

'Looking North': Hong Kong Images of Mainland Law and Order

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Abstract

Where Taiwan has democracy, Hong Kong people have legal rights and the rule of law. However, since the 1997 retrocession of Hong Kong to Mainland China, Hong Kongers have feared that their way of life is threatened by the looming chaos of crime that is Mainland China. The territorial border is now a mere 'boundary'; Hong Kong's legal institutions have proved a weaker defence than hoped. Supplementing these defences, local people have erected a new, cultural frontier, in the form of ghost stories, rumours and graphic reports of what happens to those who cross into the liminal space between Hong Kong and Mainland China.

Introduction

At 11.30 a.m. on 24 August 2000, Yu Man-hon, a 15 year-old autistic boy with a mental age of two, ran away from his mother at Yau Ma Tei MTR¹ station in Hong Kong. The family had just eaten *dim sum* in Yau Ma Tei and were returning home when Man-hon ran off. Somehow, he made his way to the Lo Wu checkpoint, crossed the border into Mainland China and disappeared. Ten years later, his parents still search for him; a photograph of Man-hon and the details of his disappearance is still to be found on the Hong Kong Police Missing Persons website.

The failure to re-unite mother and child 'happily ever after' makes this a cautionary tale of the kind told to children to ensure they never stray. As one Hong Kong reporter wrote at the time,

Everyone seems to have a theory about Yu Man-hon. On the day he ran away from his mother at Yau Ma Tei MTR, he disappeared into the world of speculation. During the course of writing this, I heard the following possibilities: that he had fallen into the hands of gangsters who were forcing him to beg in another province (Hubei, Guangxi, Yunan, take your pick); that his organs were about to be taken from him and sold unless his family paid a ransom; that he was eking out an

¹ The MTR (Mass Transit Railway) is the Hong Kong underground system connecting to Kowloon Canton Railway (KCRC) trains taking passengers across the Hong Kong/China Border at Lo Wu.

existence in various towns in Guangdong. Many people said with conviction, he must be dead, but that too is just a theory. There is no proof of anything about Man-hon's life beyond the moment when Hong Kong immigration officials sent him... across the border to Shenzhen... in the belief that the mainland was a place where a boy who couldn't speak, and who urinated in and threw food around an interrogation room belonged. (*South China Morning Post* 4 March 2001)

Another wrote:

As a result of this systematic laxity, Man-hon was handcuffed to prevent him hurting anyone and handed back to the Shenzhen Immigration Department, which assumed its duty was done when it dumped him in the street. In a city where street children are so common, that may not have been an unexpected response but it is hardly caring... (*South China Morning Post* 22 September 2000)

Once handed over to the Chinese side, Man-hon was unable to retrace his steps. He became, instead, stranded in a twilight zone, the liminal space that is the Hong Kong/China border, known neither to be alive nor dead. His mother, however, still searches for him:

In the dreams, he is with us, together and happy like we were in the past. But when we wake up and find it was just a dream, the pain is just unbearable... We miss Man-hon very, very much. We miss him more whenever there's a typhoon or the weather is hot, worrying if he is sick, has a place to hide or food to eat. (*South China Morning Post* 25 August 2001)

Yu Man-hon Disappears

Despite his disabilities and the fact that he possessed no travel documents, Yu Man-hon managed to cross the border at the Lo Wu border checkpoint. Mainland officers on the Chinese side intercepted the boy at 1.47 p.m. He seemed to them to be mentally disturbed. He was dressed like a Hong Kong resident and, they said, he 'did not respond when their staff spoke Putonghua but made some response when they used Cantonese' (*South China Morning Post* 22 September 2000). Subsequently, they asked their Hong Kong counterparts to verify his identity and returned him to the Hong Kong side. Here, HKSAR² Immigration officers conducted a 65-minute interview with him:

When an officer asked Man-hon in Cantonese and Putonghua his name, nickname and address, he got no response. A search was then conducted... He noticed that the boy's wrists bore marks of being handcuffed before, apparently. His belly carried some rashes, the lower part of his legs bore some scars and his feet were dirty... A senior officer then took off the boy's clothes and checked his shoes to see whether there was anything that might suggest the boy's identity. They found the boy was not wearing underwear and the trademark label on his T-shirt had been removed. His rubber shoes, according to the knowledge of the immigration officer

² Hong Kong Special Administrative Region.

and senior immigration officer, were of a well-known brand in the Mainland...officers later changed their approach, praising the boy about his clothing and asking his favourite TV programmes and singers...like Wah Chai [Andy Lau], Gi Gi and Kwok Fu-shing, etc. Again, the boy showed no response at all... Man-hon was served with a lunch box and a can of coke. He became impatient and stood up, messed around and intended to rush out of the room... [he] became emotional and impulsive when officers tried to stop him, swinging his hands around, kicking his legs and spitting at them... The officers then handcuffed Man-hon to a chair and the boy was said to have calmed down. When the officers tried to get a response from him by using simple words such as 'dad', 'mum' and 'water', Man-hon did not follow and only uttered sounds like 'ah' and 'naughty' when he urinated on his chair. (*South China Morning Post* 22 September 2000)

The HKSAR Immigration officers concluded that Man-hon could not possibly be a Hong Konger, refused to allow him back into Hong Kong and, at 7.05 p.m., returned him to the Mainland. The last person to see him, a Mrs Chan, later told a Radio Television Hong Kong (RTHK) phone-in programme:

'He walked through the counter, an officer stood up and shouted at him and a few other officers were also alerted...I could tell from his appearance that he was mentally disabled. I followed him to the Shenzhen border, thinking he must be lost and wanted to find his family'... Man-hon was finally stopped by a mainland official when he tried to pass through the Shenzhen immigration controls. 'They grabbed him and he struggled. I shouted in Putonghua, 'He has problems, don't hit him!'" Mrs Chan said the Shenzhen officials later asked her to leave. She said dozens of people must also have witnessed the drama... 'My heart sank. I saw someone who badly needed help, but I didn't know how to save him.' (*South China Morning Post* 1 September 2000)

An Immigration Department inquiry in the HKSAR subsequently revealed that both the Shenzhen officers and at least one of the HKSAR officers had suspected that Man-hon was 'mentally handicapped' (*South China Morning Post* 22 September 2000). Another inquiry, by the Ombudsman, identified four main blunders:

- The immigration channel supervisor at Lo Wu failed to report that a person had crossed the checkpoint illegally earlier in the day;
- The immigration officer who interviewed Man-hon had failed to abide by departmental guidelines on the handling of mentally handicapped people;
- Immigration officers had returned Man-hon to Shenzhen without paying adequate attention to the consequences of the fact that he was mentally handicapped;
- Although Man-hon's mother had reported her son's disappearance to Kowloon East's Missing Persons Unit earlier in the day, a police inspector at the New Territories Regional Command & Control Centre had failed to circulate details of Man-hon's disappearance, despite being tasked to do so

almost an hour before Man-hon was sent back to Shenzhen. As a result, no information about his disappearance was available to the Immigration officers when they did seek police help in identifying Man-hon.³

At the end of their interview with Man-hon, one of the Immigration Officers had stated that the boy 'was similar to a mentally handicapped person and could not communicate in a normal and clear way' (*South China Morning Post* 22 September 2000). Though Immigration Department guidelines required that professional help and/ or an independent adult (e.g. parent, guardian) be employed when the interviewee appeared to be 'mentally impaired', (*South China Morning Post* 22 September 2000) no help was sought.

Crucial moments were lost in the initial days of the search for Man-hon. The boy disappeared on 24 August, but it was not until 28 August that the Immigration Department contacted the Mainland authorities to try and re-locate him. On 31 August, the Chief Executive contacted the Mayor of Shenzhen to seek assistance; on the same day, the Secretary for Security contacted the Director General of the Guangdong Provincial Public Security Bureau (Liang Guoju) to ask for help in searching other Mainland cities outside Shenzhen (LEGCO Security Panel 2004).

In Hong Kong reporter Frank Ching commented on the 'cold hearted indifference' towards the vulnerable, most visible in Hong Kong's treatment of Mainlanders (*South China Morning Post* 25 January 2003). The Immigration Department was accused of 'discrimination, of 'lax attitudes and prejudices', its officers having assumed that a boy whose clothing seemed 'too cheap for a Hong Kong youth' must hail from the Mainland (*South China Morning Post* 17 December 2000). The Police likewise were criticized for their 'disdainful attitude towards Mainlanders'. Cyd Ho Sau-lan, a LEGCO member, said 'This also shows the officers judge people from their looks. The boy did not wear famous brands but was in very casual dress, therefore he was treated this way...' (*South China Morning Post* 24 September 2000). A public opinion survey at the end of September 2000 reported that 66 per cent of the public placed the blame for Man-hon's disappearance entirely on the Immigration Department, whilst 64 per cent thought that the Immigration Department discriminated against handicapped people, as well as people from Mainland China (*Singpao Daily* 25 September 2000).

A BBC interview with the Yu family also linked Man-hon's fate to wider criticisms of Hong Kong immigration officials' treatment of those they suspected of being illegal immigrants ('IIs') (BBC News 31 August 2000). Pejorative stereotypes of 'IIs' were widespread in Hong Kong, depicting Mainlanders as rough 'country bumpkins', ignorant and uncouth compared to their fashion-conscious, sophisticated Hong Kong compatriots.

Mrs Yu complained that vulnerable persons such as Man-hon, being 'unproductive' members of society, were regarded with indifference by the Hong Kong government. By contrast, Hong Kong schoolchildren made cards of support for the Yu family. The press speculated about Man-hon's fate as a vulnerable person trying to 'survive on the streets' of a lawless Shenzhen. Experts argued that 'seeking survival' was 'a basic instinct' and that Man-hon did not need to be

³ Executive Summary Ombudsman's Report available at http://www.ombudsman.gov.hk/conclude/2001_04_01.doc.

intelligent to find food, stay warm, and find shelter. He might fall down, drown, be assaulted or 'get ill by eating food which is dirty. But as long as he's in places with people he should be okay as I believe it's a Chinese tradition that people will offer help' (*South China Morning Post* 6 September 2000). Mrs Yu believed that Man-hon was still alive and 'may try to go out to look for food when there are fewer people in the streets' (*South China Morning Post* 1 November 2000). She believed that Man-hon 'knew the way home' but had become trapped in the no-man's land of the border.

Betwixt and Between

Man-hon disappeared in the seventh month of the Chinese lunar calendar – the time of the Hungry Ghost (*Yue Lan*) festival, when restless spirits are temporarily released from hell to wander the earth in search of sustenance.⁴ It signals a liminal time in the Hong Kong calendar. Spirits of the dead not yet incorporated into the afterlife are said to be caught by a thin thread to the society to which they once belonged. The festival reaches its peak on the 15th day of the month (August in the 'Western' calendar) 15 days after which the ghosts must return to the underworld. During this period, children are said to be particularly vulnerable to being drowned or snatched away; they are warned to return home early and not to wander around at night. To stop restless spirits making trouble, incense is burned and meals placed outside the home for the spirits to consume. Entertainment is offered to the 'hungry ghosts' – elaborate seating platforms and large bamboo and iron stages are erected in playgrounds and car parks for ghosts to watch performances of Chinese opera. Paper boats and lanterns are set to sail on water to guide lost ghosts and spirits home. Fake money (Hell bank notes), paper models of cars, computers, houses (with servants), plasma TVs, and mobile phones are all offered up to the dead spirits by ritual roadside fires.

