Contemporary Chinese Political Economy and Strategic Relations: An International Journal Vol. 6, No. 3, Dec. 2020, pp. 993-1038

Hong Kong: The End of the City of Protest?[+]

Tim Nicholas **Rühlig**[*]
The Swedish Institute of International Affairs

Abstract

On 1 July 2020, a new National Security Law for Hong Kong has taken effect. It is intended to end the three-decade tradition of Hong Kong protests. While it might successfully suppress protests, it will not mitigate the grievances that Hong Kong's citizens protest against. Politically, it restricts civil liberties of Hong Kong – quite the opposite of what the protesters call for. Economically, the law will come with a weakening of Hong Kong as a financial centre, particularly since it undermines the cybersecurity of financial services. This will most likely further fuel the economic challenges that underlie the demonstrations. The law also contributes to a further Mainlandization that disregards the call of many Hong Kong protesters to acknowledge Hong Kong's post-colonial identity. While the Chinese Communist Party's calculus that the introduction of the law during the coronavirus pandemic would reduce the political, economic and legal price it has to pay will turn out to be a misjudgement, the prospects for Hong Kong have turned to the worst.

Keywords: *Hong Kong, protest movement, National Security Law*

1. Introduction

> *Hong Kong as we know it is under threat from the creeping authoritarian influence of the [Chinese Communist] Party. […] But what gives me some hope is that we still protest. After the Umbrella Movement in 2014 ended* [without bringing democracy to Hong Kong] *I thought none of us would ever demonstrate again. But now I know that we are still standing to protect our freedom in Hong Kong.*[1]

> *I fear that Hong Kong is dead. […] I remember I had similar thoughts before and Hong Kong would always get back. Maybe we need to find new forms of protest. I am not optimistic, but I haven't lost my hope entirely.*[2]

June 9, 2019. It is a hot, sunny, and humid summer day in Hong Kong, the Special Administrative Region (HKSAR) of the People's Republic of China (PRC). Regardless of the heat of over 30° Celsius, hundreds of thousands of Hong Kong citizens, the "Hong Kong Civil Human Rights Front" (CHRF), organizer of the protests and umbrella movement of a number of Hong Kong-based pro-democratic organizations, claims that even 1.03 million people hit the streets to protest. The people on the streets demand that the local government should withdraw a draft bill ("extradition bill") that would have allowed extradition of criminal suspects to any country that Hong Kong has no extradition treaty with, including the rest of China, often referred to in Hong Kong as "Mainland China" (*The Guardian*, 9th June 2019). For the protesters, this is an important issue because even though the HKSAR is part of China, it enjoys a high degree of autonomy and has a political, economic and legal system distinct from the rest of the country. Hong Kong has a functioning rule of law including an independent judiciary, Mainland has

not (Summers, 2019). The fear of the protesters is that legal charges could be raised against political dissidents to allow them to be extradited to Mainland China.

One year later, the situation has changed fundamentally. The protests have successfully prevented the extradition bill of being legislated, but a new, even more draconian law is being drafted – not in Hong Kong, but in Beijing: the National Security Law (NSL) that took effect on 1 July 2020 (Xinhua, 1st July 2020).

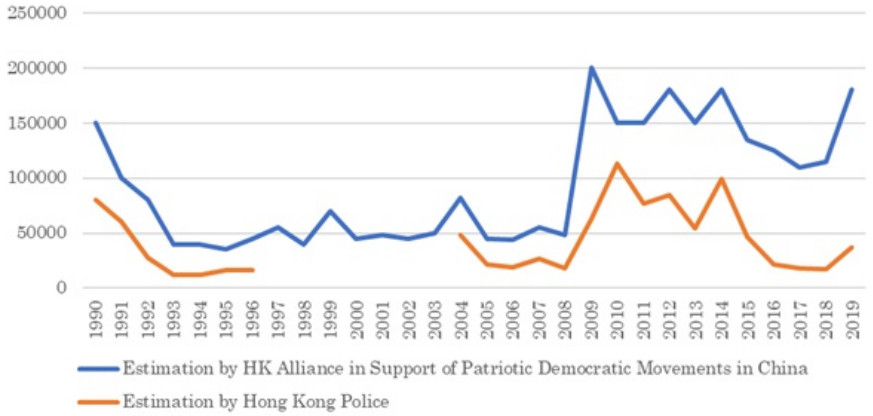
In 2019, the high turnout of protesters came as a great surprise to all experts. I had followed the developments from far away in Stockholm sitting at my desk watching the live footage and scrolling through the news. After a while I texted a friend of mine in Hong Kong: "Are you protesting?" A few minutes later I received his response: "Of course! Everyone is out. It's on again!" – "Did you expect this?" – "Nobody did. I thought I would never see such a protest again," he wrote. A bit more than one year later with the NSL being in effect, I discuss with him whether it is time to leave Hong Kong permanently or to stay.

