

Lost in China? Mainlandisation and Resistance in post-1997 Hong Kong

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Abstract

The 'One Country, Two System' formula under which Hong Kong was reunified with China in 1997 was heralded as a blueprint for Taiwan's reintegration with the Mainland. However, Hong Kongers now complain of 'Mainlandisation', i.e. (1) the HKSAR's increased economic dependence upon the PRC; (2) the undermining of its core freedoms, rights and values, and interference with the rule of law; (3) the subordination of its culture; (4) the weakening of its political institutions; and (5) the deterioration of everyday life. Strong anti-Mainland sentiments and a minor secessionist movement have arisen. As this resistance has intensified, Mainland officials face either making accommodation or further trouble.

Introduction: Anti-Mainland Feeling



Figure 1: Hong Kong's old colonial flag, shown at a protest

In 2012, Hong Kong saw the culmination of anti-Mainland feelings (Figure 1, above). Many Hong Kongers feel their home is being 're-shaped by Mainlanders' (J.H.C. Lau 2007). Their negativity is partly due to numbers: since 1997, more than half a million have moved to Hong Kong; 13.6 million visit each year, almost double the local population. Mainlanders are thus more visibly present in Hong Kong than they ever were. The introduction of the Individual Visitor Scheme in

2003 relaxed the rules on Mainland tourism, so that by 2012, Hong Kong had attracted 34.9 million visitors, representing 71.8 percent of Hong Kong total arrivals. (Hong Kong Tourism Commission 2013). A 2012 proposal to allow another 4.1 million non-permanent residents of Shenzhen multiple-entry permits triggered alarms about how Hong Kong's population (almost seven million) was being swamped by Mainlanders.

The image which came to symbolise how Hong Kongers felt about Mainlandisation was that of a giant locust, towering over the Lion Rock: Mainlanders were 'invaders' devouring everything in sight, stripping Hong Kong shops of high-value items (especially gold); border villagers complained of local shops displaced by 'pop-up' gold shops, catering for Mainlanders. In a city short of housing, property developers built homes for Mainlanders: a quarter of all Hong Kong properties were being bought by them, and three new towns along the border near Sheung Shui were planned for Mainland buyers. Anti-development protesters claimed that:

...mainland visitors and investors... will overwhelm the new border towns with their hot money... 'one country, two systems' will collapse if visa-free access is given to mainlanders to visit the new towns and border area.

(quoted by Wong and Ng 2012)

Baby formula in particular became a hot issue: Mainlanders bought it in bulk to re-sell across the border, where contamination scandals had made baby formula unsafe. Shops offered special discounts on production of a Mainland passport, leading locals to complain of discrimination in their own city (see, for example, badcanto 2012; Caijing 2013). The protests forced the government to restrict baby milk purchases (Gao 2013). Mainland mothers were also targeted. Keen to acquire Hong Kong residency for their off-spring, they were blamed for taking up all the beds in local hospitals. Mainland children were 'swamping' local schools and nurseries, edging out local children. Urban passengers even blamed Mainlanders carrying outsize baggage for the crush on the trains to Lo Wu. When HSBC replaced the complex local script with simplified Chinese characters on its ATMs, it too was accused of 'Mainlandisation'. Local newspapers blamed Mainlanders for everything from crime and disease to undercutting the job market (Gao 2013; see Figures 2 and 3 below). Mainlanders' distinctive dialects, habits and dress provided ammunition for an explosion of xenophobic social media postings. These showed photos of Mainlanders urinating on the MTR and squatting in the streets. Exhorted since the 1970s to 'Keep Hong Kong Clean', for Hong Kongers such incidents were proof that Mainlandisation was debasing their way of life.

Resentment and hostility towards Mainlanders has other roots. In a reversal of fortunes, the newcomers were often better-off than the locals, sometimes conspicuously so. Hong Kongers have long seen themselves as superior to their 'Ah Chan' Mainland 'country cousins',¹ but the Asian Financial Crisis and the SARS outbreak impacted negatively on Hong Kong just as China's prosperity

¹ The 'Ah Chan' label follows a depiction of a country bumpkin in a popular television drama. See Mathews *et al.* (2008: 37 and Chapter 4).

grew. Indeed, Beijing helped Hong Kong out of its economic doldrums in 2003. Thus, where once Hong Kongers were the prosperous compatriots, they are now increasingly dependent upon Mainland largesse.

Those who govern Hong Kong seem not to have heard this groundswell of anti-Mainland sentiment. In a speech on 1 October 2012, the Chief Executive, C.Y. Leung, exhorted the population to 'embrace every opportunity that the development of our country brings to Hong Kong' (C. Lee 2012), arguing that greater integration with the Pearl River Delta region was 'in the city's 'best interests' (*South China Morning Post* 2012a). Not everyone agreed. One critic exhorted the people of Hong Kong to

... face reality. When the Mainland sneezes, we don't just catch cold we develop pneumonia. Integration is a fact, and our future depends on it. But whilst we can't reject it wholesale, we can deal with problems such as reducing the numbers of pregnant mainland visitors and tourists... To our national leaders, I say many Hong Kong people love China. But they express it not through waving the flag or singing the national anthem, but by protesting for dissidents and against national education. Their sentiment is unlikely to change and will only harden. We must deal with it wisely so the gulf between protesters and governors does not become unbridgeable.

(A. Lo 2012)

Leung's pro-Mainland stance prompted large-scale confrontations and a dive in his popularity.² Mainlandisation was a ticking time bomb: Hong Kongers saw their city 'being changed too fast' into something they feared (Chugani 2012a). Most Hong Kongers found the Mainland system 'totally at odds with their own core values' (Chugani 2012a). A small group of activists (The Hong Kong City-State Autonomy Movement) even called for secession and the establishment of a separate, Singapore-style, city-state (Stuart Lau 2012a). It sought to 'safeguard Hong Kong's autonomy' and push for greater separation from the Mainland (Stuart Lau 2012a). Members raised the old colonial flag, claiming the territory had been better off under British rule; they even wrote a letter to the British government seeking its return. In May 2012, the Movement's Facebook page had 2,000 subscribers; by October, this had risen to 4,300, a fast doubling of support which led to speculation about how deeply the anti-Mainland impulse ran amongst Hong Kongers. One demonstrator carried a placard reading 'Chinese Scram Back to China' (Stuart Lau 2012a); in the run-up to the 2012 LEGCO elections, some candidates chanted 'down with the Communist Party'.

Mainland leaders reacted angrily. One told the protestors to 'love China or leave'; others suggested that the Mainland should not wait until 2047, but effect Hong Kong's full assimilation immediately (Stuart Lau 2012b). The De-Sinification/Re-Sinification debate had begun.

² Leung's ratings dropped below the 50-point 'pass mark', and stood at a record low of 48.8. The figures were 'the poorest recorded' since the Hong Kong University polls began in July 1997 (Tsang 2012).