Stepping over the threshold between Hong Kong and China at such a time, Man-hon stepped into a dangerously unstable zone between two worlds, slipping from the orderly safe world of Hong Kong into the chaotic world of Mainland China. By failing to 'reappear' in that other world, he remains permanently liminal, caught – as Hong Kong people are themselves caught – between two places, in transition, suspended in the space 'betwixt and between'.⁵ As liminals, they glimpse how things might be different – visions of utopian paradigms, inversions of the social order or, as Abbas (1997) writes in his account of Hong Kong at the moment of transition, 'reverse hallucinations'.

Sightings and Disappearances

Eighteen days after Man-hon disappeared, a half-naked boy who looked like him was found wandering in the Buji district of Shenzhen at 2 a.m. (*South China Morning Post* 10 September 2000) A month later, a 7 year-old mentally

⁴ For further details, see www.essortment.com/all/hungry/ghostfes.

⁵ For van Gennep, Turner and others, the term 'liminality' referred to a particular stage in a process of transition (often referred to as 'rites of passage'). The word 'limen' itself is Latin for 'threshold'. See also St John (2001), cited in Tilbury, Toussaint, and Davis (2005).

handicapped boy was found at Yau Ma Tei MTR, almost three hours after escaping from his family's Shekkipmei flat whilst his mother was in the bath (*South China Morning Post* 1 September 2000). In late September 2000, a 10-year old boy without travel documents was found between the Lo Wu bridge and the SAR immigration counters; he was returned to Shenzhen only after the Social Welfare Department was called in to assist and the Shenzhen authorities were able to verify that he was a Mainland resident. Another autistic boy was found in Lo Wu after running away from his mother in Shekkipmei (*South China Morning Post* 20 September 2000). A 17 year-old girl (on medication for depression) disappeared in November 2000. A 72 year-old woman 'suspected of suffering from mental problems' was found in Beijing and returned to Hong Kong (*South China Morning Post* 20 September 2000). In November 2000, Chan Fong, an elderly Hong Kong woman suffering from dementia, was found by PSB officers wandering in Shanghai without any travel documents, the third time that month that an elderly Hong Kong person had been found wandering alone on the Mainland (*South China Morning Post* 18 November 2000). Though they could not communicate with her in either Cantonese or Putonghua, officials managed to establish that she was a Hong Kong resident; she had officially passed through Lo Wu on 6 November. How she had travelled to Shanghai was unclear. Having found her, officials were reluctant to let her go for fear that she would not be able to fend for herself, but Hong Kong officials hesitated to accept her back without first gaining the consent of her son, whom they could not trace.

Despite assurances of procedural changes following Man-hon's disappearance, such incidents continued to occur. In February 2001, a 22 year-old autistic man, Tsoi Wa-kau, was found in the departure hall on the Huanggang side of the border without any record of him having passed through Lo Wu. Mr Tsoi had apparently run away from a sheltered workshop near his home in Ma On Shan and boarded a bus to Dongguan. He was found the next day when Mainland border guards, thinking that he might be Man-hon, approached him. Although he carried no identifying documents and could not communicate clearly, he understood the complex Chinese characters used in Hong Kong. When Mainland authorities contacted their Hong Kong counterparts, the HKSAR police confirmed that they had received a missing persons report the previous day of a man answering his description. He was then returned to Hong Kong. In May 2001, a four year-old girl, Lee Lok-lam, 'almost staged a repeat of the Yu man-hon incident' when she ran away from her aunt in Hunghom KCRC station at 1p.m. and was found half-an-hour later, wandering the platform at Lo Wu (*South China Morning Post* 6 May 2001). Another 'mentally retarded' teenage girl without any identification documents was found wandering around the departure hall at Lo Wu with a rucksack on her back; no-one had reported her missing. After questioning, she was handed over to the police and admitted to a hospital for observation.

On Mother's Day 2001, the Hong Kong media reminded the public of the days Mrs Yu spent waiting for news, and of the toll taken on her as she trekked through Guangzhou searching in vain for her son. On the second anniversary of Man-hon's disappearance in 2002, there were reports that Ngan Yau-lan, an 82 year-old woman with senile dementia, had boarded a train in Kowloon Tong and disappeared. Her children reported her missing that evening and searched for her in Shenzhen. She had slipped through the Lo Wu checkpoint without travel documents

and was later found by staff at a bus terminus in Xiasha, more than 5 miles from Lu Wu on the Mainland side. According to her family:

When we went to Shenzhen, a Mainland immigration officer told us there was nothing he could do and blamed Hong Kong for letting her cross. On the Hong Kong side, an officer told us they had too many people crossing the border and losing a few was inevitable... It was so lucky some nice people found her and called us. If they hadn't, we could have lost her and she might never have come back (*South China Morning Post* 25 September 2002).

By spring 2001, the Hong Kong press was wondering whether Man-hon could still be alive. Children *did* survive on the streets of Shenzhen, but Mrs Yu said that many Mainlanders had told her that 'mentally disabled people are often collected and dumped in remote areas' (*South China Morning Post* 3 December 2000). Over the months searching in Fujian, Jiangxi, Guangxi and Hunan, she herself had seen nearly 2,000 mentally disabled children wandering the streets (*South China Morning Post* 8 March 2002). She had collected a box of photographs of such children:

There was an unkempt boy squatting in bushes in the middle of a highway, and another perched on a drain pipe in the middle of God knows where. There was a Polaroid from a PSB station of an adolescent, grinning vacantly, propped against a stained wall by an officer. There was, unforgettably, a photograph of a naked boy, like a wolf-child, with a couple of nonchalant hawkers loitering in the background... None was Man-hon but, to his mother, they could have been; the message they send us is that if these little wrecks can bob along amid the tide of Guangdong humanity, perhaps he can too... At Shawan we saw this: a poor lad, sitting on the ground inside the PSB compound, occasionally picking his teeth, his face blackly spotted with filth and some skin disease, unable to speak. When PSB officers asked him if he was Yu Man-hon, he had nodded; but if they had asked him if he was Marilyn Monroe he would surely have agreed in the same, uncomprehending way. Charles Dickens could have written about that lost child: he looked like a 19th century waif who had washed up in a concrete yard, in a concrete town, clutching several pieces of coconut and surrounded by a small crowd who stared at him as if he were a wild beast. He wasn't Man-hon, of course, but he must, once, have been someone's son: an unknown tragedy amid all the other desolate tales that have become part of this bigger story... (*South China Morning Post* 16 April 2002)

Against this background of a heartless and cruel Motherland, Mrs Yu emerged as a symbol of selfless motherly love. She travelled across the border each day at 7.30 a.m. to wait in a hotel room in Shenzhen, hoping to hear news; each evening, she returned home (*South China Morning Post* 4 January 2001). She spent each day:

wait[ing] by herself in a hotel room in Shenzhen. Her husband... works as a caretaker on a Kwun Tong estate and takes care of Yu-cho [Man-hon's brother] so he can make only occasional trips across the border. Her brother, Li Yuefang, spends every day searching for his nephew; he rings his sister with progress reports and she tells him about the latest apparent sightings, phoned in by the public. Some are crank calls, some might be genuine, but brother and sister have

to sift through them all because someone, someday, might call with the information that will lead to Man-hon... (*South China Morning Post* 4 January 2001).

In December 2000, Man-hon briefly disappeared again, this time from the Hong Kong papers (*South China Morning Post* 10 December 2000). However, his story continually resurfaces every year, around the anniversary of his disappearance in August, and at Halloween, when Hong Kongers tell ghost stories. Seven years after his disappearance, another autistic child, Tai Chi-kwan, aged 7, was spotted by three Hong Kong visitors as she wandered around a shopping centre in Shenzhen (Glory Plaza) more than 20 hours after she disappeared from Hong Kong (*Hong Kong Standard* 30 May 2007). Establishing the girl's identity was aided by the fact that she wore a Hong Kong school uniform and because her parents had already lodged Missing Persons reports with both the Hong Kong and Shenzhen police authorities. For the press, the incident 'revived memories of Yu Man-hon, an autistic boy who has been missing for almost seven years after he ran away from his parents at Yau Ma Tei MTR station and slipped across the border undetected... He has never been found since...' (*Hong Kong Standard* 31 May 2007).

To prevent further incidents, an overhaul of existing systems of surveillance was undertaken. Mrs Yu lent her voice to the call for a cross-border unit to establish what had happened to Man-hon, and to help others whose relatives had disappeared on the Mainland. The unit was established in January 2003. The Shenzhen-Hong Kong land Boundary Police Co-operation Scheme strengthened cross-border liaison and 'facilitated joint efforts on both sides in combating crimes at boundary areas' (LEGCO Security Panel 2004). However, complaints that the Mainland police extorted money from those they detained cut across the Scheme's endeavours to persuade Hong Kong people to report their victimization to Mainland authorities.

The Hong Kong police established a command control centre as a focal point for all government departments checking on missing persons; training was improved and information more readily disseminated. The force upgraded its computer system and initiated a new system of e-mailing missing person reports throughout Hong Kong. The Immigration Department announced that it would be spending HK\$134.8 million to improve border checkpoints, installing 114 security cameras. A LEGCO Panel called for 'enhanced sensitivity' on the part of public officials when dealing with persons with disabilities (mental or physical) and/or communication difficulties, so as to deal with them 'in a fair, just and sensitive manner' (LEGCO Security Panel 2004).

However, the roll-call of the lost and missing grew, as did complaints of official indifference. In April 2002, a 'mentally retarded' man was detained awaiting repatriation to China. Cheung Hoi-sang had sought right of abode in Hong Kong, one of a number of Mainland children born of Hong Kong residents to do so after 1997. The Immigration Department argued that it had detained him whilst considering his application because it feared he would otherwise abscond. As a result,

About 100 protestors ... stormed the Waterfront police station in Central to try to secure his release, and staged a sit-in outside Victoria prison in Central, where Mr Cheung was later transferred... His mother, Wong Yuet-yuen, who has visited her

son in jail, said 'He's terrified. His face is very pale. My heart broke when I saw him'.... [his lawyer] Mr Chan said ... 'he cannot be expected to fend for himself in China. He has never travelled alone in his life.' (*South China Morning Post* 16 April 2002)

In January 2002, Lee Shung, a partially senile, 'bewildered 71 year-old mainland tourist' was mistaken for an illegal immigrant and sent back over the border (*South China Morning Post* 5 October 2002). The man and his wife were Mainland residents, two-way travel permit holders who had come to Hong Kong to visit their daughter on the Tai Hing Estate, Tuen Mun. Mr Lee had become lost and was found wandering in Tin Shui Wai without travel documents or an identity card. The police mistook him for a Chinese illegal immigrant, held him in a detention centre and then repatriated him to the Mainland, where he was briefly detained in Shenzhen before being sent back to his home town. After his wife reported him missing, he was returned to Hong Kong. Whilst 'he did not suffer the fate of Man-hon', Hong Kong reporters (*South China Morning Post* 25 January 2003) wanted to know why officials had sent Lee across the border without verifying his identity. Such persons:

...face not only the depredations of criminals in our society, but are also potential victims of the forces of law and order... There is a dark side to Hong Kong, one that is not always visible except to the poor, the handicapped, the mentally impaired, the aged, the ill and the otherwise underprivileged – the most vulnerable members of our society. It is an uncaring attitude, a lack of sympathy for those less fortunate, which seems to characterise some of the people in power... (*South China Morning Post* 25 January 2003)

In Hong Kong, such stories encapsulate worries about border security, the degradation of public life, and a Motherland peopled by indifferent officials and greedy hoaxers.