In 2019, not only the (international) media, but the local Hong Kong government and the rulers in Beijing had underestimated the dissatisfaction of the Hong Kong people. Not even the organizers of Hong Kong's CHRF had foreseen such a high turnout.[3] It might have very well been this surprise that led the leadership of the Chinese Communist Party (CCP) to decide at the Fourth Plenary of its Central Committee in the autumn of 2019 (*South China Morning Post*, 1st November 2019) to effectively end the semi-autonomy of Hong Kong and set an end not only to the most recent, but to a series of demonstrations over the last three decades.

Over the last thirty years, Hongkongers have protested against many different policies and sometimes they have been successful. Every year since 1990, tens if not hundreds of thousands commemorated the violent

crackdown of the protests in June 1989 at Beijing's Tiananmen Square (see Figure 1). On July 1, 2003, the citizens demonstrated against a national security legislation that they feared would have undermined the civil liberty rights that Hong Kong has preserved from its colonial history and that do not exist in the rest of the PRC. The bill was withdrawn and no government has dared to make another attempt of introducing national security legislation again (Cheng, 2005). In reaction, the Chinese authorities drafted the NSL in Beijing in 2020. Ever since 2003, an annual protest rally draws tens of thousands to the streets of Hong Kong Island on each July 1, the anniversary of the handover of Hong Kong from British colonial rule to the PRC. Only in 2020, both the Tiananmen commemoration and the 1 July rally were forbidden and fewer people hit the streets. In 2007, another wave of protests fought for the preservation of the colonial heritage of Hong Kong and against the demolition of the city's old Queen's piers or the "Wedding Card Street" – with partial success (Lee, 2012). In 2012, a high school student strike prevented the introduction of a "national education" that was meant to teach Hong Kong's pupils that they should love China, including its political leadership. From this protest, a then-15-year-old boy emerges as the leader of the protests. His name is Joshua Wong Chi-fung (Wong, 2015). Only two years later, Joshua Wong became one of the leading figures of another social movement that occupies three districts of Hong Kong for 79 days to advocate the democratization of Hong Kong's Chief Executive (CE) elections. This protest is known as the Umbrella Movement because the protesters used umbrellas to protect themselves against the police's pepper spray (Rühlig, 2015a). The list of protests could be continued.

Figure 1 Participation in 4 June Commemoration in Hong Kong's Victoria Park



Although in early 2019 it seemed that the citizens were tired and frustrated from all the protests that – in the eyes of many[4] – had not achieved significant results, a record number of people joined the rally on 9 June. This turned out to be not a one-day wonder. Instead it was the beginning of a long protest cycle that ended only with the outbreak of the coronavirus pandemic. Already three days after the breakout of the protests, demonstrators temporarily occupied the HKSAR's parliament, the Legislative Council (LegCo). In reaction, CE Carrie Lam Cheng Yuet-ngor, the city's highest political representative, announced the suspension of the bill on 15 June. But only one day later, an even larger number of people – the protest organizers speak of more than 2 million people – hit the streets again and demanded the complete withdrawal of the extradition bill. In early September 2019, the Hong Kong government announced to fulfil the protesters' demand and formally withdrew it in October. But the protests continued. In the

meantime, the demonstrations that remained almost completely peaceful in the beginning turned more violent, not least in reaction to escalating police tactics. The peak of the escalation has been the occupation and the siege of the city's Polytechnic University in the second half of November when mostly young protesters aimed to defend the campus against the heavily armed Hong Kong police. After the end of the siege, the confrontation turned less violent again. On New Year's Day 2020, the organizers claimed that, once more, 1.03 million citizens demonstrated.

All this is a clear indication of the deep-seated dissatisfaction of the Hong Kong population. Why are they protesting? Will the NSL end protests? How will the people deal with the grievances?

