

Executive Summary

1. The Bauhinia Foundation Research Centre has commissioned the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong to conduct an independent survey to gauge public opinion on the current situation on the rule of law in Hong Kong and to facilitate data-driven research on the rule of law in Hong Kong. A total of 1,008 and 1,005 Hong Kong residents aged 15 or above were successfully interviewed through telephone by random sampling during the surveys conducted from 26 October to 10 November 2017 and from 8 November to 19 November 2018 respectively. Weighting adjustments based on the mid-year populations for 2017 and 2018 provided by the Census and Statistics Department were applied to the sample data so that the findings could reflect the actual situation in Hong Kong and tally with the age-sex distribution of the Hong Kong population (excluding foreign domestic helpers).
2. The survey examined the respondents' opinions on the rule of law in Hong Kong from the following perspectives: (1) assessment of different aspects of the implementation of the rule of law in Hong Kong; (2) assessment of the satisfaction level with the general situation of the rule of law in Hong Kong; (3) views on controversial issues relating to the rule of law; and (4) evaluation of the awareness of the rule of law on the part of Hong Kong people and respondents themselves.

Key Findings

(1) Assessment of different aspects of the implementation of the rule of law in Hong Kong

Respondents tended to be positive about all ten aspects of the implementation of the rule of law

3. As to the assessment of different aspects of the implementation of the rule of law in Hong Kong in the two rounds of surveys (rated from 0 to 10, with 0 = not implemented at all; 5 = half-half; and 10 = fully implemented), the mean scores for all aspects of the implementation were above '5', reflecting that the public was generally positive about the different aspects of the implementation of the rule of law in Hong Kong.
4. Results of the two rounds of surveys showed that if the ratings were ranked in descending order, the respondents thought that the implementation of aspects of the maintenance of law and order and the facilitation of economic development were satisfactory, including

'maintenance of law and order and safety', 'anti-corruption', and 'facilitation of economic development by the legal system'. Those aspects that were related to the protection of basic rights and the enforcement of the legal system were ranked in the middle, including 'protection of the basic rights of individuals', 'equality before the law', 'effective enforcement of regulations', and 'judicial independence'. The implementation of those aspects related to politics and government administration were deemed to be relatively less satisfactory, including 'Hong Kong judicial issues were to be handled and resolved on its own', 'government openness', and 'prevention of the abuse of power by the government'.

Statistically significant differences in ratings were found among different age groups, places of birth, and political inclinations

5. Sub-group analyses were made in the two rounds of surveys between respondents' socio-economic backgrounds and their ratings of different aspects of the implementation of the rule of law in Hong Kong. There were statistically significant differences in ratings on the implementation of the various aspects of the rule of law among different age groups (the older the age, the higher the rating), places of birth (the ratings of those who were born in the Mainland were obviously higher than those who were born in Hong Kong) and political inclinations (the ratings of those who favoured the pro-establishment camp were higher than those who favoured the non-establishment camp).

More respondents regarded 'judicial independence' as the most important aspect of the rule of law

6. Among the ten aspects related to the rule of law, results of both rounds of the surveys indicated that more respondents regarded 'judicial independence' (2018: 19.7%; 2017: 19.4%) as the most important aspect of the rule of law. This was followed by 'equality before the law', 'Hong Kong judicial issues were to be handled and resolved on its own', 'maintenance of law and order and safety', and 'protection of the basic rights of individuals'. Discrepancies of percentage between 'judicial independence' and other aspects were remarkable, showing that Hong Kong people attach great importance to 'judicial independence' in Hong Kong.

(2) Assessment of the satisfaction level with the general situation of the rule of law in Hong Kong

Some 35% of the respondents were satisfied with the general situation of the rule of law in Hong Kong

7. Findings of the 2018 survey showed that 34.5% of respondents considered the general situation of the rule of law in Hong Kong

satisfactory, while 27.5% regarded it as unsatisfactory. In the 2017 survey, the percentages of those who considered it satisfactory and unsatisfactory were 36.1% and 27.3% respectively. In both surveys, the percentage distributions were quite similar and the percentages of those who were satisfied were slightly higher. In addition, it was observed from the cross-tabulation analysis that respondents who were aged 55 or above, born in the Mainland, working or in some other non-working status (e.g., homemakers or retired), or who favoured the pro-establishment camp were more satisfied; while those who were aged 15 to 24, born in Hong Kong, students or who favoured the non-establishment camp showed a lower level of satisfaction.