Figures 2 and 3: Anti-Mainlander rhetoric

Economic Integration

For Mainlander leaders, Hong Kongers' ingratitude is perplexing: after all, the tourist dollars from Mainland visitors rescued Hong Kong's economy, and in 2003, a Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) was announced to promote cross-border trade and investment, giving Hong Kong companies preferential access to the Mainland domestic market. Cross-border infrastructure projects included the building of a Pearl River Delta bridge and a highway linking Hong Kong, Guangzhou and Macau (Hong Kong Democratic Foundation 1997).

The idea of merging Hong Kong and Shenzhen into a 'mega city' appealed to the business elites and policy advisers with ideas of creating 'a single metropolis and an economic powerhouse bigger than London, Paris, Chicago or Los Angeles' (K. Lee 2007). Multiple-entry electronic smart cards would permit Shenzhen permanent residents to enter Hong Kong; there would be a rail line between the two cities' airports (K. Lee 2007). Whilst some ordinary Hong Kongers might benefit from such a plan, the principal supporters and beneficiaries were members of the pro-government business elites. Greater autonomy and democracy threatened to unmoor their vested interests and political position.

Economic integration was seen by others in Hong Kong as something of a Trojan Horse. It did not merely mean just the movement of money, plant and personnel – it required Hong Kongers to identify themselves as members of a common nation and a regional culture, with a common language, history, characteristics, and destiny: what Lagendijk calls the ‘social construction of notion of the region’, an illusory, but necessary step to legitimise the logic of global capital (Lagendijk 2007). Mainland leaders assumed Hong Kongers would welcome this: the Joint Sino-British Declaration and the Basic Law was, after all, premised on the conception of Hong Kongers as essentially economic wealth-seekers. They would ‘naturally’ integrate with the capitalist enclaves of Shenzhen and Zhuhai; the ‘One Country, Two Systems’ formula was based on the premise that capitalism – at any price – would attract support.

This conception of Hong Kong as an essentially economic and apolitical place has always been wrong. By describing the population as ‘residents’ and their culture as a ‘lifestyle’, the Joint Declaration had implied there was no such thing as a ‘people’ of Hong Kong and, as Turner says, ‘if there is no culture there cannot be said to be a people’ (Turner 1995: 7). Hong Kong was a ‘non-entity’, readily re-absorbed (Tambling 1997, cited in Armentrout 2007). This represented a failure by Beijing to know the people over whom it was resuming sovereignty. Subsequent re-unification efforts have all been based on the same faulty premiss. Poorer sections of the population feared closer economic integration would mean further loss of jobs and/or competition from lower-paid Mainland workers; professionals feared competition from increasingly well-educated Mainlanders. The fear was that, ‘if Shanghai can reinvent itself as a great world centre, with double the population and the huge backdrop of the Yangtse basin, who [will] need this pimple on the backside of the dragon to the north?’ (Fenby 2001: 9); Hong Kong would cease to be of value to the Mainland.

By the tenth anniversary of the handover, when Mainland leaders included Hong Kong in China’s eleventh five-year plan, the idea of greater economic integration was therefore already freighted with suspicion, fear and distrust. The *Hong Kong Polis* likened the promised opportunities it offered to ‘a dirty old man trying to fool his little granddaughter into bed’ (Yam 2012).

Mainlandisation

Mainlandisation, Sonny Lo says, is the policy of making Hong Kong,

politically more dependent on Beijing, economically more reliant on the Mainland’s support, socially more patriotic toward the motherland, and legally more reliant on the interpretation of the Basic Law by the PRC National People’s Congress.

(S. [S.-H.] Lo 2007: 186)

Hong Kong’s re-unification, Rey Chow says, was never a ‘natural return’ to the Motherland but a forced return in which China ‘masqueraded’ as a saviour whilst all the time coercing Hong Kong into submission (Chow 1992: 183). Some see this as a process of ‘re-Sinicisation’, the dilution of Hong Kong culture, loss of identity, the diminution and/or corruption of key institutions (the law, judiciary, the

Independent Commission Against Corruption [ICAC]), the loss of rights and freedoms, and the deterioration of everyday life (the rise of crime, corruption, gangsterism, cronyism). This narrative predates 1997. It subsided somewhat in the euphoria of the handover years, but has since re-intensified. All aspects of life are scrutinised for signs of deterioration. Some point to the increase in Putonghua amongst the neon signs along the harbour; others to conflicts in which Mainlanders have demanded to be spoken to in Putonghua. John Woo's films *A Better Tomorrow* (1986) and *Bullet in the Head* (1990) are seen as allegories of the fate post-1997 Hong Kong, documenting the loss of traditional Hong Kong values (honour, loyalty) and the individual's attempts to maintain their agency against the pressure to conform (see Sandell 2001). The loss of identity is a constant theme in local discourse. A wave of China-led anti-colonial rhetoric around 1997 depicted the British as having deprived Hong Kongers of their 'rightful identity', and paved the way for a new shared identity, 'reorienting Hong Kong back to its sino-centric roots' (Chun 2002), based in race, blood and ethnicity. A 1997 Hong Kong play (*The Archaeology Bird*) satirised this essentialist notion of Chinese identity, proposing a Hong Kong identity distinct from both Mainland China and Taiwan (Chun 2002). Such cultural tremors went unnoticed by Mainland leaders, whose intelligence on local sentiment was supplied principally by a co-opted business elite. Like colonisers everywhere, they were to see their assumptions about the natives unravel.

Weak Walls of Law

The economic conception of Hong Kong was evident in the founding constitutional documents of the HKSAR – the Joint Declaration and the Basic Law. As Yash Ghai points out, when China turned to economic reform in the 1980s,

Deng's vision did not include democratisation, but depended instead on the supremacy of the Communist Party. In the emphasis on profit for privileged groups and no democracy, the Chinese found not only allies among Hong Kong's rich, and the beginnings of a partnership with Chinese communist regime, but also in Margaret Thatcher, the monetarist leader of the British Conservative Party. Mrs. Thatcher's government negotiated the terms of the transfer of the exercise of sovereignty with economic reformer Deng, bringing to the negotiating table a Hong Kong well-versed in the techniques of the market economy – which China was keen to learn – and an efficient administration without democracy, which suited China's agenda.³ It was in these circumstances that the future of Hong Kong was settled.

(Ghai 2013: 319)

Moreover, the Joint Declaration, although binding the two sovereign powers, has no mechanisms of enforcement. No formal procedures exist to test violations. The

³ A footnote here (number 14) adds: 'Deng said to Thatcher that the main concern of the Chinese people was "that if prosperity is not maintained in Hong Kong, it might retard China's drive for modernisation"'. Ghai's quote is from Deng (1993: 3).

Joint Declaration was also sparse on detail: Hong Kong's government would consist of 'local inhabitants' (Ghai 2013: 321n19, referring to Article 3 [4]). All it said about the legislature 'was that it would be "constituted by elections"' (Ghai 2013: 321n20, referring to Annex 1, Part 1). It was vague as to the system of government (Ghai 2013: 321–322). The Basic Law was 'destined to be an inadequate source of support' (Ghai 2013: 325). The legal system was granted limited autonomy principally because the rule of law was seen by both the UK and China as essential to the continued functioning of capitalism in the HKSAR.

