

Election Watch for the Digital Age



Hong Kong

Preelection assessment

Legislative elections set for December 2021

December's Legislative Council (Legco) elections will be the first since prodemocracy candidates overwhelmingly won district council elections during antigovernment protests in 2019, dealing a blow to the legitimacy of the Chinese Communist Party. Beijing responded to the challenge to its rule by imposing a restrictive National Security Law (NSL) in June 2020 and major changes to the electoral system in March 2021. As a special administrative region within China, Hong Kong is led by a chief executive selected by a small committee of politically loyal elites, and a legislative body where a minority of members are chosen through direct elections. Under the new system, only 20 out of the 90 seats will be directly elected (compared with 35 of 70 previously), corporations and professional groups will elect 30 members, and the unelected Election Committee will send 40 of its members. All candidates must undergo a screening process conducted by Hong Kong national security police and a government-appointed body. These changes are intended to ensure the pro-Beijing camp consolidates control and make it likely that the opposition camp (comprised of prodemocracy and localist parties) will be eliminated during the screening process. The election was initially scheduled for September 2020 but postponed purportedly due to the COVID-19 pandemic, even though pandemic-related deaths were relatively low.

The upcoming Legco election could be a catalyst for further restrictions on internet freedom and human rights in Hong Kong, as people may protest Beijing's increased control over the territory in the run-up and aftermath of the polls. Hong Kong's previously vibrant media and civil society face increasing restrictions after the passage of the NSL and a ban on demonstrations ostensibly due to public health. Several civil society organizations have been disbanded or face national security investigations under the NSL, and authorities charged 47 people with "conspiracy to commit subversion" for taking part in a primary election for prodemocracy candidates in July 2020. Authorities have jailed many prodemocracy activists, former Legco members, or district councilors and others fled into exile, significantly reducing the potential pool of candidates. Credible information about candidates, the elections, and the broader political environment may not be available, and self-censorship may impact debates, opinion polling, and electoral coverage.

Freedom House has identified the following as key digital interference issues to watch ahead of election day:

- **Cyberattacks:** There have been numerous cyberattacks linked to the Chinese state, originating in China, or from unidentified actors on websites and platforms used by protesters and civil society in Hong Kong. Telegram and LIHKG.com, used by protesters to organize and communicate online,

suffered massive distributed denial-of-service (DDoS) attacks during the 2019 protests. The Amnesty International Hong Kong office, local universities, and Android and iOS users in Hong Kong were targeted by malware. Candidates, prodemocracy supporters, journalists, digital media sites, and civil society organizations face further cyberattacks to disrupt campaigning, information sharing about the elections, and the organization of protests.

- **Arrests and prosecutions for online activity:** The 2019 prodemocracy protests sparked an expansion of prosecution for online activity, a pattern that is likely to carry into the electoral period. Authorities prosecuted individuals using a range of provisions, including “conspiracy to commit a seditious act” and “conspiracy to incite others to commit arson.” Use of the NSL ahead of the election is particularly concerning, as it includes charges that could potentially impose life sentences for online activities. Several prodemocracy activists have already been arrested under the NSL on charges ranging from subversion and secession to “colluding with foreign forces” for pro-independence statements or calls for international sanctions against Hong Kong officials on Facebook and Twitter. A new electoral law passed in May 2021 criminalized inciting someone to spoil or leave blank their ballot; analysts worry the law could be used to target online organizing. Candidates, their supporters, and the general public discussing the elections or civil disobedience strategies related to the polls face a high risk of arrest for online activity. In May, the government announced plans for new bills on doxing and “fake news,” which may lead to further arrests for online activity.
- **Blocking websites:** In January 2021, Hong Kong authorities blocked access to a website for the first time, justifying the move under the NSL. Since then, four more websites, all with Taiwan-based IP addresses, have been blocked, though two sites became accessible after three days. Some had clear links to the protest movement, such as the site of a Taiwanese church that raised donations for Hong Kong protesters, but the others were websites of Taiwan’s ruling party, a military recruitment platform, and the transitional justice commission. Websites—including news sites—or social media platforms are at risk of being blocked for hosting content that calls for protests during the electoral period, supports particular candidates, fundraises, or criticizes the electoral process and Hong Kong and Chinese governments.
- **Content removal:** In February 2021, Radio Television Hong Kong (RTHK), the public broadcaster that has increasingly fallen under government control, removed of all its content older than one year on YouTube and Facebook, a significant erasure of news information produced for the public ahead of the election. In 2019, Apple removed an app from its app store that was used to track police movements during the protests under pressure from the government. Google removed a separate app related to the protests for violating its policy of “capitalizing on sensitive events.” Facebook has removed several popular pages run by prodemocracy and pro-police groups without explanation. The elections may trigger further removal of online media content and increased pressure on tech companies to remove content.

Hong Kong has a score of 48 out of 100, with 100 representing the least vulnerability in terms of election integrity, on Freedom House’s Election Vulnerability Index, which is based on a selection of key election-related indicators. The score reflects a controlled electoral system, limitations on political organizing and assembly, and restrictions on free expression, both online and offline. The territory is rated **Partly Free** in *Freedom in the World 2021*, with a score of 52 out of 100 with respect to its political rights and civil

liberties. Please visit the Hong Kong report in [Freedom in the World](#) to learn more about this annual assessment and the [China Media Bulletin](#) for ongoing monitoring of media and internet freedom in Hong Kong.