



Center for Asian Democracy

Hong Kong Democracy Report

CAD Research Brief

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Cover Image: Source: The Guardian

Country Profile

Summary

This report spotlights the impact of Beijing's overhaul of Hong Kong's rule of law and civil liberties on actors supporting democratization in the special administrative territory. The report draws on data from public opinion surveys, human rights monitors, and recent elections, as well as existing scholarship. It concludes by highlighting individuals and organizations working for socio-political reform and self-determination.



Chinese and Hong Kong Flags, Source: CNN

Introduction

Hong Kong is a former British colony that transitioned to a special administrative region of the People's Republic of China in 1997. The British and Chinese agreed to a "one party, two systems" unification policy, which preserved Hong Kong's "capitalist system and way of life" and granted executive, legislative, and judicial powers "a high degree of autonomy" for fifty years. Hong Kong's local constitution, the Basic Law, promised freedom of the press, expression, assembly, and religion. China maintained the authority to interpret the Basic Law, however, China only recently began to utilize this power assertively.

Following a series of pro-democracy protests and contentious elections, China took steps to alter the "one country, two systems" framework. It implemented the National Security Law in 2020, which resulted in the arrest of leading pro-democracy figures and the closure of political parties, major news outlets, nongovernmental organizations, and unions. The 2020 National Security Law permitted China's overhaul of Hong Kong's electoral system in 2021, further restricting pro-democracy political activities and advantaging pro-Beijing candidates. In this period, the Beijing-controlled legislative council dismissed submissions and statements from human rights groups and overseas Hong Kong activists and groups. Most recently, it passed the National Security Law of 2024, described in more depth below.



Map of Hong Kong, Source: World Atlas



2014 Umbrella Protest, Source: CNBC



2019 Mass Protest, Source: CBS News

Sectors of the Pro-Democracy Movement

Student Activism

Student leaders have historically played an important role in Hong Kong activism. Student activists took the lead in numerous pro-democracy movements, most notably the Umbrella Movement in 2014 and the mass anti-government protests in 2019. In 2014, student unions across Hong Kong participated in a 79-day sit-in demanding universal suffrage, with student leaders like Joshua Wong, Nathan Law, and Agnes Chow rising to international prominence as leading figures of the movement. In 2019, student unions and protestors forcefully responded to the passage of the Extradition Bill, occupying two universities in Hong Kong (The Chinese University of Hong Kong and The Hong Kong Polytechnic University), transforming them into fortresses with stockpiles of supplies, including weapons, and food. Unlike the Umbrella Movement, the less centralized nature of the 2019 movement meant that student leadership was less explicitly visible. However, student support for the protests impacted the force of those events. Student protest leaders in Hong Kong reflect ties to Gen Z and Millennial protest movements around the world critical of the status quo.

Free Speech and Free Press

Unlike mainland China, where media control is prevalent, Hong Kong's Basic Law and Bill of Rights protected freedom of speech, press, and publication. From the Tiananmen massacre in 1989 to the Umbrella Movement in 2014 to the anti-government protests in 2019, Hong Kong news outlets loudly spoke about injustice, abuse, and scandal. Apple Daily, established in 1995 by Jimmy Lai, evolved from a tabloid covering crime and entertainment news to an unapologetically pro-democracy outlet in the early 2000s alongside people resisting integration with Mainland China. It generally disapproved of Beijing's political influence, and Mainland China's appointed administration in Hong Kong, in its news agenda and framing.

Beyond traditional media outlets, social media was integral in mobilizing and organizing civic participation and mass civil disobedience in 2014 and 2019. Social media allowed demonstrators to remain largely anonymous by using platforms such as Telegram, Instagram, and LIHKG (an online forum) to protect their identity and avoid being arrested by police authorities. It also was utilized to persuade public opinion, presenting blunt and authentic narratives of the reality of the movement. Social media, GPS-enabled social media apps, and Hong Kong's efficient public transportation network allowed protesters to maneuver in relation to police forces and take action in locations across the Mass Transit Railway.