Consequently, a wide gap has arisen between this restricted conception of autonomy and what Hong Kongers thought they had been promised. The result has been years of conflict during which Hong Kongers have fought for their linguistic, cultural and legal distinctiveness and – in the political sphere – for democracy. Lo observes that between 64 to 83 percent of Hong Kongers support the introduction of universal suffrage for the direct election of the next Chief Executive. He argues that, since 1997, the concept of democracy has separated 'the hearts and minds of some Hong Kong people from the ruling philosophy of both the central government in Beijing and the government of the HKSAR' (Lo 2010: 1). He notes the view that a breakthrough in democratisation 'would require a hard-line suppression from the PRC's authoritarian regime, which secures the support of the local capitalists' (Lo 2010: 13, citing Sing 2004: 204–205).

Mainland attempts to enforce or encourage convergence in the fields of politics, law and culture has provoked robust debates about the interpretation of the Basic Law and whether it provides room for democratic development, with every new Mainland retrenchment on universal suffrage provoking further local frustration and resistance. If the struggle for democracy is, as Lo says, a long-term and protracted affair (S. S.-H. Lo 2010: 61), so these tensions will persist. This resistance to the pains of reunification is seen by some as part of the process of Hong Kong's 'learning to belong to a nation' (Mathews *et al.* 2008), of negotiating greater autonomy within a Greater China (Yep ed. 2013), and/or China's re-colonisation of the HKSAR (S. [S.-H.] Lo 2007). However, it is also a process of the Mainland 'learning to be a coloniser'. The mistakes made by Beijing in Hong Kong may indeed provide a template for Taiwan, if only in how *not* to set about the process of reunification.

Patriotism, Education and Culture

Language, as Ghai argues, often plays an important part in autonomy arrangements (Ghai 2013: 327). The legal instruments underpinning the HKSAR granted official recognition to only one form of Chinese, Putonghua. However, Cantonese is the dominant language and the promotion of Putonghua and of Mainland Chinese culture since 1997 has only served to underline the fact that Cantonese culture stands at the margins of the Chinese cultural canon. Cantonese is regarded by as 'inferior' to the culture of China's Northern political centre (Beijing). This 'belittling or distortion' of Hong Kong's own history and culture formed an integral part of Beijing's strategy for the post-handover re-absorption of the territory (Vickers 2003: 273). Mainland writers, Chow argues, dismiss Hong Kong culture as a symbol of cultural decadence, artificiality and contamination by

the 'west' (Chow 1993).⁴ Official propaganda depicts Hong Kong as a place 'whose people showed a careless disregard for the poor and were solely devoted to the pursuit of money and pleasure' (Peng and Crothall 1996). Hong Kong is a 'fallen woman' whose cultural purity has been spoiled by 'Western' influences, or a 'bastard child' lacking a core sense of identity which re-adoption by China will supply (see McDonogh and Wong 2001). Hong Kongers should be grateful for the return of the 'authentic' Chinese cultural and linguistic canon. The over-arching narrative of reunification held that Hong Kong's recovery was a step in the completion of China's 'historical mission' to create a Greater Chinese nation. In Hong Kong, this required the sublimation of those cultural, linguistic, political, legal or economic differences which might disrupt China's resumption of her rightful place in world history as a strong, modern, capitalist nation (Karl 2002).

To this end, official campaigns have promoted patriotism, and the concept of *kwokga* (nation) and the love of the *jokwok* (motherland) (Wong 2005). Though the Hong Kong government promised no 'hard sell' on patriotism, its 'Ideal Citizen' campaign emphasised national songs, flags, emblems, and patriotism (Chan 1997).⁵ In 2001, the Education and Manpower Bureau specified that the school curriculum should 'nurture a Chinese identity' in students, organise cultural trips to China as well as quizzes, flag-raising ceremonies, and China-related topics. In 2002, guidelines encouraged schools to teach national identity as one of five major values. In 2003, a visit to Hong Kong by China's first astronaut was earmarked as a boost for patriotism. From 2004, a TV clip called 'Our Home Our Country' began to be played with the national anthem every evening before the news (popularly denounced as 'brainwashing') (*South China Morning Post* 12 March 2007). It prefigured a video series by the Committee for the Promotion of Civic Education to 'promote social harmony in the wake of recent political dissent' (A. Leung 2005). The second in this series, in 2005, featured local celebrities and exhortations for local schools to fly the national flag. Locals contrasted this with their own 4 June commemorations as a very different way of expressing 'love and hope for the nation' (C. Yeung 2005a). Loving the Chinese as a nation did not entail loving the Party. The third broadcast, in 2006, promoted the national anthem, 'Chinese virtues and arts': customs and practices such as filial piety, perseverance and harmony (W. Yeung 2006). Paradoxically, since it was broadcast in Putonghua, subtitles in Cantonese were required.

These attempts to inculcate the right kind of patriotism provoked the publication in 2005 of a popular comic book satirising patriotism. The publisher claimed its popularity lay in the public hostility to being force-fed the national anthem every day before the evening news (W. Yeung 2006). Other comic books satirising politicians and leaders proliferated. A 2012 comic book poked fun at the Chief Executive (*Secretary Leung*); another (*Heng's Heartfelt Ties to His Homeland*, by Lau Sze-hong) described the experiences of ten secondary school students who

⁴ This recalls David Lloyd's point that, from the nationalist perspective, hybridity is devalued: 'the inauthenticity of the colonised culture is recast as the contamination of an original essence, the recovery of which is the crucial prerequisite to the culture's healthy and normative development' (Lloyd 2001).

⁵ One survey found that patriotism took a back seat compared to other cherished values such as the rule of law. See also P. Lo (1997).

went on a national education tour of the Mainland as ‘brainwashing’ (W. Yeung 2006).

In 2007, on the tenth anniversary of retrocession, President Hu Jintao returned to the theme of Hong Kongers’ need to ‘love the motherland’, urging a strong sense of national identity amongst the young (Cheung 2012). Schools were encouraged to undertake more flag-waving ceremonies and Mainland study trips. In 2010, the Chief Executive finally – and fatefully – announced that moral and national education were to become a compulsory school subject (Cheung 2012).