The Socio-Political Context

The Yus were in many ways typical of the Hong Kong poor. Famously *laissez faire*, the Hong Kong government had only ever provided minimal social welfare for needy families. The post-1997 regime was less committed to welfare colonialism than the British. It also demonstrated 'a keen appreciation for models of patrician leadership exercised in Hong Kong during the sixties' (Turner 1994: 8), appointing senior Hong Kong figures to positions of power, shrinking the franchise and adopting a highly-centralized, top-down, executive-led approach to governance. Post-1997, the gap between rich and poor widened; unemployment rose, social welfare was a lower priority than it had been for the British (always answerable to the UK Parliament for their treatment of the Hong Kong Chinese). The Tung administration pursued policies of more direct benefit to the Hong Kong elite than to its grassroots.

The Yus were grassroots Hong Kongers. Their difficulty in looking after Man-hon was typical of many Hong Kong families caring for the disabled or elderly. In a city dominated by a discourse of 'bootstrap capitalists' and *laissez faire*, self-reliance was valorized and state support for the weak minimal. The poorest elderly lived in

'caged dwellings'; hospital staff routinely restrained the mentally disabled by tying them to their beds (one woman, trapped by a strap across her neck, was strangled when she fell out of her bed). At home, some families' only option was to restrain dependant family members.

The Yus found themselves in exactly such circumstances. Mrs Yu suffered from muscular dystrophy after contracting polio when she was three. Caring for Man-hon tested her endurance – diagnosed as autistic when he was 2 years-old, he was unable to speak, sometimes overactive, strong, and sometimes violent; he also enjoyed running away, seeing it as a game of 'chase' (*South China Morning Post* 31 August 2000). She did her best:

It is like a war every time I take him out. I have to repeatedly tell him not to run away and to stick close to me. But sometimes he won't listen and we end up having a tug-of-war in the street. I used to be on my knees on a busy road begging my son not to run away as I could not catch him up (*South China Morning Post* 31 August 2000).

She tried to discipline Man-hon with rules and punishments:

...When he ran away, I would scold him loudly and when he didn't go to the toilet properly, I would make him clean up... Sometimes I wanted to beat him, but I simply couldn't. When I got angry and spoke loudly, he would come close to me and kiss me. (*South China Morning Post* 31 August 2000).

To keep Man-hon safe, she routinely locked the doors to their 20th floor flat, but:

Man-hon was always trying to escape. A key hangs on a long ribbon near the kitchen. When Man-hon and his mother came home from school every day, she locked the front door immediately and hung the key round her neck. She made sure the windows were fastened. She had a nightmare that Man-hon would run away and she would never find him... he went missing for several days in 1998. He came home from school as usual with his mother, and as she put down her bag and reached for the key he slipped out and ran. That night, he was found hiding in a private housing estate in Ma On Shan; the residents thought he was an illegal immigrant and he was taken to the ... hospital, but it was a week before the police got round to telling his mother where he was ... At the beginning of the summer Man-hon bolted in Lok Fu MTR station. The police found him, hours later, sitting in McDonald's in Diamond Hill. When he ran away from Yau Ma Tei station on... August 24th... the first clue Yu had that he might be on the Mainland came when a friend told her she'd glimpsed him on the Chinese side of the border the following day (*South China Morning Post* 17 December 2000).

Mrs Yu's story was one with which many Hong Kongers could empathize. Her experience of government touched a raw nerve in Hong Kong society of the time. Facing increasing criticism, in October 2000, the LEGCO (Hong Kong Legislative Council) Security Panel took the unprecedented step of publishing two internal reports (by the Police and the Immigration Department) into Man-hon's disappearance; both recommended changes (LEGCO 2000). Publication, the

Government argued, was 'in the interests of transparency and public accountability' (LEGCO 2000). It was also aimed at mitigating wider public dissatisfaction with the Tung administration. In 2000, the New York Times had christened Hong Kong the 'City of Protests' due to the frequency of mass street demonstrations. These would culminate in the massive 1 July 2003⁶ march through Hong Kong by 500,000 people, creating 'the worst governance crisis to date... [and] widening the political gap between Hong Kong's government and citizenry' (Cheung and Wong 2004: 894).

Opinion polls showed that Tung enjoyed lower popularity than the last British Governor, Chris Patten. His administration was even 'more colonial' elitist, more closed, more remote and less democratic than the British (Vickers 1999; Cheung and Wong 2004; Goodstadt 2000), even more 'skewed in favour of the 'business' sectors' (Cheung and Wong 2004: 882). Embarrassingly, in June 2000, *AsiaWeek* even rated Hong Kong's top tycoon, Li Ka-shing, the most powerful man in Asia; China's President, Jiang Zemin, came second (*Sunday Morning Post* 18 June 2000).

Hong Kongers were feeling disillusioned with their new rulers. There was a prevailing air of deep pessimism about the city. The promise that Hong Kong people would rule Hong Kong was seen as hollow, whilst a series of administrative fiascos had deepened the public's lack of confidence in the government. The Avian flu and SARS crises, the humiliation surrounding the new airport's opening, the Department of Justice's lame refusal to prosecute Sally Aw, the exemption of the New China News Agency from Hong Kong law, and the Government's failure to defend the Court of Final Appeal (CFA) against Mainland interference had all served to dent confidence in the rule of law, the territory's defining characteristic (see below). Poor handling of the Asian Financial Crisis also raised doubts about the 'performance legitimacy' of a government without a democratic mandate (Huntington 1991). The Man-hon incident exemplified this weakness of leadership and indifference to the plight of ordinary people.

Turning to 'Uncle Tung'

The Tung administration was also characterized by 'a reinforced paternalism, more 'Confucian'... [with] less accountability downwards... more caution and conformity upwards... Uncle Tung's paternalistic, patronising style and his top-down, executive-led government echoed an older colonial era, but it suited the new sovereign 'very nicely' (Vickers 1999: 6). A 'Confucian values' campaign in Hong Kong emphasized conservative Chinese culture. Chinese culture 'study groups' sprang up throughout the public sector from the police to the civil service; a new Commission was established to promote Chinese culture and, in at least one university, the study of Chinese culture was made compulsory. This campaign, coupled with the active promotion of Putonghua, reinforced the sense that Hong Kongers own main language and culture (Cantonese) were inferior to those of their new 'colonial' masters.

⁶ 1 July is the anniversary of Hong Kong's retrocession to China, and as such has become a significant occasion for protest.

Concomitantly, the deliberate dismantling of the many channels of grassroots communication established by the British since the 1970s reduced opportunities for the expression of grassroots grievances. An increase in street protests was one consequence. But the revival of Confucian paternalism also meant that 'Uncle Tung' himself came to be seen as the ultimate locus of power. In the manner of subjects petitioning their imperial Emperor, it was to Tung himself that Mrs Yu now turned for justice.

In October 2000, following a request by Mrs Yu for more support in the search for her son, the Government agreed to set aside around HK\$200,000 to pay for notices about the boy's disappearance, to be placed in the Mainland media (*South China Morning Post* 3 November 2000). At the same time, an anonymous donor offered a HK\$1 million reward for information leading to his recovery (*South China Morning Post* 1 November 2000). Other social organizations set about raising funds to support the search. In September 2000, the *Singpao Daily* argued that the search for Man-hon could be divided into three parts: the Mainland Public Security 'gave labour'; Hong Kong 'rich men donate money'; and the Yu family 'gave sweat' (*Singpao Daily* 4 September 2000).

For the Yus, the money was welcome but, they argued, the failure of Government to provide support sooner had harmed their chances of finding Man-hon in the first few days after his disappearance, when several sightings had been reported. As one correspondent to the *South China Morning Post* put it, 'All that these parents needed was a little help from people who are supposed to be leaders and organisers' (*South China Morning Post* 10 December 2000). Others demanded that someone be held accountable:

It would be reasonable to expect that after such an incident a concerted effort would have been made to bring those responsible to account and to take clear, precise and transparent measures to ensure that such a travesty would never happen again... perhaps the Government could tell us who shall be held accountable over the Yu Man-hon tragedy and what specific measures the Hong Kong Government... has taken to ensure such an incident will never happen again. (*South China Morning Post* 30 August 2001)

One implicitly critiqued the post-1997 administration: 'I am sure that if this boy had come from a family belonging to the 'elite' of Hong Kong society, the Government would not be absolving itself of responsibility in this matter' (*South China Morning Post* 6 September 2001).

The Tung administration seemed deaf to these criticisms. The Yus were left to print and distribute their own missing persons posters, travel to and from Shenzhen every day, conduct the search and foot the bill. Over the years, they juggled their jobs and other family commitments with searching the streets of Shenzhen, Zhuhai and Dongguan. In 2001, it was reported that Man-hon's father was even considering early retirement, cashing in his pension in order to fund the costs of finding his son (*Apple Daily* 21 August 2001).

Meanwhile, whilst the Ombudsman's report had identified systematic errors and recommended disciplinary action, in July 2001, the Civil Service Bureau's internal disciplinary inquiry cleared all those involved of negligence and unprofessional conduct. A public outcry followed. James To Kun-sun, acting chairman of the

LEGCO Security Panel, expressed shock at the discrepancy between the two sets of findings and pressed the administration to give a public account (*South China Morning Post* 18 July 2001). In late July the Civil Service Bureau took the exceptional step of releasing a summary of its report (Civil Service Bureau 2001). The strong public reaction to its findings threatened to undermine public confidence in the civil service, hitherto regarded as a cornerstone of Hong Kong's stability.

Responding to the acquittal of the Immigration Officers, Man-hon's parents said that they did not wish to see them lose their jobs as they too had their own families: 'we just want justice to be seen to be done'. The real responsibility, the Yus felt, lay with the Hong Kong government:

...They said there were many missing children on the Mainland. I know many children go missing on the Mainland. But it's not us who took Man-hon there. He has gone missing because of a series of mistakes by the SAR and Mainland authorities. Had they kept Man-hon at a reception centre instead of releasing him in Shenzhen on his own, he could have been found by now. (*South China Morning Post* 28 April 2001)

Tung Chee-hwa came in for particular criticism. A month after Man-hon's disappearance, Mrs Yu had written to Tung seeking urgent help in the search for her son:

My poor boy has been lost and left on his own for a month now. We have terrible visions of bad things happening to him every night in the past month... Please make use of all channels of communication with mainland authorities to come up with any possible way to get him back. (*South China Morning Post* 22 September 2000)

Apart from a brief 15 minute meeting following this request, Tung was reported not to have 'spoken a word to the Yu family' until another petition was handed to him in 2001. In between, Mrs Yu unsuccessfully requested several meetings. In April 2001, she asked to meet Mr Tung and Regina Ip Lau Suk-ye, Secretary for Security. According to the press, Mrs Ip was said to be too busy; Mrs Yu was advised to go home. Mrs Yu then staged a protest sit-in outside Government headquarters (*South China Morning Post* 19 April 2001). Mr Yu returned home to look after their other son, leaving his wife to camp outside the government offices all night before he re-joined her in the morning. Then:

Yu Man-hon's parents submitted a petition to Chief Executive Tung Chee-hwa yesterday after waiting for three hours from 7 a.m. outside the Central Government Offices. Mr Tung talked briefly to the parents and promised to arrange for someone to meet them after taking the petition letter at about 10 a.m. But the couple had to wait until about noon before Mr Tung's special assistant, Chan Kin-ping, met them for about 30 minutes... Yu Wai-ling said she was disappointed with the attitude of the Government. 'The government is very insincere. They're playing around with us. Mr Tung said he would arrange for someone to meet but later I was asked to leave, and told that Mr Chan was out... When I insisted on meeting Mr Tung they asked me to wait for Mr Chan, who was in a meeting. When I met him, he just kept

recalling what the Government had done to help find Man-hon. But what's the use of talking about this?' (*South China Morning Post* 25 August 2001)

Tung, who had made Confucian paternalism a trope of his administration, finally held a 10-minute meeting with Mrs Yu and assigned two aides to liaise with the Mainland authorities in the search for Man-hon. On the anniversary of Man-hon's disappearance in 2001, Mrs Yu wrote a second letter to Tung:

Do you still remember? A year ago today, the Hong Kong Government handcuffed my son with a pair of handcuffs used for criminals and forced him to leave his birthplace – Hong Kong... The fate of the boy was changed on that day... the child has suffered for a year. His parents have also suffered the pain for a year. (*South China Morning Post* 24 August 2001)

Mrs Yu tried to present another petition to Tung in May 2002 but, after a three-hour wait, he failed to appear (*South China Morning Post* 22 May 2002).