Pro-Democracy Political Parties

Hong Kong's Basic Law designates a system of governance led by a Chief Executive and an Executive Council, with a two-tiered system of representative government and an independent judiciary. The Legislative Council, commonly called LegCo, has been dominated by two camps, pro-democracy and pro-Beijing, since 1998. The second largest pro-democratic party, the Civic Party, won 6 legislative seats in 2012, marking its peak. The 2016 election reflected increasing political division within the pro-democracy and pro-Beijing camps, the institutionalization of post-Umbrella Movement activism, and the rise of localism. Law Wing-sang, a prominent Hong Kong scholar and professor, defines localism as a political movement encompassing a variety of political parties and goals that focuses on preserving Hong Kong's identity and autonomy and opposes the increasing political infringement of Hong Kong's political, economic, and social affairs. However, by disqualifying several localist lawmakers who refused to take the oath of office, Beijing's intervention in the elections has significantly damaged the territory's democratic autonomy. Comparatively, the pro-Beijing group has historically controlled the District Council, but the pro-democracy faction gained traction in 2016, in part due to the people directly electing 94% of the seats. Given the democratic component of the district councils, the 2019 election became a de facto protest, resulting in an unprecedented landslide victory for the Pan-democratic political party with over 70% voter turnout.

Protests, Security Laws and Democracy

Article 23 and Mass Protests

Since the transfer of Hong Kong's sovereignty in 1997, the government has struggled to pass legislation fulfilling the requirements of Article 23 of the Basic Law, which asserts that the city's government "shall enact laws on its own" to prohibit seven types of national security offenses. In 2003, the Hong Kong Legislative Council attempted to pass a national security law, but 500,000 peaceful protesters forced the government to withdraw it. In 2019, the passage of the Extradition Bill triggered a powerful reaction among Hong Kongers, exceeding expectations, with an unprecedented number of protesters, arrests, and vandalism.



Pro-democracy protest in 2019, Source: Al Jazeera

National Security Laws Response

In response to the 2019 protests, the Chinese Communist Party and its loyalists in Hong Kong produced an ideological campaign of national security and patriotism. China's legislature unanimously passed the National Security Law of 2020, bypassing Hong Kong's parliament and breaching the "one country, two systems" principle. The law targeted the city's pro-democracy movement by criminalizing anything considered secession, subversion, terrorism, and collusion, which includes undermining the power or authority of the government, using violence or intimidation against people, and conspiring with foreign or external forces. Subsequently, the government detained and prosecuted elected representatives and thousands of peaceful protesters, eliminated civil society groups and independent labor unions, and dissolved the most popular pro-democracy newspaper, among other measures.

Expanding on the 2020 law, the Beijing-controlled legislative council passed a new national security law in March 2024, further weakening the remaining freedoms in the city. The law aims to silence dissent both in the city and globally by prohibiting acts that, in the government's eyes, threaten the security of the Chinese regime. It punishes peaceful speech and civil society activism with heavy prison sentences, expands police powers, and weakens due process rights for Hong Kong residents and businesses. Authorities argue that the 2024 law fills the gaps in the Beijing-enacted law of 2020, and only affects "an extremely small minority" of disloyal residents to prevent the reoccurrence of the massive anti-government protests of 2019.



National Security Education Day in 2021, Source: The State Council Information Office The People's Republic of China



Legislative Council votes for National Security Law in 2024, Source: Radio Free Asia

Suppression of Pro-Democracy Sectors

Restriction of Academic Freedom

Student unions and activists' vocal role in the 2019 protests made them a prime target under the National Security Law. All student unions disbanded by April 2022. Security Secretary Christopher Tang stated in a Legislative Council hearing that student unions "have wantonly instilled among students improper values and disseminated false or biased messages in an attempt to incite their hatred against the country and the [government], or even advocated the resort to violence and acts for political ends."