Education has always been a prime tool of nation-building, social control and the dissemination of national culture. Morris argues that the most notable goal of the post-1997 government has been this ‘gradual harnessing of the school curriculum to promote a far stronger sense of patriotism and national identity’ (Morris 2009: 89). Of all school subjects, history is the most useful vehicle, though also the most politically sensitive, contributing to national identity and nation-building (Kan 2007). The British were more interested in what was *not* taught in Hong Kong’s schools, keen to keep politics out of social life. The PRC leadership, however, is more interested a re-politicisation of national history for the purposes of promoting uncritical patriotism (Vickers 2003: 243–251). Hong Kong was exhorted to ‘promote students’ national identity and commitment to society and to the nation’ (Hui and Yeung 2001). The curriculum was explicitly re-politicised to develop a sense of Chinese identity (Kan 2007: 7). The promotion of a sense of national identity, national unity, and ‘a sense of belonging to China and its people’ became stipulated aims of the syllabus (Kan 2007: 118–119), laid out by the first Chief Executive and the 2002 Curriculum Guide (Morris 2009: 97). Subjects were to depict China in a positive light, promoting the benefits of Mainland rule and ‘a sentimental affinity for a common cultural and ethnic heritage’ (Morris 2009: 97). Schools (even kindergartens) were to adopt daily flag-raising ceremonies and oaths of allegiance.

All references to ‘Hong Kong society’ and ‘Hong Kong people’ disappeared from the secondary school History curriculum (Vickers 2003: 260). Hong Kong history, whilst still included, was regarded as peripheral to ‘one country’ history. Chinese history, with its emphasis on the Han dynasties, was ‘sacred and indivisible, to be studied in its entirety’ (Kan 2007: 120); it was also compulsory. Secondary school civics classes were redesigned to place more emphasis on China, its geography, political system and culture. Confucianism became central to the teaching of Chinese philosophy (Wan and Wong 2001).

The idea that Hong Kong culture ‘might itself offer a distinctive vision or even several competing visions – of what it means to be Chinese *and* Hongkongese in the modern world’ was nowhere entertained...There [was] ... no official vision of Hong Kong primarily *as Hong Kong*’ (Vickers 2003: 261).

It was, however, the Government’s Patriotic and Moral Education policy which provoked the most widespread opposition. Ironically, given that so much of the patriotic campaigns were directed at young people born after 1997, it was Scholarcism, a group of 150 young teenage activists, which led the opposition, arguing that the curriculum was one-sided and uncritical. The textbook for the new curriculum (*The China Model*) was politically biased in favour of the Communist Party. It praised the ‘Motherland’ whilst omitting any mention of controversial events such as 4 June 1989. Using social media to great effect, Scholarcism

rapidly mobilised a wide cross-section of over 90,000 school pupils, parents, teachers, activists and trade unions into a mass march on 29 July 2011, calling for the subject to be scrapped. Accused of being 'unpatriotic' by Beijing supporters, they responded that loving one's country did not necessarily entail loving its government. Writing textbooks 'to glorify communist rule' was a 'clear departure from the declared objective of giving students multi-faceted knowledge about the nation' (*South China Morning Post* 2012b).

At subsequent demonstrations, the colonial British flag was flown; anti-national education graffiti sprang up, re-appearing every time the government erased it: at City University, students organised a 24-hour guard to prevent the authorities from removing a slogan, painted in 'big characters' on the university concourse and reading 'Freedom of Thought. Academic Autonomy. Never Give In. Resist to the End' (J. Chiu 2012). In September 2012, 120,000 protestors marched to government headquarters and for nine consecutive nights, 'an ocean of black T-shirts swamped the Tamar site' (D. Chong 2012); overseas Chinese joined the protests; some protesters went on hunger strike. Faced with massive opposition, rising anti-Mainland sentiments and an opinion poll disaster, the Chief Executive eventually conceded that the government would not force through the national education measures. On 9 October 2012, the guidelines for national education were dropped. The object of the patriotism campaigns – Hong Kong's youth – had been transformed into its major opponents. A 2010 survey indicated that, whilst fewer Hong Kong teenagers identified themselves as pure Hong Kongers than in 1997 (29 percent as compared to 34 percent in 1997) there had been a sharp rise in the percentage calling themselves 'Hong Kong Chinese'. Amongst the population as a whole, 55 percent still saw themselves primarily as 'Hong Kong people', whilst 49 percent classified themselves as 'Hong Kong and Chinese citizens'; 43 percent classified themselves as 'Chinese people' (*South China Morning Post* 27 July 2007).⁶ Another survey in December 2011 found that more than a third of those polled identified themselves as 'Hong Kong citizens', a quarter as 'Chinese Hong Kong citizens', and the rest as 'Hong Kong Chinese citizens' or 'Chinese citizens'. By 2012, as Hong Kong identity rose, people's sense of Chinese identity dropped to a 13-year low. Arguably, it has been mistakes in the Mainland's handling of Hong Kong affairs – its attacks upon the rule of law, its insistence on patriotism, the suppression of cultural difference – that has produced this state of affairs.

Language, Culture and Identity

As the above suggests, attempts to suppress Hong Kong culture have backfired. In recent years, films such as *Vulgaria*, *I Love Hong Kong* and *Cold War* have revelled in the celebration of a particularly robust Cantonese vernacular. Cantonese slang, 'known for its inventiveness and its use of sexual references' (Fenby 2001: 20) has become a cultural feature more popular than ever before. Clarke argues that Cantonese speakers have managed to avoid having their language extinguished by the Mainland by employing

⁶ Survey conducted June 2007 by the University of Hong Kong. Respondents could choose more than one answer.

the use of spoken Cantonese, where the differences in tones offer possibilities for making verbal puns (conveying meanings unintelligible to those who speak official Putonghua) or the employment of 'already culturally coded items of material culture' (Clarke 2001: 92, quoted in Armentrout 2007).

This tactic enables Hong Kongers to maintain their own culture and modes of engagement. Playing on the differences between spoken Cantonese and Putonghua, local artists can also make verbal and visual puns and allusions, none of which are readily understood by non-Cantonese speakers or outside the Hong Kong context (Clarke 2001, cited in Armentrout 2007). In 2013, possession of a toy wolf – whose name translated into a rude word in Cantonese – became *de rigeur* for pro-democracy supporters as a symbol of opposition to C.Y. Leung. He was characterised as a 'wolf' for his 'perceived cunning and lack of integrity' (T. Chong 2013).⁷

As Vickers observes (2003: 67), the use of non-conventional characters and Cantonese colloquialisms in local comics and newspapers also retains the distinctiveness of the everyday spoken and written language of Hong Kong from the standard forms of Mainland China and Taiwan. Vickers also notes that because certain art materials (such as ink and absorbent paper) are tied to 'pan-Chinese conceptions of high cultural tradition', local artists also use alternative materials to construct their locally-centred works; several of these works revolve around the threat of disappearance and erasure of local cultural identity. Such projects amount to a serious contestation of official national ideology:

At a time when patriotic stories, often in the guise of cultural presentations, are being strongly promoted to Hong Kong people in an attempt to interpellate them as citizens of the People's Republic of China, much of the best Hong Kong art is concerned to offer an alternative sense of subjecthood, and one not framed in national terms.