Five years after Man-hon's disappearance, in September 2005, Mrs Yu reiterated her feeling the family had 'very much been on our own all these years.' She said the government had done little to help them: 'they keep saying they sympathise with us out in reality they do very little to help us' (*South China Morning Post* 1 August 2005). According to one report, immigration officials at the border had even mocked Mrs Yu when she tried to use the counters for disabled people at Lo Wu in order to cross the border faster on her daily trips to Shenzhen to look for Man-hon (*South China Morning Post* 3 December 2000).

Interviewed in 2007, Mrs Yu said that, 'Just like any other mother' she would 'not give up the search for my child until and unless I see his body'. She continued to visit the Mainland 'the minute any possible information on Man-hon is received'. She also continued to write to the Chief Executive in the hope that he would press the Mainland government to help with the search (*South China Morning Post* 3 December 2000).

Ho Hei-wah, Chair of the Human Rights Commission, called the Man-hon case 'the most serious mistake I have ever heard of... The Immigration Department has not treated the boy as a human being. Any person with minimal conscience would not have abandoned a child in Shenzhen, especially if he cannot express himself' (*South China Morning Post* 30 August 2000). Highlighting the systematic failings of the Tung administration, he argued that, 'It is not just about having Tung Chee-hwa make a call to the Shenzhen mayor. The officials have to work out concrete plans to search for the boy' (*South China Morning Post* 2 September 2000).

The Yus thus joined the growing ranks of people with grievances against the HKSAR administration (*South China Morning Post* 12 September 2000). Their plight symbolized a more generalized experience of one of the most powerful arms of government, indexed by a catalogue of human rights abuses and violations:

Lawyers and human rights experts argue that the incidents are not just isolated blunders but point to inherent problems in a department with too much authority... A Human Rights Monitor report submitted to the UN Committee Against Torture... received allegations of 'verbal abuse, threats, duress, improper pressure, unlawful isolation, denial of access to the telephone, misrepresentation of the options

available, extraction of signatures by lies or mental pressure, having papers signed without letting the victims know the nature or content of the document, denial of bail and unnecessary or unjustified detention, discrimination towards certain minorities or nationals.' (*South China Morning Post* 12 September 2000).

Right of abode claimants⁷ detained by Immigration officials were reportedly woken in their cells in the middle of the night by having torches shone in their eyes, asked to sign unexplained documents, and subject to strip-searches (*South China Morning Post* 12 September 2000). Such incidents indicated a culture of abuse of vulnerable people by powerful government officials, exactly the kind of problem which the rule of law was supposed to remedy.

Justice and The Rule of Law

The rule of law had served the Yus poorly. Government officials, when they did eventually acknowledge their failures, did so out of court. The Commissioner for Immigration apologized to Man-hon's parents, admitting that his Department had been wrong to make such a mistake. A senior Immigration Officer visited the Shenzhen hotel (Yu Wai-ling's base during her search) to apologize to her. According to the press, he told her that 'Even if we have to say sorry 1,000 or one million times, we'll do it' (*Mingpao Daily* 24 September 2000). However, Yu Wai-ling herself said that she still had not received a direct apology from Tung, and was disappointed with the attitude of officials.

In December 2001, following advice, the Yus resorted to official legal channels for righting wrongs committed by public officials, submitting a High Court writ seeking justice from the police and Immigration departments, and/or compensation from the HKSAR (*Singpao Daily* 31 December 2000). Mrs Yu reportedly accused the Hong Kong Government of 'coldness and apathy... the high ranking officials [treating] this disabled child like dead grass... something worthless, ground down into bureaucratic dust and blown away' (*South China Morning Post* 4 March 2001). Security Bureau officials contested the family's claim for damages for negligence (*South China Morning Post* 4 January 2001), but in 2003, the parents received an offer of HK\$1 million compensation, which they rejected. In 2006, it was reported that they had eventually accepted a HK\$2 million out of court offer (*Singpao Daily* 1 January 2006).

Such out-of-court settlements typically include the proviso that liability is not admitted. In a Hong Kong increasingly anxious about the erosion of rule of law, this was seen as yet another instance of the legal system favouring the rich and powerful over the poor and powerless. The rule of law is to undemocratic Hong Kong what democracy is to Taiwan: the key signifier of its identity and its difference from Mainland China. The rule of law offered Hong Kong people legal rights instead of political rights, legal accountability rather than political accountability. It was conceived principally as promising justice and fairness, equality before the law, a restraint on the arbitrary exercise of executive power, an ability to call government

⁷ Since 1997, a series of cases had progressed through the legal system contesting the right of certain categories of Hong Kong residents to 'right of abode' status.

officials to account, and the maintenance of a level playing field in a society hitherto characterized by corruption, cronyism and nepotism.

China's poor reputation in this regard had long engendered fears that the independence of the judiciary and the impartiality of the courts would be compromised. A hyper-vigilant public was quick to spot the slightest sign of this. In the mid-1990s, a row broke out over China's opposition to the number of foreign judges appointed to the HKSAR's Court of Final Appeal (CFA). The presence of foreign judges on the CFA was seen as a means of preventing Hong Kong becoming 'like China'. In 1997, another row erupted when Immigration Officers complained on a radio phone-in programme that a People's Liberation Army General, General Zhao, insisted on crossing the border without the requisite papers. As one of them put it, 'even the Governor' had in the past been required to present the proper papers. University students brandished the slogan, 'It matters if you are never so high, no-one is above the law'.

Further signs of erosion generated a public outcry. In 1998, the Chinese News Agency, *Xinhua*,⁸ escaped sanction for its breach of Hong Kong's 1995 Personal Data (Privacy) Ordinance regarding the production of information held on Legislative Councillor Emily Lau Wai-hing; the son of a leading judge escaped prosecution for a drugs offence; and when the Secretary for Justice, Elsie Leung, explained that her Department had decided that it was 'not in the public interest' to prosecute pro-China media figure Sally Aw, she faced the accusation that 'some people' were clearly above the law (Gittings 2007).⁹ Leung was also criticized for her Department's failure to effect the repatriation from the Mainland of Cheung Tze-keung ('Big Spender') for crimes committed in Hong Kong. Cheung and his gang were subsequently tried and executed in Guangzhou. At the time, the case was seen as a 'chilling precedent' and Leung's 'refusal to seek the return of the suspects for trial in Hong Kong was widely portrayed as a black mark for the rule of law' (Gittings 2007).¹⁰

The 'Big Spender' case temporarily cast the Mainland in the role of 'Protector' of Hong Kong, ridding the territory of an arch-felon (something Hong Kong's own liberal legal system had failed to do). But the image of the Mainland coming to the rescue of Hong Kong was flawed. Hong Kongers already knew what to expect from

⁸Lau sought disclosure of the information held on her by *Xinhua*. The agency failed to comply within the stipulated 40-day time limit, a criminal offence under s.19 of the Ordinance. Lau subsequently sued *Xinhua* but lost her case in the High Court. No action was taken against *Xinhua* by the Department of Justice on the grounds that it was a 'state organ'.

⁹ Sally Aw, chairwoman of the Sing Tao Publishing Group, faced charges of circulation fraud at the *Hong Kong Standard*. Aw was a member of the Chinese People's Consultative Conference, and a friend of the Tung family. Whilst her co-accused were charged and convicted, Aw escaped sanction. A subsequent 'No confidence' vote by LEGCO regarding Elsie Leung was only narrowly defeated.

¹⁰ In 2001, two Hong Kong residents and a Mainland man were arrested in Guangdong for their involvement in the kidnapping and murder of an 11-year-old Hong Kong boy, Chan Chi-sin. The absence of a rendition agreement gave rise to uncertainty as to whether all three would be tried on the Mainland, whether the two Hong Kong residents would be returned to the HKSAR, or whether all three would be returned to Hong Kong to stand trial for an offence committed in Hong Kong.

the Mainland criminal justice system. Sentencing rallies were held, executions carried out and bodies burnt before grieving Hong Kong relatives had the chance to arrive. The Hong Kong media regularly carried photographs of criminals being paraded in public through Shenzhen streets prior to execution, of blood-spattered clothing and other personal debris strewn over Mainland execution grounds; occasionally, telephoto lenses captured the mass execution itself. Such images underlined the 'power to punish' those who offended within China's borders; the 'Big Spender' case was also an object lesson in the power to punish those who offended in the HKSAR.

Violence of the kind used against the 'Big Spender' gang can be 'immensely productive'. It authorizes 'war' against those who imperil the social order and justifies state monopolies over the means of coercion. The figure of the arch-felon serves 'as the ground on which a metaphysics of order, of the nation as a moral community guaranteed by the state, may be entertained, argued for, even demanded' (Comoroff and Comoroff 2006: 279). The status of villains such as 'Big Spender' and his gang as 'outlaws' and the state's response to them

underscores the fragility of order and gives focus to popular preoccupations with the threat of social meltdown ... Thus it is that, in their *imaginaire*, a metaphysics of disorder – the hyperreal conviction, rooted in everyday experience, that society hovers on the brink of dissolution – comes to legitimise a physics of social order... (Comoroff and Comoroff 2006: 280)

However, the sense that Hong Kong hovered 'on the brink of dissolution' owed as much to the nature of the Mainland criminal justice system as it did to fears of a break down in local law and order. Moreover, insofar as the territory 'hovered on the brink', it was the incursion into Hong Kong of Mainland crime and criminals which fuelled this scenario.

The 'Big Spender' case was thus a deeply ambivalent symbol. On the one hand, the Motherland was the benevolent sovereign rescuing Hong Kong from criminals. However, she had demonstrated that she could, if she wished, devour her wayward children as easily as succour them. Academic discussion at the time centred on the absence of a rendition agreement between Hong Kong and the Mainland. None of the pre-handover negotiations had addressed this crucial issue. There was, thus, a real danger that the same thing could happen again – Hong Kongers apprehended in China for a crime committed in Hong Kong could no longer depend on being repatriated for a fair trial. The 'Big Spender' case demonstrated a willingness by regimes on both sides of the border to manipulate this grey area of the 'one country, two systems' formula.