The 2020 National Security Law has also impacted faculty and staff, as is evident in the case of Rowena He, an associate professor at the Chinese University of Hong Kong who published on the Chinese democracy movement in 1989. She was fired from her professorship after authorities denied her visa renewal application, preventing her from returning from an academic fellowship abroad. The gravity of change in Hong Kong universities is apparent in the drastic exit figures, with over 20% of students dropping out in the 2020-21 academic year, which is part of a more significant brain drain. Hong Kong's Academic Freedom Index has notably dropped over the past decade, ranking 0.69 out of 1 in 2013 and 0.24 out of 1 in 2023.

Weakening Freedom of the Press

Hong Kong's press freedom has significantly dropped since the passage of the 2020 National Security Law, plummeting from 73 in 2019 to 140 in 2023. The case of Jimmy Lai, a media tycoon, pro-democracy advocate, and former owner of Apple Daily, demonstrates the erosion of civil liberties and the dissolution of the freedom press in Hong Kong. Police forces raided Apple Daily's offices, froze its funds, and charged Lai with sedition and "collusion with foreign forces" under the National Security Law. Prosecutors described Lai as "the mastermind and financial reporter at the highest level of command of the syndicate." He has been imprisoned since December 2020 and faces up to life in prison. Lai pleaded not guilty to the charges, and United Nations human rights experts called on China and Hong Kong to drop all charges and immediately release him.

Government officials have at times published documents suggesting restrictions on social media platforms like Facebook, YouTube, Telegram, and Signal. However, Secretary Justice Paul Laum insisted that under the 2024 law, there is no intent to ban any social media: "What we are targeting are the use, abuse, or misuse of these tools to spread speech that can endanger national security... We are not targeting social media per se." Several popular platforms, including Facebook, Instagram, WhatsApp, and X, are blocked in Mainland China for regular users but remain accessible in Hong Kong.

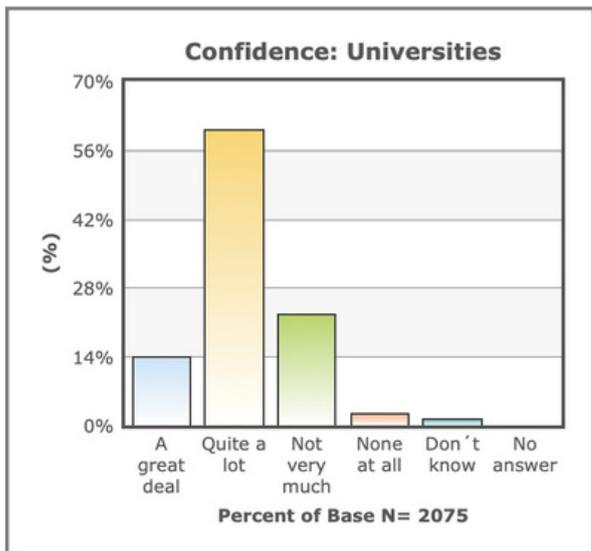
Electoral Overhaul

In line with China's Communist Party's broader efforts to remold Hong Kong following the 2019 mass protests, pro-Beijing loyalists overhauled the electoral system to advantage "patriots" loyal to Beijing. The number of directly elected district council seats was reduced by 80%, with all candidates required to undergo national security screening and secure nominations from the government appointment committee. Consequently, the Pan-democratic Party did not register a single candidate, and 90% of the elected candidates sat on the committees that decided who could compete. The unsurprising victory for major pro-Beijing parties marked the lowest voter turnout in Hong Kong since its handover from the British in 1997. The Chinese government declared that the election demonstrated that Hong Kong is a "real functioning democracy." However, many citizens viewed these elections as illegitimate because authorities have intimidated, disqualified, or jailed opposition leaders and parties.