(Clarke 2000:101)

Vickers notes that, in 1997, three Mainland films were issued, all with patriotic themes concerning the importance of 'national unity, morally upright political leadership, and resistance against foreign schemes to divide, dominate and exploit China' (Vickers 2003: 69).⁸ Patriotism and nationalism were also explicit themes in a number of museum exhibitions, whilst increased collaboration with Mainland archaeologists and historians clarified for local officials the boundary between what was an acceptable narrative of Hong Kong history (Vickers 2003: 73–75). In response, some Hong Kongers mounted their own exhibitions of 'fantasy history' for display in local museums and galleries. Local history and archaeology have also assumed greater importance, confounding both the 'barren rock' narrative of British colonial discourse and Mainland belittling of Hong Kong heritage. A social movement has arisen to defend key sites of Hong Kong's colonial heritage from

⁷ The toy, 'Lufsig', sold out in Hong Kong. The translation of its name used in Mainland stores sounded like an obscene Cantonese phrase for female genitalia.

⁸ The three films were *The Opium War*, *Red River Valley*, and *The Soong Sisters*.

demolition. As one protestor said, 'It might not sound right, or politically correct even, but we're doing this because of our fond remembrance of the colonial era' (Tsui 2004). This 'nostalgia craze' raised questions about how Hong Kong treats its past, an issue which 'may ultimately hinge on how its local leaders and the central government in Beijing resolve its present identity' (Shirley Lau 2007). Post-handover attempts to 'assiduously... cultivate and reinforce' a sense that China is a homogenous and unified cultural space, and that Hong Kong has 'an eternal and immutable place within it' (Shirley Lau 2007) have thus met with wide and varied forms of resistance.

Social Activism

In recent years, resistance to Mainlandisation has become more overt. Since 1997, there has been a dramatic rise in the number of anti-government and anti-Mainlandisation demonstrations. Initially, there was an increase to over 2,000 public meetings and processions each year, earning Hong Kong the nickname 'City of Protests'. By 2013, protest had become virtually an everyday phenomenon. Journalists, human rights activists, lawyers and pro-democracy politicians have all become allied in defence of civil liberties, press freedom and the rule of law (Ma 2007: 207). Everyone from the poor and the elderly to community groups has 'taken to the streets' (A. Lee 2002). In response, Mainland officials have become more distant from the local population. Mainland-style core security zones were implemented to isolate Mainland leaders from protesters; when Vice Premier Li Keqiang visited the HKSAR in 2011, the media were barred from 22 events. One man sporting a Tiananmen T-shirt was escorted away; three student protesters from the University of Hong Kong were held in a stairwell by police. As public demonstrations of disquiet have become more vociferous (and anti-Mainland), so police tactics have become more repressive.

The high-point of protest occurred on 1 July 2003, when 500,000 demonstrated against proposals to introduce Mainland-type anti-subversion laws under Article 23 of the Basic Law.⁹ Opinion polls in December 2002 had indicated that 54 percent of Hong Kongers were opposed to Article 23 (Ma 2007: 212, citing the *Ming Pao Daily News* of 14 December 2002). LEGCO member Margaret Ng had warned that there was hardly anything 'more crucial to the preservation of Hong Kong's separate systems and way of life than the rights and freedoms people in Hong Kong enjoyed, adding:

...a free press, the free flow of information, freedom of speech and of association, and free and open debate of political, religious or cultural views [should remain] no matter how distasteful they may be to

⁹ Article 23 of the Basic Law required the government of the SAR to enact laws to prohibit 'any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign organizations or bodies'.

government... It is universally appreciated that this should remain unchanged after reunification, and that the situation in the rest of China should not spread to the SAR...'

(Ng 2002)

Predictably, the pro-Beijing camp dismissed these views as unpatriotic and called upon all Chinese to support the law in the name of patriotism (Li 2002). The *China Daily* called for national security legislation to deal with 'separatists' like LEGCO member Emily Lau Wai-hing, blasted for shaking hands with former Taiwanese President Lee Teng-hui during a trip to Taiwan and allegedly stating that Taiwan's independence should be a matter for the Taiwanese. The Secretary for Justice, Elsie Leung, stated that Hong Kongers 'must follow mainland China's policy on Taiwan' and that 'secessionist' activities would indeed be an offence under Article 23 (E. Leung 2002). Expressing reservations about Article 23 was 'unpatriotic'. Vice Premier Qian Qichen accused critics of having the 'devil in their hearts'.¹⁰ One lone voice warned against a rhetoric which characterised the opposition as 'splittists', reminding the administration that the 'one country, two systems' formula was being observed from Taiwan by those already sceptical of China's plans for 'Great China' unification (Li 2002). Yeung Sum argued that

Equating our democratic aspirations to a quest for independence is far-fetched. By fighting for universal suffrage, people are merely seeking a political solution to correct the systematic flaws now dogging Hong Kong. 'Two countries, two systems' or the quest for independence has never appeared on the people's political agenda.

(S. Yeung 2002)

In an attempt to defuse the situation, Mainland leaders eventually agreed to place Article 23 on the back-burner. According to Lo, they were 'shocked by the pro-democracy tide on 1 July 2003' (S. [S.-H.] Lo 2007: 205). They responded by establishing a Central Hong Kong and Macao Work Coordination Group. This included officials from the State Council's Hong Kong & Macao Affairs Office, the Hong Kong Liaison Office, the Macao Liaison Office, the Ministry of Public Security, the Ministry of National Security, the Party Central Committee's United Front Department and the People's Liberation Army (S. [S.-H.] Lo 2007: 179). Its agents in Hong Kong (the Liaison Office and national security apparatus) adopted 'a hard-line policy toward the democrats, and sought to single out 'enemies' and intimidate them (S. [S.-H.] Lo 2007: 205).

A further mass demonstration on 1 July 2004 persuaded Beijing to adopt a more soft-line policy, if only to avoid the popular vote going en masse to the pan-democrats in the September 2004 LEGCO elections. Communist Party intervention in those elections included polishing the image of pro-Beijing candidates whilst blackening that of the democrats. United Front tactics were deployed to mobilise support for the pro-Beijing DAB candidates. By such means, Lo says, the agents of Beijing 'sank deeper into the electoral politics of the HKSAR', to prop up their favoured regime (S. [S.-H.] Lo 2007: 206–207). Such

¹⁰ The remark was made in a television interview on 25 October 2002.

interventions were noted by locals as further evidence that 'Mainland ways' were undermining Hong Kong's way of life.

The Rule of Law and its Erosion

During the anti-Article 23 controversy, Regina Ip asked the opposition: 'What are you afraid of? We have the rule of law' (C. Yeung 2002). This was a moot point. Events since 1997 had damaged the rule of law. On at least four occasions, it had been undermined by the Standing Committee of the National People's Congress's (NPCSC) decision to issue interpretations of the Basic Law. The fact that the HKSAR government promoted episodes meant that it was left to the judiciary, the legal profession and the public at large to defend the rule of law and 'minimize Hong Kong's legal convergence with mainland China.' (T.W. Lo 2012: 634).

