 a package proposing methods to select the CE and to form the LegCo in 2012. The package aims to enhance the democratic elements of the two elections by increasing the participation of elected District Council Members who have the public mandate.

In June 2010, the HKSAR Government announced an amended package, proposing that all registered voters should return the five new FC seats in the District Council FC in 2012. Under this amendment, the candidates for the five new FC seats will be nominated by elected District Council Members and elected by all registered voters (who currently do not have a right to vote in the FCs), on a 'one person, one vote' basis. According to this 'one person, two votes' model, every voter will have two votes in the 2012 LegCo elections – one for the geographical constituencies and the other for the FCs.

The 2012 constitutional reform package was passed by a two-thirds majority of all LegCo Members, approved by the CE and endorsed by the NPCSC.

The passage of the 2012 constitutional reform package by LegCo will give the Hong Kong community greater confidence in and a stronger base for forging consensus on the issue of universal suffrage, paving the way for its adoption in the Chief Executive and LegCo elections in 2017 and 2020 respectively.

### 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 unique '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.
- Executive, legislative and independent judicial powers.
- 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.gov.hk](http://www.gov.hk)  
[www.basiclaw.gov.hk](http://www.basiclaw.gov.hk)  
[www.legco.gov.hk](http://www.legco.gov.hk)