In 2023, the government charged 47 Democrats with subversion for holding an unofficial primary for the Legislative Council in 2020. By forcing out Democrats from the Legislative Council, authorities have smothered the last remaining official channels for voicing dissent, making it easier to pass controversial laws without opposition. While legislators have always had limited power, they are responsible for approving the government's budget, examining public concerns, and passing a motion to impeach the Chief Executive if charged with a severe breach of law or dereliction of duty.

Public Opinion

The below graphs display descriptive summaries of public opinion surveys related to democracy and advocacy in Hong Kong. They draw on data from the World Value's Survey Wave 7: 2017-2022. Analysis also includes references to similar World Values Survey Data from Taiwan, to give a sense of comparison with another regional population with a tense relationship to Mainland China.

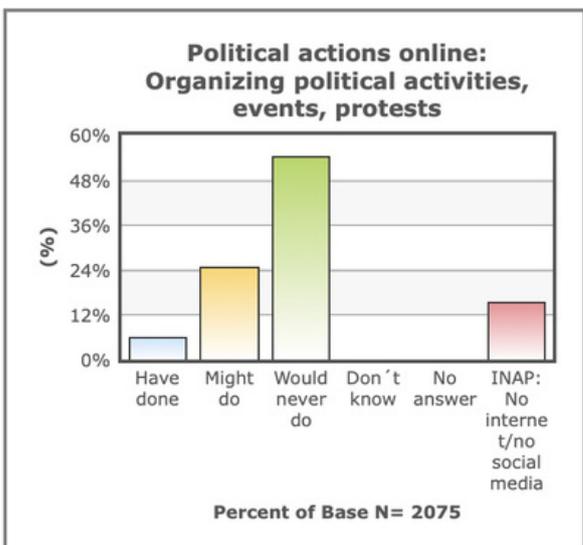
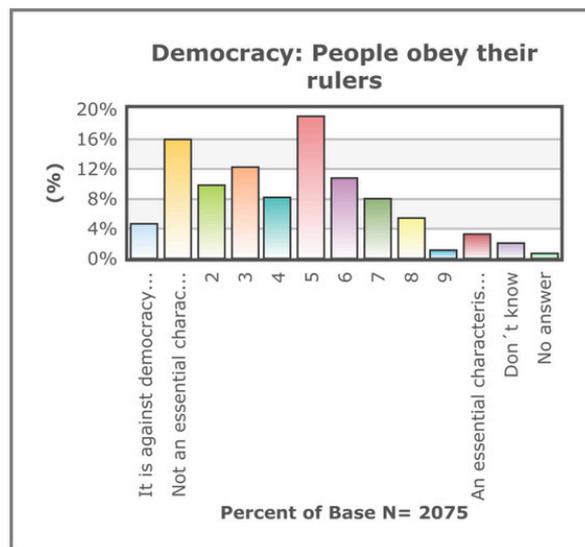


Confidence in Universities

Universities have been a hub of protest in the country, and maintain high popular approval. An overwhelming majority of Hong Kongers express a great deal or quite a lot of confidence in universities. The survey revealed a similar pattern in Taiwan. Specifically, 9.2% of Taiwanese and 14% of Hong Kongers reported having “a great deal” of confidence, while 62.5% of Taiwanese and 60.1% of Hong Kongers indicated “quite a lot” of confidence. A smaller proportion, 23.7% of Taiwanese and 22.6% of Hong Kongers reported “not very much” confidence, and only a negligible percentage, 2.9% of Taiwanese and 2.2% of Hong Kongers, expressed “none at all” confidence.

Democracy and Obeying Leaders

Hong Kongers do not give obedience to rulers as an essential characteristic of democracy. On a 0-10 scale, very few fall into the top three categories of agreement with that statement, while the second largest segment responded with a 1, indicating “Not an essential characteristic of democracy.” Taiwanese and Hong Kongers show parallel results, with an average of 4.46, in other words just below the middle point of the scale.