Mainland interventions in the legal system have also served to entrench opposition. Since the 1970s, the government has been able to claim that Hong Kong was governed by the rule of law. Often this was pure rhetoric: corruption and inequality persisted. Nevertheless, it was powerful rhetoric, made all the more so by Chris Patten's frequent reference to it as the foundation of Hong Kong's way of life. Mainland interventions after 1997 activated Hong Kongers' belief in the rule of law, transforming into a cherished 'core value', an icon to be popularly defended. As with national education, the mishandling of the situation by Hong Kong and Beijing created the very politicisation of Hong Kongers that both wished to avoid.

Re-union had barely begun when a conflict between the Mainland and the Court of Final Appeal (CFA) prompted some to ask, 'who is the boss? Hong Kong's Court of Final Appeal or Beijing's NPC?' (T.W. Lo 2012: 633) The case of *Ng Ka-Ling v. Director of Immigration*¹¹ made it clear that the Mainland was not prepared to allow the HKSAR's courts to become an alternative locus of power. The case exemplified what Jacob calls 'crisis by mistake' (T.W. Lo 2012: 634), provoking 'the worst constitutional crisis yet seen in the history of the HKSAR' (Gittings 2007). The case began in 1997, when the Court of Appeal held that, under the Basic Law, all children of Hong Kong citizens born on the Mainland had the right of abode in Hong Kong. The Government challenged the judgment, claiming that it would 'open the floodgates' to at least 1.67 million Mainland migrants, swelling the population by 60 percent within ten years. It produced questionable statistics to substantiate the claim that they would overwhelm Hong Kong's health, housing, transport and educational infrastructure. Hong Kong would be under siege. Ironically, given the later influx of Mainlanders, pro-government supporters said this was enough to make any normal person agree that the judges were out of their minds to 'let these people in'.

As a result, surveys conducted in 1999 and 2000 showed that Hong Kongers' anxiety about 'over population' stood at very high levels (Hong Kong Transition Project 2001), with many supporting the government's opposition to further immigration from the Mainland. Indeed, it would come to seem that Beijing was Hong

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.

Kong's saviour, protecting the territory against mad judges indifferent to public fears.

In January 1999, the CFA declared that the children in the *Ng Ka Ling* case were indeed entitled to right of abode in Hong Kong, a judgment heralded as an 'almost a perfect demonstration of the rule of law' (Ghai 1999). The *South China Morning Post* called it 'the best shot in the arm for the rule of law since the handover' (*South China Morning Post* 1999). However, the Chinese leaders 'saw red' (Jacob 1999). The CFA had argued that it had the power to invalidate actions of the NPC and the NPCSC if they breached the Hong Kong Basic Law (Jacob 1999). The Hong Kong courts had the right to determine whether an act of the NPC or NPCSC was inconsistent with the Basic Law and, if it was, the courts had the right to declare it invalid. Interpretation of the Basic Law on issues involving Hong Kong's autonomy were thus held to be within the province of the CFA. Article 2 of the Basic Law had authorised the SAR to exercise a high degree of autonomy, and to enjoy independent judicial power, including the power of final adjudication.

Pro-Beijing critics responded that the CFA did not possess the power of final *interpretation* and had exceeded its authority in attempting to delimit the constitutional supremacy of the NPC in Hong Kong (Liu 1999). The ruling was seen as an attack on China's sovereignty, 'an attempt to turn Hong Kong into an independent political entity'; it would hinder stability and prosperity (Fenby 2001: 86). Subsequently, Mainland leaders informed the Hong Kong Secretary for Justice that the ruling should be 'revisited' and 'rectified' (Fenby 2001: 86). In June 1999, the HKSAR government then invited the NPCSC to overrule part of the court's ruling, and to establish the NPCSC's own right to interpret any part of the Basic Law at any time.

Later, Wikileaks would reveal that the CFA judges had considered resigning *en masse*, a scenario which would undoubtedly have prompted an even more severe crisis. In any event, the government's legal victory was hollow: the administration lost popular legitimacy. The *Apple Daily* (1999) reported that Hong Kong citizens' approval rating of Chinese rule dropped drastically from 60 percent in 1998 to 42 percent after the CFA incident.¹² By the second anniversary of the handover, 43 percent of those polled said that the rule of law had deteriorated (Fenby 2001: 198). In an editorial by Jonathan Fenby, the *South China Morning Post* argued that the Hong Kong government had undermined the rule of law by appealing to 'a political body [the NPC] when the decision of the highest court goes against them' (Fenby 2001: 194), placing the supreme court in Hong Kong in a subservient position to the NPC:

...what had appeared to be a bedrock of Hong Kong's way of life... has become subject to an essentially political process. The NPC ruling was a stark statement of where power lies... Within Hong Kong itself, there is a very real danger that application of the rule of law is becoming a partisan issue. Being for or against the interpretation route will be seen as a gauge of being for or against the government... The Secretary for Justice branded those who make a link between

¹² The newspaper commissioned the Chinese University Asia Pacific Research Institute to conduct the poll.

interpretation and the rule of law as scaremongers who were destroying their own fortress... [She] has made it plain that the one country comes first followed by the two systems...

(Fenby 2001: 195–196)

A further four NPCSC interpretations followed, each one seen locally as undermining the autonomy of Hong Kong's legal system. In 2004, when the NPCSC intervened to help the Chief Executive of the HKSAR (Tung Chee-hwa) resist pressure towards more democracy in the 2007 election of the CE and the 2008 LEGCO elections, the Roman Catholic Bishop of Hong Kong (Joseph Zen Ze-kiun) described it as 'our own June 4', shattering hopes for full democracy:

...in their fierce shape, the so-called 'guardians of the Basic Law' came to lecture us about patriotism, and certain [Beijing officials] claimed some people wanted to achieve independence... Before we had a chance to discuss the issues surrounding universal suffrage in 2007–08, the committee had already made the decision for us.

(Hui 2004)

The third NPCSC interpretation in 2005 saw the Deputy-Secretary of the NPCSC declare that the NPCSC had unfettered powers of interpretation. An opposition group, called the Article 45 Concern Group, organised a silent march marking the death of the rule of law. Members of the group were barred from entering the Mainland: the Dean of the University of Hong Kong Law Faculty, Johannes Chan, was refused entry to Macau for a conference; Legislator and barrister Margaret Ng was refused a visa to attend an international conference in Beijing, provoking adverse international publicity (Hui 2004). Those who challenged the official Beijing line on the Basic Law were labelled disruptive and disloyal.

The NPCSC interpretations displaced the traditional legal machinery and allowed the government to fall in line with Beijing's wishes by

...explicitly disregarding the common-law principles of interpretation used by the courts in favour of interpreting parts of the Basic Law, according to the more flexible principles that apply under the mainland legal system... [It] did so at the price of raising questions about which legal system the Hong Kong government was committed to protecting and what fundamental rights might end up being restricted if the provisions on civil liberties in the Basic Law were now also interpreted according to the Mainland's more flexible rules'.