(3) Views on controversial issues relating to the rule of law

Some 48% of the respondents disagreed to the statement that 'breaking the law for reasons of social justice is acceptable'

8. When the respondents were asked if they agreed to some controversial issues related to the rule of law, the results of the two rounds of surveys showed that more respondents disagreed (2018: 48.9%; 2017: 47.5%) than agreed (2018: 20.2%; 2017: 23.1%) to the statement that 'breaking the law for reasons of social justice is acceptable'. On the other hand, conflicting views were held when the respondents were asked about the statement that 'the judicial review system is being abused'. The percentages for 'agree', 'half-half', and 'disagree' were all at about 30% respectively (2018: 32.3%, 30.1%, 32.7%; 2017: 31.3%, 29.9%, 32.2%).

About 54% of the respondents agreed that people were 'obliged to obey the law'

9. A new question on whether people were 'obliged to obey the law' was asked in the 2018 survey. The results found that while 54.4% of the respondents agreed to the statement, 12.8% disagreed. This shows that most people believed that they were 'obliged to obey the law' even if they were dissatisfied with some laws.

(4) Evaluation of the awareness of the rule of law on the part of Hong Kong people and respondents themselves

Some 36% of the respondents thought that Hong Kong people's awareness of the rule of law was inadequate

10. The respondents were asked if Hong Kong people's awareness of the rule of law was adequate in the 2018 survey. The findings showed that only 20.2% of the respondents thought that it was adequate, 36.1% believed that it was inadequate, and 41.1% replied with 'average/half-half'. Hence, the respondents were inclined to believe that Hong Kong

people's awareness of the rule of law was only fair or even inadequate.

Some 41% of the respondents thought that their awareness of the rule of law was adequate

11. However, the respondents' evaluation of their own awareness of the rule of law was apparently better. Some 41.4% of the respondents opined that their awareness of the rule of law was adequate. The percentages of those who replied that it was 'inadequate' and 'average/half-half' were 22.5% and 34.9%, respectively. It appeared that respondents considered their own awareness of the rule of law was much higher than that of Hong Kong people in general.

Concluding Remarks

12. In summary, the public's assessment of the implementation of the rule of law in Hong Kong was generally positive. In both rounds of surveys, there were no statistically significant differences, but those dimensions of the rule of law relating to politics and government administration had lower scores. They included 'Hong Kong judicial issues were to be handled and resolved on its own', 'government openness', and 'prevention of the abuse of power by the government'.
13. The above results require the Government's attention. If the public believes that judicial problems in Hong Kong cannot be handled and resolved on its own, and that the degree of openness shown by the Government is insufficient, or even that the Government abuses its power, this may weaken the public's perception and assessment of the rule of law in Hong Kong.
14. Judicial independence has always been regarded as the cornerstone of the rule of law. According to the two rounds of survey findings, respondents were generally regarded judicial independence as the most important aspect of the rule of law. The rating of this aspect was significantly higher than that given to other aspects of the rule of law, indicating that the public attaches great importance to judicial independence. Therefore, ensuring that Hong Kong's judicial system will not be intervened by other institutions or organisations will help maintain the perception of judicial independence and increase public confidence in the justice system and drive public perception of the rule of law in Hong Kong more positive.
15. In both surveys, respondents' levels of satisfaction towards the general situation of the rule of law in Hong Kong were rather similar. About 35% of the respondents considered the general situation of the rule of law in

Hong Kong satisfactory, while about 27% regarded it as unsatisfactory. The public's assessment of different aspects of the implementation and satisfaction level with the general situation of the rule of law, and views on controversial issues relating to the rule of law were analysed from the respondents' socio-economic backgrounds. Statistically significant differences in ratings were observed among different age groups and political inclinations, reflecting that divergent views remain considerably in Hong Kong society. In the future, when examining in-depth the perceptions of the rule of law of Hong Kong people, it would deem necessary to take into account age differences and political divides.

16. To uphold the rule of law in Hong Kong, both the Government and the citizens must respect the rule of law. Two questions were newly added in the 2018 survey to understand the public's awareness of the rule of law. Although the survey results showed that more respondents considered their own awareness of the rule of law 'adequate/very adequate', the corresponding percentages were less than 50% on the part of Hong Kong people and respondents themselves respectively. Therefore, how to raise Hong Kong people's awareness of the rule of law is an issue of great concern to the Government and the members of the public.
17. Finally, it should be emphasised that the rule of law is the core value of Hong Kong society and a crucial factor in maintaining Hong Kong's long-term competitiveness. A sound legal system and independent judiciary help build a stable and harmonious society, as it allows people to live and work in peace and contentment, and provides a favourable business environment for enterprises, hence ensuring economic sustainability.

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