Online Political Actions

In spite of the high potential costs of engaging in online dissent, healthy percentages of Hong Kongers report either having engaged in such activities or considering doing so in the future. These numbers in Hong Kong are consistent with the role of social media in recent protest movements. These results stand far above those in Taiwan, which is interesting considering how closely the populations match each other in the data analyzed above. 0.8% of Taiwanese and 5.7% of Hong Kongers “have done political actions online; 10.8% of Taiwanese and 24.6% of Hong Kongers “might do” political actions online; 88.4% of Taiwanese and 54.3% of Hong Kongers “would never do” political actions online.

Spotlight: 2019 Protests & 2020 National Security Law



Police storm Hong Kong University in response to student's sieging the campus in 2019, Source: NewsWeek



Protestors occupy Hong Kong International Airport in 2019, Source: The New York Times



Protestors urge world leaders to support them at 2019 G20 Summit, Source: CNN



Police launch 'anti-violence hotline' under the National Security Law in 2020, Source: Hong Kong Free Press



Authorities arrest and charge pro-democracy media tycoon Jimmy Lai in 2020 under the National Security Law, Source: CNN



Police arrest protestors following the passage of the 2020 National Security Law, Source: EuroNews

Monitoring the Future of the Democracy Movement

Human Rights Observers

Hong Kong Watch

Founded in 2017, Hong Kong Watch is a charity registered in the United Kingdom that works closely with Hong Kong community groups in the diaspora. Through a combination of in-depth research reports, regular topic briefings, opinion editorials, media briefings and interviews, and advocacy campaigns, Hong Kong Watch informs and educates legislators, policymakers, and the media, raising awareness about the violations of human rights, fundamental freedoms, and the rule of law in Hong Kong. It advocates for actions to assist Hong Kongers, empowering them through civic and political education and community engagement, and demonstrating the power of collective action.

Hong Kong Centre for Human Rights

Founded in 2022, the Hong Kong Centre for Human Rights is a human rights organization that informs the world of the latest human rights, legal, and political developments in Hong Kong. It facilitates public discourse in Hong Kong by monitoring and examining human rights according to international standards.

Amnesty International

Founded in 1961, Amnesty International is a global non-governmental organization with more than 10 million members committed to uniting people with shared humanity and detailed research on human rights abuses, oppressive laws, and political prisoners. In Hong Kong, Amnesty has documented wide-ranging official bans on peaceful protests and imprisonment of democracy activists, journalists, human rights defenders, and others on national security-related charges.

Human Rights Watch

Founded in 1978, Human Rights Watch is an international non-governmental organization comprising roughly 550 country experts, lawyers, journalists, and others working to protect the most at risk. Human Rights Watch reports that the 2024 Hong Kong National Security Law is a full-scale attack on rights, with authorities harshly criminalizing peaceful association, assembly, and activism anywhere in the world, threatening severe penalties and obstacles to individuals and organizations that violate the ordinance.

Conclusion

Hong Kongers, who once enjoyed significant civil liberties and the rule of law under their local Constitution, the Basic Law, now find themselves in a drastically different situation. The 2020 National Security Law effectively undercut these democratic ideals, and 2024's legislation continued this trend.

Countries including Japan, Taiwan, Australia, the United States, and the United Kingdom released official statements condemning the passage and implementation of these National Security Laws. China accused Western governments of slander, describing Britain as hypocritical. Despite the condemnation of international governments and organizations, the prospects of Hong Kong's pro-democracy movement are likely dim, at least in the short term.



Chinese and Hong Kong Flags fly near surveillance cameras in Hong Kong.
Source: The Japan News

Further Reading

Blanchette, J. (2020). Ideological Security as National Security. Center for Strategic and International Studies (CSIS).