(Gittings 2007)¹³

¹³ The Mainland's legal system places much more emphasis on legislative intent, as recalled by the drafters of the Hong Kong Basic Law. The CFA, on the other hand, laid out the common-law principles of interpretation to be applied in the cases of *Ng Ka Ling v Director of Immigration* [1999] 1 HKLRD 577 and *Chong Fung Yuen* [2001] 2 HKLRD 533. These look at the language of the Basic Law in the light of its context and purpose. See also Ching (2004) for a discussion on how the NPCSC has interpreted Mainland law to achieve political goals.

Repeated attacks on law, barristers and the judiciary dented popular confidence in the rule of law and arguably encouraged the turn to cronyism, *guanxi* and corruption which came to tarnish the HKSAR government by 2012–2013. Pre-1997 fear that corruption would seep over the border seemed to be proven correct: high-ranking HKSAR officers curried favour with Mainland officials using gifts, drinks and banquets, flouting long-standing HKSAR rules designed to prevent misconduct in public office.

In June 2012, a University of Hong Kong law professor claimed that the rule of law was in continuous decline (Stuart Lau 2012c); a CFA judge, Mr Justice Bokhary, was forced to retire on age grounds, to be replaced by a more elderly judge, a decision widely seen as political. Bokhary was a liberal judge who had often ruled against the government. In a 2011 case when the CFA was divided on whether to seek an NPCSC interpretation. Bokhary had opposed it. At the time he said that,

It has always been known that the day would come when the Court has to give a decision on judicial independence. That day has come. Judicial independence is not to be found in what the courts merely say. It is to be found in what the courts actually do. In other words, it is to be found in what the courts decide.'

(Bokhary, opening remarks, *Democratic Republic of Congo v. FG Hemisphere Associates LLC*, HKCFA, 8 June 2011)

At the time, dozens of local NPC Deputies had petitioned Beijing for an intervention, a move seen as a 'blatant disregard of the rule of law' and an attempt to 'destroy our legal system and the spirit of the law' (Cheng 2012). Bokhary also opposed seeking an interpretation over the issue of mainland mothers giving birth in Hong Kong. In April 2012, he warned journalists against self-censorship. He had also criticised the former Secretary for Justice for bringing the rule of law under threat. As the local media put it:

Something stinks yet we are choosing not to smell it... This business of Mr Justice Kemal Bokhary being ousted as a Court of Final Appeal judge due to age reeks of sewer stench. It attacks judicial independence. And that, in turn, is an attack on our free society... Bokhary's liberal activism as a top judge has got up the noses of our rulers. They fear his dissenting voice. So when retirement age came they ousted him... How else can you sensibly explain sticking to the retirement age for Bokhary but not for his successor? ... If we remain mute we are allowing sewer stench to infiltrate the independence of our judiciary.

(Chugani 2012b)

Two pro-Beijing Basic Law experts called for all future CFA judges to be Chinese nationals, severing the appointment of local non-Chinese judges and non-permanent CFA judges from the Common Law world.

Over the years since 1997, other cases involving the desecration of the national and regional flag by local demonstrators have underlined the subordinate place of Hong Kong under the 'One country, Two Systems' formula. A series of Flag Ordinances specify that the national flag has priority, must flown in a more prominent position than the regional flag, must be larger than the regional flag, must be raised before the regional flag is raised, and lowered after the regional flag is lowered.¹⁴ Desecration and/or inappropriate use of the national and regional flags are prohibited. The red flag is supposed to represent the motherland, the bauhinia Hong Kong. The design

implies that Hong Kong is an inalienable part of China and prospers in the embrace of the motherland. The five stars on the flower symbolize the fact that all Hong Kong compatriots love their motherland, while the red and white colours embody the principle of one country, two systems.

(Hong Kong Court of Final Appeal, *HKSAR v. Ng Kung-siu and Lee Kin Yun*, 1999)

In January 1998, Ng Kung-siu and Lee Kin-yun were part of a peaceful demonstration organised by the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China. They carried the national flag and the regional flag (Lee was also seen carrying an undamaged Taiwan flag). The centre of national flag was cut out and black ink daubed over the large yellow five-pointed star; the star itself was punctured. The Chinese character for 'shame' was written in black ink on the four small stars and a black cross daubed on the lowest of the four small stars. On the regional flag, one section was torn off, obliterating a portion of the bauhinia design and a black cross drawn across the design. Three of the remaining four red stars had black crosses daubed over them. At the end of the march, the defaced national and regional flags, as well as the Taiwan flag, were tied to railings outside Government Headquarters, stating that 'the damaging and defiling of the national and regional flags was a way to express the dissatisfaction and resistance to the ruler who was not elected by the people' (*HKSAR v. Ng and Lee*, 1999).

The defendants, charged with publicly desecrating and wilfully defiling both flags, argued that freedom of expression was an internally recognised right, guaranteed by Hong Kong law, which could not be restricted by the Flag Ordinances. Government lawyers countered that restricting freedom of expression by criminalising the desecration of the flags was justified if necessary for the protection of public order (*ordre public*). The defendants were convicted, but this was later reversed by the Court of Appeal, which held that the defendants' actions amounted to freedom of expression, a right protected under Article 19 of the International Covenant on Civil and Political Rights, and under Article 27 of the

¹⁴ Stipulations for the Display and Use of the National Flag and the National Emblem and the Regional Flag and Regional Emblem, Protocol Division HKSAR Government Secretariat. See also The National Flag and National Emblem Ordinance Statutory Instrument A401 and the regional Flag and Regional Emblem Ordinance Statutory Instrument A602.

Basic Law.¹⁵ The government challenged this ruling in the CFA where the judges concluded that freedom of expression was not an absolute and could, under certain circumstances, be restricted. In this instance, restriction was justified since protecting the dignity of the flags was a legitimate matter of community interest at this particular point in Hong Kong's history, where they were necessary to the adequate functioning of public institutions:

The resumption of the exercise of sovereignty is recited in the Preamble of the Basic Law, as 'fulfilling the long-cherished common aspiration of the Chinese people for the recovery of Hong Kong'. In these circumstances, the legitimate societal interests in protecting the national flag and the legitimate community interests in the protection of the regional flag are interests which are within the concept of public order (*ordre public*)... The national flag is the unique symbol of the one country, the People's Republic of China, and the regional flag is the unique symbol of the Hong Kong Special Administrative Region as an inalienable part of the People's Republic of China under the principle of 'one country, two systems'... Hong Kong is at the early stage of the new order... The implementation of the principle of 'one country, two systems' is a matter of fundamental importance, as is the reinforcement of national unity and territorial integrity. Protection of the national flag and the regional flag from desecration, having regard to their unique symbolism, will play an important part in the attainment of these goals. In these circumstances, there are strong grounds for concluding that the criminalisation of flag desecration is a justifiable restriction on the guaranteed right to the freedom of expression.

(*HKSAR v. Ng and another*, 1999)

The CFA described the national flag as the symbol of a nation:

...A unique symbol... The symbol of the State and the sovereignty of the State. It represents the People's republic of China, with her dignity, unity and territorial integrity... The regional flag is the unique symbol of the Hong Kong Special Administrative region as an inalienable part of the people's Republic of China under the principle of 'one country, two systems'...