Addressing these questions, this article delves into the reasons behind the Hong Kong protests (Section 2), unpacks crucial myths about the protests that are widespread (Section 3), asks for the rationale behind the Central People's Government (CPG) action (Section 4) before closing with an outlook carving out the relevance of the issue from a European perspective (Section 5).

2. Why Do Hong Kong People Protest?

> *I have never protested in my life before, but this time I felt I had to get my voice heard. The "evil bill"* [the "extradition bill", T.R.] *is about the very core of what makes Hong Kong the place it is: judicial independence. I have stood at the side when our youngsters protested in 2014 for democracy. Since Hong Kong has never been a democracy I thought we shouldn't demand something unrealistic. Now I know we need to ask for more. Otherwise, we cannot keep what Hong Kong is all about. We need change to preserve what we have.*[5]

I sit in Mong Kok, one of Hong Kong's poorest neighbourhoods with a protest veteran. "We must always fight!" – "Always? What do you mean?" – "Yes, always! This is Hong Kong." – "Do you find Hong Kong such a bad place?" – "No, I love Hong Kong. This is why I protest." – "Yes," my conversation partner makes a small pause, sips her tea and continues: "I am a real Hong Kong girl. A real Hong Kong girl must protest." We laugh, but I know that she has nailed it. Political protest has become part of Hong Kong's DNA. What will happen to it now that the NSL has been enacted with the attempt to bring protests to an end?

The multitude of protests mirrors the turbulent recent history of post-colonial Hong Kong. Already shortly after the handover of Hong Kong from British colonial to Chinese rule in 1997, the financial centre faced the outbreak of the Asian Financial Crisis. Five years later, the city was hit hard by the Severe Acute Respiratory Syndrome (SARS) pandemic, which cost almost 300 lives in Hong Kong. The first CE of Hong Kong, Tung Chee-hwa, was widely perceived as mishandling these two crises. Hence, the 1 July 2003 protests against the introduction of a national security law under Article 23 must be seen in the context of wider dissatisfaction with the CE's work (Cheung, 2005; DeGolyer, 2005). Protests against the demolition of the Star Ferry Piers, the Queen's Piers and the Wedding Card District, in turn, reflect that many people in Hong Kong felt that their distinct identity and culture were neglected since rulers assumed that the people would agree to a "Mainlandization" of the city (Rajadhyaksha, 2015; Cheng, 2016). The grievances grew as did the protests with the "national education" protests in 2012, the Umbrella Movement (2014) and finally the "anti-extradition bill" demonstrations (2019). In light of limited successes, protests that had been exceptionally peaceful included violence in the

"Fish ball Protests" of Mong Kong (2016) and the anti-extradition bill demonstrations.

Already the multitude of protests and its sustainability over so many years indicates the existence of severe grievances. A closer look brings three layers of discontent to light that need to be distinguished, namely political demands, economic grievances and a conflict over identity. I turn to each of those separately in the following.

2.1. Political Demands: Electoral Democracy and Civil Liberty Rights

> *In the 1980s, we were happy about the handover [to China]. We are Chinese people and were set to return to our motherland. Back then, China underwent an unprecedented period of reform. Even Deng Xiaoping thought that China would become similar to Hong Kong. [...] The table has turned. Now we fight for the preservation of our freedoms and aim to fend off Mainland Chinese authoritarianism.*[6]

It is Summer 2015. I sit in a small and dark room at Hong Kong University and talk to a political activist at the faculty of law. He is a legal scholar; this is why our conversation focuses on how the Chinese leaders utilise law to control Hong Kong. The main concern is that not an independent court, but a political committee, namely the Beijing-based Standing Committee of the National People's Congress (SCNPC) that is under the full control of the CCP, has issued in 2014 an interpretation of Hong Kong's Basic Law that has become famous as the "31 August Decision" (SCNPC, 2014). I have heard about this decision before because it interprets Hong Kong's Basic Law in such narrow terms that a real democratization of the city is hardly possible. My conversation partner, however, points to a more fundamental challenge: "The Basic Law grants the right of its interpretation to the independent courts of Hong Kong in adjudicating cases, as article 158 (3) reads. Only

in cases when Hong Kong's courts are faced with the situation that they need to interpret the Basic Law concerning the relationship between the central authorities in Beijing and Hong Kong shall they seek an interpretation from the Standing Committee in Beijing on their own initiative. In 2014, however, not Hong Kong courts reached out to Beijing, but the Standing Committee took the initiative." In other words, the interpretation of Hong Kong's Basic Law is subject to political calculations not subject to an independent judicial review as an effective separation of powers and rule of law would require. "You think it is about more than democracy?" I ask him. "It is about the liberal political system that combines electoral democracy with the rule of law. Mainland China does not have this kind of system, but we in Hong Kong are deeply rooted in our belief in this system – no matter what political stance we take."