<http://www.jstor.org/stable/resrep27056>

Chan, M., Caruso, P., Hearty, G., Kennedy, P., Kumar, S., Lee, B., Obermeyer, H., Metheny, N., & Wyne, A. (2020). Hong Kong and Taiwan: Two Davids Facing a Chinese Goliath. In B. S. Glaser & M. P. Funaiole (Eds.), *Perspectives on Taiwan: Insights from the 2019 Taiwan-U.S. Policy Program* (pp. 16–21). Center for Strategic and International Studies (CSIS).

<http://www.jstor.org/stable/resrep29479.6>

Davis, M. (2022). Hong Kong: How Beijing Perfected Repression. *Journal of Democracy*, 33(1), 100–115.

Hong Kong: Country profile. Freedom House. (n.d.). <https://freedomhouse.org/country/hong-kong>

KWONG, Y.-H. (2016). The Growth of “Localism” in Hong Kong: A New Path for the Democracy Movement? *China Perspectives*, 3 (107), 63–68. <http://www.jstor.org/stable/44090472>

Ma, N. (2015). The Rise of “Anti-China” Sentiments in Hong Kong and the 2012 Legislative Council Elections. *China Review*, 15(1), 39–66. <http://www.jstor.org/stable/24291928>

Maizland, L., & Fong, C. (2021, February 17). Hong Kong’s freedoms: What China Promised and How It’s Cracking down. Council on Foreign Relations. <https://www.cfr.org/backgrounder/hong-kong-freedoms-democracy-protests-china-crackdown>

Pandey, I., & LAW, N. (2021). HONG KONG, DEMOCRACY IN PERIL: INTERVIEW WITH NATHAN LAW. *Harvard International Review*, 42(2), 58–61. <https://www.jstor.org/stable/27275703>

Ping, Y. C., & Kin-ming, K. (2014). Hong Kong Identity on the Rise. *Asian Survey*, 54(6), 1088–1112. <https://doi.org/10.1525/as.2014.54.6.1088>

Teeratanabodee, W., & Wasserstrom, J. (2024, January). How Repression (and Protest) Gets Repeated. *Journal of Democracy*. <https://www.journalofdemocracy.org/online-exclusive/how-repression-and-protest-gets-repeated/>

Wan Chan, D. S., & Pun, N. (2020). Economic power of the politically powerless in the 2019 Hong Kong pro-democracy movement. *Critical Asian Studies*, 52(1), 33–43. <https://doi.org/10.1080/14672715.2019.1708019>

Wong, J. (2020). HONG KONG’S INTERNATIONAL FRONT LINE: RISKS AND OPPORTUNITIES. *Journal of International Affairs*, 73(2), 261–268. <https://www.jstor.org/stable/26939983>

YUEN, S. (2015). Hong Kong After the Umbrella Movement: Art Uncertain Future for “One Country Two Systems.” *China Perspectives*, 1 (101), 49–53. <http://www.jstor.org/stable/43392965>

ZHU, H. (2019). Beijing’s “Rule of Law” Strategy for Governing Hong Kong: Legalisation without Democratisation. *China Perspectives*, 1 (116), 23–34. <https://www.jstor.org/stable/26663901>

About the Center for Asian Democracy

The mission of the Center for Asian Democracy, established at the University of Louisville in 2006, is to promote research and teaching about democracy and the prospects for democratization in Central, South, Southeast, and East Asia. Through publications, conferences, workshops, visiting scholars programs, colloquia, and research projects in Asian countries, the Center creates a forum for studying political dynamics in this vital region. The Center is led by Dr. David Buckley, Paul Weber Chair of Politics, Science and Religion, and Associate Professor of Political Science at the University of Louisville.

About the Author

Taylor Martin is a Graduate Research Assistant at the University of Louisville pursuing a Master of Arts in Political Science. Her academic interests include democracy, social change, youth advocacy, and comparative politics. This past Fall, she worked as a Voter Empowerment Contractor for Kentuckians for the Commonwealth, focusing on youth voter engagement. Taylor has a personal connection to Hong Kong, living there as a young girl from 2001 to 2006.

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