Unlike foreign observers, Hong Kongers had never envisaged China changing Hong Kong by putting tanks on the streets. Instead, they anticipated a gradual degeneration of their way of life. Initially, spirits were lifted by the 1999 Court of Final Appeal landmark judgment regarding the right of Mainland children to stay in Hong Kong. However, that judgment – hailed as a victory for the independence of the judiciary and the rule of law – was superseded when the government invited the Standing Committee of National People's Congress (NPCSC) to intervene, leading to the first interpretation of the Basic Law by the NPCSC and resulting in what Jacob has called a 'crisis by mistake' scenario (Hong Kong Transition Project 2006).

The case of *Ng Ka-ling v Director of Immigration*¹¹ provoked 'the worst constitutional crisis yet seen in the history of the HKSAR' (Gittings 2007). Whilst the Motherland intervened ostensibly to 'save' Hong Kong from chaos, her actions fundamentally undermined confidence in the territory and reminded Hong Kongers of China's preference for politics over law.

The NPCSC's 'reinterpretation' of the Basic Law tapped into local fears that Mainland illegal immigrants were 'swamping' local schools, hospitals, housing, undercutting local wages and taking local jobs. The media claimed that Hong Kongers were being crowded out of local maternity wards by Mainland women 'sneaking' into the territory to have their babies and therefore obtain right of abode; ruthless Chinese Illegal Immigrants ('IIs') were said to be the source of the rise in violent crime. The HKSAR government produced somewhat suspect statistics supporting the argument that an influx of 'right of abode' claimants would swamp Hong Kong's infrastructure.¹² Official projections in the Hong Kong Government Territorial Strategy Review in September 1996 estimated that the territory's population would grow from 6.3 million to 7.3 million in 2006. Less than a year later, in July 1997, the government forecast a rise of 30 per cent in the next 20 years, from just under 7 million to 8.21 million (Lau 1996). It also embarked on a 'zero tolerance' policy:

In April [1997] to signal their unwillingness to tolerate illegal immigration, 50 Hong Kong immigration officials, backed by police, fire fighters and social workers, returned to China a nine-year-old mainland girl who was smuggled into Hong Kong when she was one or two years old. Since January 1997, 1,400 illegal child migrants have been returned to China, compared with fewer than 100 during last year (Lau 1996).

The crackdown intensified as 30 June 1997 grew nearer:

Hong Kong – In the still midnight air, only the coils of razor wire pointing in the harsh yellow floodlights hinted at the divide between the vast poverty of China and the compact neon glitter of Hong Kong... Along the fence, in green camouflage fatigues and with a pistol strapped to his waist, the Hong Kong immigration inspector whispered into his radio to his ambush team ahead in the darkness... The inspector... explained 'Our job is to catch IIs'... Far from the border, in the shadow of the gleaming towers of Hong Kong's business district, Ching Hau-ngoh tries to puzzle out how to outwit Eng and his forces... her chances are diminishing. Arrayed against her are Hong Kong's armed police and, in China, more armed police recently added to the border fence. At the land border are the fences topped with razor wire and in the harbour, high-speed patrol boats... Like many thousands

¹¹ See *Ng Ka Ling and The Director of Immigration* (FACV No. 14 of 1998); [1999] 1 HKLRD 315; *Ng Ka Ling v Director of Immigration* (No. 2) [1999] 1 HKLRD 577; *Tsui Kuen Nang and The Director of Immigration* (FACV No. 15 of 1998); *The Director of Immigration and Cheung Lai Wah* (FACV No. 16, 1998) (29 January 1999); *Chan Kam Nga v Director of Immigration* [1999] 1HKLRD 304.

¹² In 1996, the Hong Kong government estimated that between 60,000-100,000 children were eligible to come to Hong Kong after 1997. See Lau (1996).

of people here... Mrs Ching, whose molasses-thick Chaozhou dialect betrays her Mainland roots, hopes to remain in Hong Kong and live here with her children. (*New York Times* 23 May 1997)

Local sympathy for the 'Ils' and the 'right of abode' children was now tempered by 'the overwhelming fear' that 'if there were no rules on immigration the territory's well-being would be jeopardized... 'There are thousands like them''. At least 90,000 Mainland-born children of Hong Kong parents were rumoured to be waiting to migrate to Hong Kong (*Hong Kong Standard Editorial* cited in Gargan 1997). A month before 30 June, reports spoke of 'a surge of illegal Chinese immigrants storming the territory's ramparts'. The 'Huddled Masses' of Chinese illegal immigrants were escaping from China to Hong Kong at the rate of 450 per day, 'putting a strain on Hong Kong's social system' (*Economist* 1996). Hong Kong was 'under siege'; children as young as 10 were said to be entering Hong Kong 'numerous times' to commit crime (*South China Morning Post* 14 September 1996). Hong Kongers were invited to envisage their city as swamped by backward country bumpkins, dirty, uncouth, avaricious, grasping and unfashionable 'Ah Charn' figures:

...often...portrayed as ignorant but essentially harmless country bumpkins, or as psychopathic criminals. In the former case, 'Ah Charn' is someone to be ridiculed, but also someone to be educated and assisted, and this image thus reinforces Hongkongers' sense of their own superiority. In the latter version, the portrayal of Mainlanders as objects of fear represents the threat that Hong Kong people see them as posing to their way of life... (Vickers 2005: 65)¹³

The Motherland would 'save' Hong Kong from this fate – at some cost. The CFA's decision in January 1999 in favour of the right of abode claimants made China 'see red' (Jacob 1999) The decision was lambasted as an 'intolerable attack on the authority of the highest sources of constitutional power in China' (Gittings 2007). Senior PRC officials informed the Secretary for Justice that the ruling needed to be 'rectified'. There were 'increasingly venomous attacks' by pro-Beijing bodies in Hong Kong (Gittings 2007). The Government itself claimed that the judgment would 'open the floodgates' to at least 1.67 million Mainland migrants. The independence of the judiciary, a core plank of Hong Kong's way of life, was now (re) presented to Hong Kongers as a threat to their own personal interests, and to the stability of Hong Kong.

Internationally, however, it was the attack on the CFA which was seen as the real threat to the rule of law. It unsettled commercial interests, for whom the independence of the Hong Kong judiciary underpinned business confidence in the territory, opening up the possibility that China might over-rule future court decisions of which it disapproved (such as judgments against Mainland business interests). The American Chamber of Commerce defended the CFA, stating that it considered 'the rule of law and an independent judiciary to be paramount to Hong Kong's status as a centre for international commerce and finance' (quoted in the *Financial Times* 24 February 1999). The head of the Washington-based Heritage Foundation

¹³ See also Leung (1992).

observed that the legal system had been rendered unpredictable, and that the law was 'up for grabs' (quoted in the *Financial Times* 24 February 1999). Locally, cartoons appeared in which the word 'Final' was crossed out in the phrase 'Court of Final Appeal' and replaced by the words 'Semi-Final'; the legal profession led a dramatic silent march against the NPCSC's intervention. There was, however, little doubt as to the ultimate outcome of this contest:

...A chastened court was by this time in no position to resist, accepting that it was bound by the NPCSC's unlimited power to interpret the Basic Law in *Lau Kong Yung v Director of Immigration* six months later... [the court's] rapid retreat was ... memorably described by Professor Jerome Cohen... as the court veering from being 'unnecessarily provocative' to the opposite extreme of having 'unnecessarily prostrated itself before Beijing' within less than a year. (Gittings 2007)¹⁴

In October 1999, in a related court case, over 200 protestors gathered outside the CFA building:

... some held banners... most listened intently to the arguments broadcast via a television link, even though they could not understand the English used. They have pledged to come every day until the hearing ends. Mrs Lui, 45, from Guangzhou said the court was her last hope: 'I started applying for a one-way permit to Hong Kong when I was five. Now 40 years have passed but I still do not have one. My elderly mother is very sick now. I want to stay to take care of her'. Eung Kit-kwai, whose husband has stayed in Hong Kong for less than seven years, said she had been fighting for the right of abode for her elder son from the Mainland: 'If he really cannot stay here, I will take him back to the Mainland. I want him to receive formal education instead of being an illegal immigrant... Now Hong Kong is under Chinese rule, I don't have much confidence. But of course we still want to try our luck. We will keep waiting' (Leung and Lee 1999).

In August 2000, a number of by now desperate right of abode protestors entered Immigration Tower, setting fire to flammable liquid (which they had intended to pour over themselves). Two immigration officers died and several protesters were badly injured. Whilst horrified by this violence, the realization also dawned on some Hong Kongers of the associated costs of the right of abode saga:¹⁵ a survey conducted in July 1999 showed the public's perception of the fairness of the judicial system to be at an all-time low (HKU POP 1997-2001).

Like the Yus, the right of abode children and their parents, felt let down by Hong Kong's bureaucratic and legal system. The Yus felt that the HKSAR government had done less than it could – or *should* – have to help. Neither the universalistic

¹⁴ See also Cohen (2000) and *Lau Kong Yung v Director of Immigration* [1999] 3 HKLRD 778.

¹⁵ Hong Kong television news, for example, carried a brief interview with a local woman carrying her shopping home from the market on a housing estate. She said that she did not want to see Hong Kong overrun with migrants but that she also 'felt sorry' for the rule of law.

rights of the law, the particularistic paternalism of Uncle Tung, nor the embrace of the Motherland had delivered them the justice they sought.

The Mainland's Response

Initially, the Yus found Mainland officials more helpful in their search for Man-hon. During a meeting with Shenzhen public security officials and two NPC delegates in March 2001, Mrs Yu was told that 'The officials... had children of their own and would do their best to help find her son' (*South China Morning Post* 7 April 2001). In January 2001, as the family marked Man-hon's 16th birthday, the Shenzhen PSB again pledged that it had not given up the search for Man-hon: 'Tens of thousands of officers' from Guangdong Public Security searched for Man-hon (*South China Morning Post* 8 January 2001). When, in November 2000, 23 Civil Aid rescuers volunteered to conduct a search in the hills of Shenzhen, they were welcomed by Mainland authorities as long as they remembered 'to abide by mainland laws' (*South China Morning Post* 23 November 2000).

According to the Shenzhen PSB, this kind of response 'had never happened before... To my understanding, it's the first time that such a large-scale operation has been conducted by the Public Security Bureau to find a missing boy' (*South China Morning Post* 5 September 2000). This bode well for cross-border co-operation. Over 7,000 Shenzhen Public Security Bureau staff combed the cities as well as remote rural areas (LEGCO Security Report 2004: Appendix B). Radio and television stations in Shenzhen and Guangdong – as well as China National Radio – appealed for the public's help in finding Man-hon. The Acting Assistant Director of HKSAR Immigration (Tang Man-kit) and Mrs Yu appeared together on Shenzhen television. Posters showing a black-and-white photograph of Man-hon were displayed on Mainland streets, buses, trains, border control points, as well as in Man-hon's favourite eating place, McDonalds. Shenzhen community organizations were mobilized. Chinese language paging companies in Hong Kong and on the Mainland disseminated information about Man-hon; Chinese websites carried the boy's details under the banner 'Missing in China' alongside Hong Kong and Shenzhen police and immigration phone numbers. The KCRC displayed posters about Man-hon at its rail stations; Shenzhen Transport Bureau did likewise. By October 2000, the Shenzhen Public Security Bureau was receiving on average 100 calls a day about Man-hon. Hospitals and 'centres for the mentally handicapped' were checked; China National Radio extended its broadcasts about Man-hon to Fujian, Guangxi and areas south of the Jiangxi River.