(*HKSAR v. Ng and Lee*, 1999)

¹⁵ Article 27 of the Basic Law says that 'Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike. The appellants had argued that the regional flag was not a symbol of allegiance and there was 'no evidence that the HKSAR flag was sacred to anybody'.

Because Hong Kong was trying to 'integrate itself into the Chinese motherland', reinforcement of territorial and national unity were matters of 'fundamental importance to this aim' (*HKSAR v. Ng and Lee*, 1999).

The decision was a blow for freedom of expression, one of the main features of Hong Kong's 'way of life and political culture' (Ng 1997). Fears grew about the resilience of other freedoms: a 2001 survey showed that freedom of the press and freedom of speech were felt to be under threat (Hong Kong Transition Project 2001: 28). The Government was already suspected of following Beijing's orders by interfering with the editorial independence of Radio Television Hong Kong (RTHK). Some RTHK programmes had discussed the 'two states' theory expounded by Taiwan's president, Lee Teng-hui, following which Pro-Beijing figures had pressurised the Government to move the head of RTHK, Cheung Man-ye, to a post in Japan (C. Yeung 1999). The dismissal of a *South China Post* editor was also alleged to have been politically motivated.

By 2005, however, it seemed that the CFA had learnt how to protect the rule of law without incurring Beijing's wrath. The case before it concerned the conviction of several Falun Gong protesters. Falun Gong was banned on the Mainland as an 'evil cult', bringing the 'one country, two systems' formula into sharp focus (*Yeung May Wan v. HKSAR* [2005] 2 HKLRD 212). In 2002, some members were arrested for causing an obstruction during a peaceful demonstration outside the Mainland government's Liaison Office, where they had been protesting against the treatment of members on the Mainland. Appealing against their conviction, they argued that they were defending human rights and the rule of law, and that the charges against them were malicious persecutions due to pressure from the Mainland (Associated Press 2003). The case was seen as 'a key test of judicial independence under Chinese rule' (Lai 2005).

This time, the CFA concluded that, although the demonstrators *had* obstructed a public place (Gittings 2007), this did not automatically constitute an offence, nor was obstruction of a public place a serious enough matter to muzzle demonstrators exercising their right to free speech: '...when obstruction results from persons exercising the constitutional right to demonstrate, the importance of that fundamental right must be given substantial weight in deciding whether the obstruction is reasonable' (*Yeung May-wan and others v. HKSAR*, Final Appeal judgement 2005)

The CFA's decision was particularly striking because Tung Chee-hwa, using language more familiar in the Mainland, had called the group an 'evil cult' during a speech to LEGCO. He had also tried to bar overseas Falun Gong followers from entering Hong Kong 'rather than upholding the group's continued right to exist in Hong Kong under one country, two systems' (D. Gittings, 2007). A local cartoonist depicted him jumping up and down over the prostrate body of the rule of law.

Such cases have heightened Hong Kongers' sensitivity to the role played by law in protecting their way of life against Mainlandisation. They have also led to sometimes unlikely coalitions amongst social groups, pan-Democrats, the Bar and academia in defence of the rule of law. As 2012 ended, however, Mr Justice Bokhary warned that there was 'a storm of unprecedented ferocity' gathering over the rule of law in Hong Kong (A. Chiu 2012). Though the commitment of the people to the rule of law and freedom in Hong Kong was 'unshakeable' (A. Chiu 2012) there were, as local law professor Eric Cheung Tat-ming argued, 'tensions

between Hong Kong and the mainland' (quoted in Cheng 2012). A few years earlier, Benny Tai Yiu-ting, Associate Dean of the University of Hong Kong's law faculty, said that the 'one country, two systems' model were becoming much worse much faster:

As early as the 1990s, I felt increasingly that the conflicts in the 'one country, two systems' would be irreconcilable. This [system] would only be possible if Hong Kong people gave up their most important constitutional values, or if the Communist Party abandoned its one-party dictatorship... After 1997, we've seen constant tussles... The people of Hong Kong have demonstrated their strong aspirations for democracy and change. It resulted in full-scale control by Beijing... It's fair to say Beijing has also changed. They know they have the power... The crux of the problem now is that the NPC Standing Committee has time and again asserted its authority and no longer restrains its power... Without any power to check the exercise of power by the Standing Committee, Hong Kong people can only influence the process through public opinion and mass movement.

(Tai, quoted in C. Yeung 2005b)

Despite – or perhaps because – the walls of law surrounding Hong Kong have faced such constant battering by Mainland critics, the rule of law has become *the* core value amongst Hong Kong people. It symbolises all that makes Hong Kong distinctive from the Mainland. Officials determined to 'Mainlandise' Hong Kong and bring the territory to heel only succeeded in strengthening locals' resolve to defend it.

Conclusion: Lessons To and From Taiwan

Repeated demonstrations of Beijing's sovereign power have only served to crystallise for Hong Kongers their core values and their identity, whilst hardening their opposition to Mainlandisation. Faced with 'cultural emasculation' (Amuta 1989) they have responded by entrenching language and culture.

Arguably, Taiwan has a more long-established sense of itself. If so, popular resistance to Mainlandisation is likely to be stronger – but also different. Having once been denied an identity by the British, Hong Kongers are perhaps more expert in the arts of surviving domination by means of covert resistance, through symbol and subversion of the dominant narrative of reunion with the Motherland.

The 'one country, two systems' formula was originally devised by Deng Xiaoping in the 1950s as a means of securing the allegiance of Tibet and Taiwan (Hung and Kuo 2013). Finding it difficult to establish direct governance, Beijing co-opted the ruling elites, a strategy which succeeded for a time. Ultimately, however, attempts to suppress local diversity and create a homogeneous proletarian nation failed in Tibet. In Taiwan, Beijing 'tried to win the hearts of the Taiwanese by hinting that unification would bring about social progress and the end of authoritarian rule... and promising high-level autonomy' (Hung and Kuo 2013: 196). However, in the late 1980s, the Democratic Progressive Party was labelled an enemy of re-unification. Leaders of social movements and opposition forces were viewed as 'malicious traitors... manipulated by evil imperialist forces' (Hung and Kuo 2013:

200), much as pan-democrats were vilified in Hong Kong. Beijing shifted its support to the KMT but with the marginalisation of the KMT in the 1990s it lost its leverage and, in the face of rising Taiwanese separatism, resorted to shows of military strength and verbal attacks. The response was a more pro-independence stance, a 'de-Sinicisation' project, and the rejection of unification policies (Hung and Kuo 2013: 198–199), all of which resonate with the developing situation in Hong Kong.

The history of Tibet and Taiwan thus has lessons for the CCP about Hong Kong. Meanwhile, however, Hong Kong activists use social media to warn the Taiwanese what 'one country, two systems' looks like. The potential for an alliance of the discontents cannot have escaped Beijing's notice.

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