But the honeymoon was short-lived. In October 2000, Man-hon's father and a group of 13 relatives and reporters were detained for four hours by the Mainland authorities at a railway station in Jianxi province, *en route* to Shenzhen; the reporters were ordered to surrender their film (*South China Morning Post* 9 October 2000). Around the Lunar New Year 2001, Man-hon's uncle was 'almost attacked by a group of people with knives' when he went to check an abandoned housing complex in his search for Man-hon (*South China Morning Post* 4 March 2001). The Hong Kong press reported that Mrs Yu had received a less than enthusiastic response from China's political elite when she flew to Beijing to seek the help of then Premier Zhu Rongji and Hong Kong delegates to the National People's Congress. She was told it was 'inappropriate' for her to fly to Beijing, that the

Premier could not handle every petition, and that whilst officials in Guangdong were already trying their best to search for her son, the chances of finding him were slim. Mrs Yu was 'threatened by the Beijing Liaison Office and Shenzhen security officials that the search for her son might be suspended if she took the case to Beijing' (*South China Morning Post* 15 March 2001). Asked to comment on the case, the Guangdong Party Secretary, Li Changchun, said he 'had no idea who Yu Man-hon was' (*South China Morning Post* 15 March 2001). In Hong Kong, Beijing's response was interpreted as showing that the Mainland's liaison office was 'unwilling to help Hong Kong people to communicate with the central Government' (*South China Morning Post* 15 March 2001).

Mrs Yu persisted, sending a petition to the United Nations and to the-then British Prime Minister, Tony Blair, urging them both to pass on her request for help to the Chinese leadership (*South China Morning Post* 24 August 2001). In 2002, she met with the Deputy Director of the Guangdong Public Security Bureau, Zheng Shaodong, in the lobby of a hotel in Dongguan. According to the Hong Kong press, Yu Wai-ling 'knelt sobbing' in front of the Deputy Director, begging him to 'find me an answer, whether he's alive or dead' (*South China Morning Post* 23 May 2002):

After helping Mrs Yu to a seat, Mr Zheng took her petition letter and reassured her that Guangdong officials would continue to look for Man-hon...'Not only is Guangdong concerned about the case but so many other provinces and areas on the mainland... If he's here, we will find him'... (*South China Morning Post* 23 May 2002)

The promise went unfulfilled.

The Indifferent Father and Mother(land)

Finding both the HKSAR administration and the Mainland authorities increasingly unhelpful, the Yus appealed directly to the public. On 28 August 2007, the seventh anniversary of Man-hon's disappearance, Mrs Yu, aided by friends, made a YouTube video appealing to ordinary citizens of China and Hong Kong for help (Mrsyeunguk [Yu L. W.-L.] 2007). In November 2009, interviewed on an RTHK programme,¹⁶ she remained angry with the Government – though it had offered her compensation, her goal was not money but finding the truth. A tearful Mrs Yu said that the Government had not really helped her look for Man-hon. It had done little more than help her send some letters to the Mainland authorities and print some missing person posters. She felt it had not done anything more because she was only an ordinary citizen and the life of the underprivileged was cheap. If her son had been the son of Tung Chee-hwa, he would have been found. As it was, he was devoid of any value, an autistic, mentally retarded child who could not work and thus made no contribution to society – the government, she thought, did not esteem such people; it despised them and 'always looked down on disabled kids'. She wanted to know the truth about what had happened to her son, and until she did, she could not hold a requiem service for him, could not 'bring his soul back to Hong Kong'.

¹⁶ The programme can be viewed at <http://www.youtube.com/watch?v=JHiCQNEFQSk>

In China itself, the Yus received hundreds of hoax calls and ransom demands from people who claimed to have kidnapped their son (*South China Morning Post* 14 May 2001). One caller, who demanded 50,000 yuan, asked Mrs Yu if she had ever heard of organ transplants and whether it had ever occurred to her that this fate might befall her son (*South China Morning Post* 4 March 2001). Another wrote that he did not want to harm Man-hon, that it was her enemies who were doing this to her, and if she wanted her son to come home she must send 500,000 yuan (*South China Morning Post* 4 March 2001). Another said that if Mrs Yu wished to see her son alive again, she must send him one million yuan. After a fresh round of 'sightings' in 2002 Mrs Yu asked:

I have faced such hoaxes many times over the past year. How long do I have to endure such torture?... Such behaviour for cheating money was just so heartless – and it is just for a few thousand dollars (*South China Morning Post* 17 May 2002).

One caller claimed that Man-hon had been caught by Shenzhen police officers under a footbridge at Dongmen two days after his disappearance, detained at a police station for two days, starved, interrogated and beaten before he died in police custody and his body cremated (*South China Morning Post* 5 March 2001). A newspaper reported that Man-hon had

...hung around the railway station for a few days, where someone saw him being beaten with a broom while he begged at a noodle shop. Then the reliable sightings ended, and the crank calls – cruel, greedy, unforgivable, prompted by... a reward of HK\$1 million – began (*South China Morning Post* 17 December 2000).

In October 2000, the Hong Kong press highlighted the dangers posed by street beggars in Shenzhen:

Beggars in Shenzhen can be found in many places, such as places near the Lo Wu train station, outside big discos and nightclubs or near the border. Almost all Hong Kong people who have been to Shenzhen have experienced the nuisance caused by the beggars... some people pretend to be beggars and wander on the street for the purpose of collecting intelligence for the crime syndicates. Once they have chosen a 'target', they would snatch or rob their property... All these activities severely endanger the life and property of the Hong Kong people. (*Sun* 10 October 2000)

In September 2000, three weeks after Man-hon disappeared, the Hong Kong press carried a series of articles on the children begging and scavenging on the streets of Shenzhen. These highlighted 'the extent of the problem on Hong Kong's doorstep', estimating that there were at least 200,000 street children (*liu lang er tong*) in China, half of whom were orphans; others were runaways and/or the indigent children of migrant workers who flocked to Shenzhen in search of work (*South China Morning Post* 17 September 2000). At points of transit, such as the railway station and the border checkpoints, these children gathered to beg or scavenge for food left by tourists, accost strangers crossing the footbridge from Hong Kong to China asking

for money, sometimes acting in an aggressive fashion (*South China Morning Post* 17 September 2000). Mainland criminals were alleged to put children with physical or mental incapacities (such as Man-hon) on the streets to beg:

These criminals also kidnap children from different places in Mainland China, then beat them up so as to prevent them from resisting. The children are organised into begging syndicates. In each begging syndicate, there are 20-30 children... some child beggars are brought to Guangdong to beg by their parents because the amount of money that a child beggar can get in Guangdong in one year is the equivalent of 10 year's income for the family in their hometown. These beggars... are still required to pay 'protection fees' in order to beg in a 'territory' controlled by the crime syndicate concerned. The begging syndicates... each have their own territory... the police never deal with the problem seriously... [they] just tell the beggars to go away... they do not sincerely try to help Hong Kong people. (*Xin Bao* 3 September 2000)

As if to underline the particular dangerousness of the Shenzhen into which Man-hon had disappeared, another story from late August 2000 reported the discovery of a headless corpse in a Shenzhen park: 'The corpse was cut up into 16 pieces and put into two bags...' (*Mingpao* 27 August 2000). A 2002 report detailed the trial of four Mainland defendants charged with killing a Hong Kong man in Shenzhen city, cutting his body into pieces using steel saws and choppers, and throwing away the bags containing the body parts (*Wen Wei Po* 17 October 2002). Another report from 2003 described the discovery of an ex-convict arrested in Hebei province for 65 murders across China. Whilst the Mainland authorities imposed a news blackout on the story, a regional tabloid leaked it, dubbing the man the 'Monster Killer' (*South China Morning Post* 15 January 2003; original report in the *Yanzhao Metropolitan Daily* 14 November 2003). The Hong Kong press linked the story to another, concerning a couple arrested in Shenzhen on suspicion of killing 12 women who disappeared from a Shenzhen employment agency after seeking work in Buji Township (*Shenzhen Daily* 12 November 2003). Both stories were linked to a statement by Luo Gan, head of Mainland public security, admitting that the law and order situation was deteriorating despite the government's two-year long strike hard campaign (*yanda*).

Shenzhen: The 'Wild West'

Such stories fed fears amongst Hong Kongers that crime and corruption loomed just across the border, threatening Hong Kong's stability and reputation as one of the world's safest cities.¹⁷ The brothels and karaoke joints of Shenzhen were seen as the source of sexually-transmitted diseases and immoral behaviour. In Hong Kong, local men were reported as being lured by Shenzhen prostitutes, robbed and killed. In August 2000, shortly before Man-hon's disappearance, the *Apple Daily* reported that a Hong Kong lorry driver was stabbed by thieves at the border checkpoint, dying of his wounds. In September 2000, the paper reported that another three lorry drivers were beaten and stabbed at the Man Kan To Control Point. The

¹⁷See, for example, Mosher (1992).

deterioration in public order on the Mainland meant that 'no-one dares drive to the Mainland' (*Apple Daily* 14 August and 3 September 2000; *Sing Tao* 3 September 2000). The Hong Kong film, *The Six Devil Women* delivered a cautionary tale of local men tricked into picking up female hitchhikers in Shenzhen, only to fall victim to Mainland crime gangs. In September 2000, a month after Man-hon's disappearance, local papers carried another story of a Hong Kong man killed by a gang of more than ten people inside a Shenzhen disco, less than 100 metres from the Public Security Bureau office. The man was shot twice in a disco frequented by Hong Kong visitors:

... many Hong Kong people who were having tea at a hotel nearby were shocked by the poor public order in Shenzhen. They said they... would pay extra attention when visiting the Mainland in the future. The disco was located in Shennan Dong Road, where there are many discos and entertainment places. In recent years, due to the poor business environment, the discos have hired so-called 'lightheads', that is those with triad backgrounds, to recruit customers for them. Some of these people are Hong Kong triad members... [and] there are conflicts between them... killings happen often in the area, and some of the deceased are Hong Kong people [because] the 'lighthead' is responsible for recruiting Hong Kong people to come to Shenzhen for their entertainment. (*Apple Daily* 25 September 2000)

Shenzhen nightclubs were harbingers of danger for other reasons too. In September 2008, a fire in the *Wuwang* club claimed the lives of five Hong Kong victims, including three teenagers.¹⁸ A 2007 study also revealed that young adults from Hong Kong found it easier to obtain drugs at raves and discos in Shenzhen, where they were cheaper and arrest less likely (Lau, Tsui, Lam, and Lau 2007):

Shenzhen, China: Flash-lit by synchronized lasers, a nightclub heaving with Hong Kong teenagers vibrates to the latest dance hit as a pair cavort on the stage in the skimpiest of outfits... It's a typical Friday night but while many of the clubbers hail from Hong Kong the venue itself is not in their home city. Welcome to Shenzhen. Shenzhen is cheap, it's vibrant and it's close – and crucially for many of those who regularly make the weekend trip, it's a good source of recreational drugs... Club owners here target the Hong Kong market because they can afford higher entrance fees than local people and drinks that cost three times more... 'We have people who come late, stay until the early morning and go back to work the next day'. They also appear to appreciate easier access to illegal drugs... With police in Hong Kong frequently checking the clubs there, Shenzhen has become a better choice... (*ChannelNewsAsia.com* 2007)

Shenzhen was the 'wild west', a 'frontier' town, lawless and amoral, the mythical city of Brecht and Weill's 'Mahogany', 'an imagined city made of flesh, with Chinese characteristics...', full of prostitutes, destitutes, thieves, scam artists, touts, pimps, 'a gimcrack, shiftless, fly-by-night sort of place made from hideous jerry-built towers...' (Peter N-H 2006). Lo Wu's commercial centre was allegedly 'run by Chiu Chow...

¹⁸ The fire started when fireworks were set off inside the club as part of a pyrotechnic show (*South China Morning Post* 22 September 2008).

some of the 'bosses' look like they just stepped out of a Hong Kong triad movie, white suits and all' (sztaitai 25 April 2006).

One of the city's six main districts (Boan district) experienced 18,000 robberies in one year, eight times more than in all Shanghai (French 2006).¹⁹ The *China Daily* also reported that Guangdong 'suffered the highest occurrence of criminal cases, especially robbery-related cases, on the Chinese mainland' (*China Daily* 27 January 2005). In 2006, robberies in Guangzhou were reported to be running at 68 per day, leading to concern about the deterioration of safety on the streets amongst both the general public and high-level Party officials (*South China Morning Post* 30 August 2006). A series of 'shocking murders and kidnappings' led to reports in Hong Kong that Shenzhen was 'losing the fight against crime' (Ying 2004). Overall crime in Shenzhen had 'soared', serious crimes rising by 75 per cent, assaults by 38 per cent and murder by 35 per cent (*South China Morning Post* 14 February 2004). 18 Hong Kong people had been murdered in Shenzhen since 2001. In January 2005, a Hong Kong man was reportedly left brain-dead after being stabbed in the eye during a robbery in Shenzhen:

Ng Wai-keung, 41, was knifed in the left eye at Huanggang at 8 p.m. on Monday and taken to Futian people's Hospital for surgery. He arrived with a 15 cm dagger sticking out of his eye... Huanggang is a popular red light district in Shenzhen and is frequently visited by Hong Kong people. Crime is a serious social problem in Shenzhen. The authorities have blamed a lack of police officers and the huge floating population. (*South China Morning Post* 23 February 2005)

In June, another report documented an attack by four armed men on a Hong Kong man visiting a Shenzhen karaoke bar with his Mainland wife (near the border checkpoint at Huanggang). The savagery of attacks on Hong Kong targets was noted in the Hong Kong media (*South China Morning Post* 27 June 2005). In May, the former Vice-President of Phoenix TV and his family were found murdered in their Shenzhen home; two Hong Kong truck drivers were kidnapped late at night in June (*South China Morning Post* 8 June 2004). Figures for the first nine months of 2004 showed that there were 177 cases of Hong Kong people being robbed on the Mainland (*South China Morning Post* 25 November 2004). A string of crimes targeting Hong Kong people in 2004 prompted the Secretary for Security to warn Hong Kongers to be extra vigilant when travelling to China.

In stark contrast, in 2007, Hong Kong was rated the safest city in China (and the second most beautiful) (Li 2007).²⁰ Openness, clean government, a sense of fairness and a low crime rate were credited for its position as an international financial centre. There were signs, however, of the increasing 'gangsterization of Hong Kong public life' (Chan 2000). In August 1998, 'an outspoken radio broadcaster was seriously wounded by two assailants wielding carving knives... bringing back ugly memories of the leftist convulsions of 1967' (Chan 2000). In 2008, two leading Hong Kong lawyers were the subject of violent attacks and an alleged assassination plot. Major crime figures linked to triad activities in Hong Kong

¹⁹ Shanghai, with a population of 18 million, reported 2,182 robberies in 2004.

²⁰ Shanghai was the second-safest city, followed by Nanjing, with Beijing being rated the most beautiful.

were reportedly 'walking free' in Shenzhen, where they enjoyed links to the rich and powerful, including the police and CCP leaders (*Washington Post* 31 December 2000).²¹ One triad leader was said to have organized a meeting in a Shenzhen disco with a view to hiring a Mainland hit man to kill a rival in Hong Kong; guns were openly inspected at the disco 'with seeming impunity' (*South China Morning Post* 11 November 2007).

The 2005 hit film *Election* was also popularly understood to symbolize these two competing visions of Hong Kong – the one a city run by gangsters loyal to tradition and 'the brotherhood', the other a modern, 'city of law'.²² An increase in Mainland prostitutes fuelled complaints that 'innocent female residents' had been mistaken for prostitutes; demands were made to prevent the entry of 'doubtful females' at border crossings (*South China Morning Post* 25 October 2000). Shenzhen's red light areas (such as Shazuicun, Xinzhoucun, Shuiweicun, Huanguancun and Huangbeilingcun) were a maze of brothels, massage parlours and karaoke bars where:

...prostitutes make up the majority off the residents and gangsters act as the de facto government... Seven out of ten women who live here are prostitutes, and two of the remaining three are mistresses... The lucrative prostitution business attracted gangsters from the mainland, Macau and Hong Kong. Drug trafficking, kidnapping and all sorts of crime followed... The gangsters often openly defy orders of the public security officers. 'About three years ago, a squad of police tried to raid the village [Shazuicun]. The gangsters mobilized hundreds of members and blocked the entrances. The two sides faced off and the police had to retreat', recalled one resident... (*South China Morning Post* 22 August 2004)

The kidnapping of businessmen and/or their families captured international attention. In 1993, Australian citizen, James Peng, was kidnapped from his hotel room in Macau by Mainland police and taken over the border. Held in detention for 10 months, he was then tried on corruption and embezzlement charges arising out of a business dispute with Champaign Industrial Company, owned partly by highly placed Chinese officials including Ding Peng, the niece of Deng Xiaoping. The charges carried the sentence of death.²³ The Hong Kong media described Peng's midnight abduction as 'Kafka-esque'; attempts by the Australian government to intervene on Peng's behalf proved unsuccessful; requests by Peng's wife to visit him were denied. Two other, American, businessmen were also being detained in China as a result of business disputes.²⁴ In October 2005, a Hong Kong businessman was kidnapped in front of his wife and dozens of onlookers in a Shenzhen street:

²¹ The *Washington Post* article identified 192 major Taiwanese criminals operating in Shenzhen and Guangzhou.

²² Some saw the film as an allegory of what could happen to an 'upstart' Hong Kong intent on challenging tradition by insisting on democratic elections.

²³ At this time, the PRC's Criminal Code contained 65 capital offences, including financial crimes.

²⁴ The men were Dr Philip Cheng Hui-ho and Chong Kwee-sung. The US government successfully secured their release.

The incident took place at about 4 p.m. in Shangbulu in the Futian district of Shenzhen. The Hong Kong businessman was in a car with his wife and a driver when they were intercepted by two cars outside a car-wash centre. Six crew-cut men in black jumped out and dragged the man from his car. At least three were armed with long knives, according to the wife... she said the men shouted in Putonghua with heavy northeastern accents... Shenzhen is one of the richest cities on the Mainland but also suffers the highest crime rate. Hongkongers have frequently been the target for criminals... 178 [Hong Kong] residents had sought help after being kidnapped or illegally detained on the Mainland in the first months of last year. (*South China Morning Post* 23 February 2005)

In October 2008, the representative of a British scrap metal company was abducted from a Shanghai airport when he went to Ningbo to seek overdue payments from a Ningbo company (Dickie 2008).²⁵ Other family members (including children) were also held to ransom during business disputes.²⁶ In 2004, LEGCO reported on Hong Kong residents encountering personal safety problems in the Mainland. About 85 per cent of the cases occurred in Shenzhen city and consisted mainly of fraud, false imprisonment, robbery, theft and wounding. Shenzhen was reported to witness more kidnappings than any other Mainland city, and to account for over half such cases in Guangdong province (Chow 2005b).

Those whom the state deemed socially or politically undesirable could also find themselves subject to criminal or administrative detention; many – held *incommunicado* – simply ‘disappeared’.²⁷ This had implications for those in Hong Kong who were openly critical of the PRC, and those who had acquired foreign nationality as insurance against 1997 (the Chinese government insisted that Peng was a Chinese citizen even though he held an Australian passport, see *South China Morning Post* 15 June 1995). His fate could befall anyone doing business in China who fell foul of the state and/or its political factions (*South China Morning Post* 9 October 1994).

The worsening security situation was said to be scaring off investors and businessmen, prompting an attack on local officials by a visiting Party Secretary, who told them he ‘felt ashamed of what I have seen... Rule of law is the cornerstone of a stable society. If we do not punish those who break the law, it will lead to total anarchy’ (quoted in *South China Morning Post* 30 December 2005).

(B)ordering The Twilight Zone

In Hong Kong, Lo Wu itself has itself become the locus of urban myth:

²⁵ The victim was a foreign businessman.

²⁶ In 2001, a new scheme was introduced whereby Mainland security officials were to notify the HKSAR government and relatives of the whereabouts of and charges against Hong Kong people being detained.

²⁷ In 1995, a Hong Kong woman jailed secretly in Shenzhen for ‘disrupting social order’ claimed that her trial had been unfair because she had not been allowed to call witnesses; neither her family nor her lawyer were informed of her trial. For other examples, see Congressional Executive Commission on China 2003 Annual Report *Rights of Criminal Suspects and Defendants* at <http://www.cecc.gov>.

...a 54-year-old minibus driver died after being mugged in a public toilet on the fourth floor of the immigration building in Lo Wu – three floors below an office of the security bureau. Lau Tat-pang apparently put up a struggle, but was hit on the head and left unconscious... he died of a brain haemorrhage on the way to hospital. (*South China Morning Post* 30 December 2005)

At the height of the CFA controversy in 1999, there were widespread rumours of Hong Kong people being drugged in the Lo Wu toilets, being robbed or having their kidneys removed for sale on the Mainland. In 2003, the Hong Kong papers carried a story of the four year old son of a Hong Kong hawker, who was kidnapped at Lo Wu, taken to Shenzhen, and held for ransom (*Hong Kong Economic Times* 31 May 2002). The boy:

...went to the toilets of the third floor of the Wanjia Supermarket. His uncle waited outside but did not see him come out... 'We waited and searched everywhere in the supermarket until past midnight, but did not find him' Ms Ma [his mother] said... The family says the Shenzhen police and the supermarket were slow to help. The supermarket allegedly declined to let family members see the [CCTV] tape until last night, while the local police did not take any action until [the next day]... The boy is a Hong Kong permanent resident although he stays with his mother and goes to school in Shenzhen. His father, a fruit seller in Hong Kong, rushed back from Hong Kong and offered 10,000 yuan ... to anybody who helps find his son. The family distributed hundreds of pamphlets bearing the boy's photograph to passers-by in Shenzhen... The case has revived memories of missing Hong Kong autistic boy Yu Man-hon... (*Hong Kong Economic Times* 31 May 2002)

The boy was eventually rescued with the help of the PSB.

In 2005, a United Nations working group on forced and involuntary disappearances asked Hong Kong's Society for Community Organisation to submit a report on the Man-hon case (*South China Morning Post* 1 August 2005). In January 2007, a UN report on disappearances in China urged the Chinese government to 'elucidate the fate of whereabouts of persons who have allegedly disappeared, including children and mentally challenged individuals.'²⁸

Lo Wu is a liminal zone, synonymous with transgressive behaviour, such as illicit sex and drug-taking. The border itself is seen as a membrane protecting Hong Kong from contamination by the Mainland. Cross-border co-mingling is thought to allow unseen dangers and disease to seep through, feeding what Abbas identifies as a kind of *fin de siècle* concern with decadence (Abbas 1997: 4) in post-1997 Hong Kong. 1997 had made the border more porous. Officially, the frontier is no longer a 'border' but a 'boundary', though the barbed wire and concrete posts remain. Lo Wu, the terminus of arrivals and departures, marks space as non-space, neither 'here' not 'there' (Lloyd 2003). It is a "transitory, betwixt nature' gap between worlds

²⁸ UN General Assembly Human Rights Council Implementation of General Assembly Resolution 60/251 on 15 March 2006 Report of Working group on Enforced or Involuntary Disappearances A/HRC/4/41.

where ‘almost anything may happen’ (Turner 1974, cited in Pritchard and Morgan 2005). For Man-hon,

when he sprang out of the train carriage at Yau Ma Tei and began his journey into the headlines, [he] thought he was free [but] ahead of him there were handcuffs and unkindness and awful fear. (*South China Morning Post* 17 December 2000)

The liminality of the border was already established as part of Hong Kong’s cultural *repertoire*. In 1992, a Kowloon Canton Railway Company (KCRC) advertisement for its through-train from Hong Kong (Hungom) to Guangzhou (Canton) was removed from television channels after provoking a territory-wide flurry of rumours.²⁹ Filmed in a wood on the Mainland, the advert showed children playing at being a train:

It was supposed to be a cutesy clip of innocent fun, but it disturbed more than a few souls after it aired. For most of the ad, six children are clearly seen playing the game, but from the 25th to the 27th second, a seventh child suddenly appears – and the director swears there were only six children on location. A young girl joins the end of the train, her hair loose, and, even more disturbingly, the chubby boy she is holding appears to have blood smeared across his lips. According to legend, the boy died soon after filming... *feng shui* masters, exorcists, psychics, priests and even psychologists [gave] their own interpretation of the phenomena... According to various ‘expert opinions’ the woods had acquired negative energy following the death of a young girl... [It was] perhaps the most terrifying TV commercial in the history of Hong Kong... The ad ran for a month in 1993, before being re-shot with no ghostly seventh child. But the campaign was soon pulled. (*HK Magazine* 12 August 2005)

In 2006, the Hong Kong MTR banned posters advertising a Japanese horror film from its trains because they depicted the image of a ghost child. The movie itself (*Ghost Train*) dealt with people who were haunted after picking up lost items on the train. The taglines for the film:

offered three creepy warnings that clearly didn’t sit well with the MTR or its potential riders: ‘When you are taking the train there are three taboos: 1) Don’t pick up any lost items; 2) never sit on the last train; and 3) when you’re on the subway, don’t look to the end of the tunnel’... The poster was deemed too scary... (*HK Magazine* 12 August 2005)

Such tales are fuelled by statistics showing that 70,000 children are known to have been snatched every year in China (Dwyer Hogg 2007).

The Man-hon incident thus fed into a repository of Hong Kong folk lore of lost souls, ghosts caught between worlds, resonating with the underlying anxiety that, under Mainland rule, Hong Kong itself would ‘disappear’ into another world. Bringing people back from such places required specific rituals and techniques. A few weeks after Man-hon’s disappearance, the Yus consulted a *feng shui* expert ‘who

²⁹ The clip is available on YouTube at http://www.youtube.com/watch?v=GTtBTJw_zVw.

recommended a golden-coloured quilt and pillowcase' be placed on Man-hon's bed, as well as:

...a tank filled with bright, endlessly pulsating plastic fish... There is a *lai-see* packet under the pillow. Nothing is to be moved until Man-hon returns. A huge poster of the Hong Kong cityscape, pictured from the Peak, hangs above the empty bed'. (*South China Morning Post* 17 December 2000).

As the Lunar New Year approached, Mrs Yu observed the tradition of buying new clothes for Man-hon as a gift (*South China Morning Post* 28 January 2001). On Man-hon's birthday, she did not make him a cake, but only because 'I don't know when he will be back' (*South China Morning Post* 4 January 2001). She also prayed for her son at Wong Tai Sin temple,

...where she drew a lot that carried an oracle suggesting her son would be found in a few months. A fortune-teller told her the oracle spoke of the blooming of Plum Blossom in Guangdong, suggesting the boy was healthy, would get help and return home by spring. (*South China Morning Post* 14 September 2000)

At least 10 psychics claimed knowledge of Man-hon's whereabouts:

...people have demanded thousands – hundreds of thousands, millions – of yuan... Yu and her brother have gone to the expense of hiring a car that psychics might be driven, uselessly, around Guangdong; such people, having insisted on payment in advance... evaporated when Man-hon did not materialise. (*South China Morning Post* 8 March 2002)

Conclusion

Writing of the transition years, Abbas sees Hong Kong cultural forms as a kind of rebus, projecting the city's desires and fears, its cultural space a 'space of disappearance'. Hong Kong culture had developed, Abbas says, techniques for disappearance, 'working with disappearance ...using disappearance to deal with disappearance' (Abbas 1997: 8). The rupture with the past provoked by the transfer of sovereignty was exactly the kind of disjuncture associated in the collective consciousness with 'transgression, liminality and lawlessness', a time of slippery dislocations and morphing (Comoroff and Comoroff 2006: 2).

For van Houtum and van Naerssen (b)ordering highlights the practice of 'discursive differentiation between us and them'. They frame the practices of inclusion and exclusion as techniques of nation-building, a project on-going in post-Mao China, part of which is the goal of ultimately reunifying Taiwan with the Mainland; Hong Kong's 'One Country, two Systems' formula is the template for this. Assertions of Hong Kong identity which challenge or throw doubt on this formula are perceived as unpatriotic. Those who assert the distinctiveness of Hong Kong's political and legal systems are deemed 'troublemakers', 'outsiders', and 'un-Chinese' (van Houtum and van Naerssen 2002: 127). In her story, 'Marvels of a

Floating City', Hong Kong writer Xi Xi depicts Hong Kong as 'something apart from the rest of China',³⁰ a place suspended between two worlds:

...The floating humans do not have wings, which means they cannot fly. All they do is stay afloat in the air, silently, solemnly, with no means of communication between them. The city sky is afloat with people like raindrops in an April shower... Why should everyone in the city share the same dream of being afloat in the air? One school of psychologists has drawn this conclusion: this is a collective manifestation of the Third-Side-of-the-Straits Complex. (Xi Xi 1997, quoted in Armentrout 2007)³¹

In the Man-hon story, the Mainland is an excessive presence, a looming disorderliness which threatens to swamp Hong Kong. 'Other-worldly' happenings, abductions, killings, and disappearances confirm the border itself as fluid and changing. Co-terminous with a weakening of the physical and legal 'defences' of Hong Kong, these stories erected a new, cultural barrier around the city.³² The world on the 'other side' was a world 'reversed'; the moment of crossing the border a 'moment of discontinuity, of in-betweenness' (Sheilds 1991: 191), and Man-hon's fate part of a collective mythology, a social imaginary (Sheilds 1991: 23).

Hong Kong is neither 'here nor there'. Such liminal spaces are often associated with images of death and decomposition (Turner 1967), of invisibility, and of ghosts; as the *Twilight Zone* TV series put it, 'the middle ground between light and shadow'. Hong Kong's transition from a British colony to Chinese sovereignty occurred at just such a point, at midnight on 30 June 1997.³³ During the hours of darkness, the status of Hong Kongers was altered. Psychically, socially, and structurally, they became 'marginals' with no cultural assurance of a 'final stable resolution of their ambiguity' (Turner 1974: 233). Whilst the official process of transition was completed on 1 July, they were fated to remain in 'no man's land', full reintegration with the Mainland not destined to take place for a further 50 years. Until then, they were left hanging in mid-air.

For Chow, Hong Kong's return to the 'Motherland' was in any case never 'natural' but a forced return; China 'masqueraded' as a saviour whilst all the time coercing Hong Kong into submission. (Chow 1993a: 183). Hong Kong is:

... the maiden who cannot defend herself against the dragon, the imperialist, and must therefore be delivered from her plight by the rescue operation of a St. George. Alternatively, Hong Kong is in need of a mother: she is longing to be reunited with China... (Chow 1993b: 184)

³⁰ Xi Xi, 'invents a floating city that resembles Magritte's *Castle in the Pyrenees*, with its floating people'. See Armentrout (2007).

³¹ As Armentrout observes, the allusion to the 'Third-Side-of-the-Straits' is a reference to Taiwan.

³² Comoroff and Comoroff (2006: 22) here are harking back to Thomas Hobbes and Hannah Arendt.

³³ As the rain pelted down, some saw this as 'the gods washing away the stain of colonialism', whilst others said that the 'sky was crying because the British were leaving'.

In Hong Kong, the metaphor of a 'long-lost child returning to the mother' was seen somewhat cynically. In 1997, schoolchildren and adults were made to repeatedly perform celebrations of the handover on 'decorated floats, with singers singing handover songs, celebrating the coming handover, which weave through streets and alleys.' (Lee 2005: 146-147) In one case,

... The primary students in Yuen Long district are to act out the play with the theme of '*baby swallows returning to their nests*' in turns in every hall of their district; while festooned vehicles parade noisily through indifferent crowds and murmuring tramps. (Lee 2005: 147)

As Lee observes, 'the metaphor used here hints that the act of returning to the mother's nest is not something natural but something that is artificial and construed for show' (Lee 2005: 147). Sarcasm and the supernatural are ways of resisting this, a cultural or symbolic code related to the historical conditions and socio-political context in which it emerged (Jackson 1989: 66). Suppressed dissent emerges through other forms. Supernatural expressions suggest the possibility of other worlds, of changing experiences of time and place; ghosts hover between worlds, appearing at fractured times and places. Transitory and amorphous, they easily cross material boundaries. They defy control.

Even without outright political repression, legal curtailment and active censorship,³⁴ Hong Kongers face being smothered by the Motherland. This makes their marginal expressions all the more important. Superstition, ghost stories and Hong Kongers' episodic fascination with 'other-worldly' phenomenon give voice to that which is otherwise drowned out, a means by which the otherwise unsayable can be articulated. Oblique critique is necessary to survival for, as Armentrout notes (2007), Cantonese culturalism is posited as a threat to stability; those encouraging centrifugal forces that pull Hong Kong Chinese away from being a clone of the Mainland are 'troublemakers'. If and when Hong Kong people acquire the right to rule Hong Kong a Hong Kong independence movement might emerge which would threaten social stability (Lin 2002, cited in Vickers 2005: 76). To forestall this scenario, Hong Kong must be made to 'disappear'.

A whole *repertoire* of stories, symbols and signs has arisen to shield Hong Kong from this fate. For those 'inside' the border, van Houtem (2005: 677) suggests, (b)ordering practices reflect a desire 'to distance oneself from the Other in order to uphold the (fantasy of the) self during feelings of fear or anxiety'. The constant re-telling of Man-hon's story inscribes the border on the social and psychic worlds of Hong Kong. Man-hon's fate provides a metaphor for the fate of Hong Kong, a cautionary tale of what happens when 'wayward children' transgress.

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