Hong Kong's political landscape is traditionally divided into two opposing camps referred to as the "pro-democracy" and the "pro-Beijing" camps. The "pro-democracy" camp is the opposition, the "pro-Beijing" camp effectively holds control over the government and has the majority in the LegCo. The distinction of these two groups describes the general fault lines in Hong Kong. Critics of the government are focusing on the demand to democratize the political system of the HKSAR. In recent years, in particular after the Umbrella Movement failed to bring genuine democracy to Hong Kong in 2014, some of mostly young democracy advocates have come to the belief that Hong Kong will not democratize as long as it is part of the PRC. This has led them to call for independence from the Mainland. This group is mostly referred to as "localists" (Chan, 2016; Chen and Szeto, 2015).

Surprisingly and often overlooked but rightly pointed out by my conversation partner at Hong Kong University, the pro-Beijing camp in Hong Kong is mostly not opposed to the idea of democratization either.

However, in contrast to traditional pro-democrats and localists, proponents of the pro-Beijing camp take a pragmatic stance. They care mostly about the economic and social development of the HKSAR and are convinced that closely working with the rulers in Beijing will be most beneficial to the city. They believe that the Beijing government will not allow the democratization of the HKSAR in the first place; for them, it is useless to fight for the unattainable.[7] Apart from this pragmatism, many pro-Beijing figures personally profit from the existing system. They fear that a democratization could strip off their political and economic privileges. In fact, co-optation of economic elites is most decisive for Chinese rule over Hong Kong. This has been the same under British colonial rule (Summers, 2019).

Never in its history has Hong Kong been a democracy. Under British colonial rule, the most far-reaching decisions were taken by the British governor, who was appointed by London. The local parliament enjoyed only very limited powers. The elections to the parliament were only significantly democratized when the United Kingdom (UK) had already agreed to handover the control over Hong Kong back to China. And even then, the LegCo elections were not fully free and fair.

In the early 1980s, the UK and China negotiated the terms and conditions of the handover that was due to take place in 1997. On December 19, 1984, the negotiations ended with the signing ceremony of a bilateral treaty later registered as such with the United Nations (UN) between Great Britain and the PRC. This treaty, termed the "Sino-British Joint Declaration on Hong Kong" (SBJD), established the principle of "One Country, Two Systems" (OCTS) and guaranteed Hong Kong a "high degree of autonomy except in foreign and defence affairs which are the responsibilities of the Central People's Government", as Article 3.2 of the SBJD reads (HKSAR Government, 1984).

The guiding principle and promise that was made to Hong Kong was to preserve the status quo for 50 years after the handover until the year 2047 (Chan, 2015). Hong Kong was set to be controlled by Beijing, remained a capitalist entity with its own, freely convertible currency, a functioning rule of law including an independent judiciary, enjoying the full protection of civil liberty rights such as a free speech, freedom of assembly, and press freedom. All this was far from a commitment to democratize Hong Kong. Instead, the SBJD envisioned to transfer London's colonial powers to Beijing. Most of the British governor's competences were transferred to the new CE. On the CE's selection method, the SBJD falls far short of promising a democratic election. Instead, Article 3.4 of the SBJD states that "the Chief Executive will be appointed by the Central People's Government on the basis of the results of elections *or consultations* to be held locally" (HKSAR Government, 1984, emphasis added).

Already in the second half of the 1980s, however, interest in a democratization of Hong Kong's polity grew within the city. Hence, when the Basic Law for the new HKSAR was drafted with the participation of local Hong Kong elites, the idea – even though somehow vague – made it into the Basic Law. Most importantly, Article 45 states that "the ultimate aim of political reform is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures" (HKSAR Government, 1997). In other words, the Basic Law did not introduce democracy right away and it did not detail when universal suffrage would be introduced. It also did not specify what makes a nominating committee "broadly representative". However, it injected the promise of democratic reform and was even more concrete with regard to the LegCo reading in article 68: "The ultimate aim is the

election of all the members of the Legislative Council by universal suffrage" (HKSAR Government, 1997).

While the vague promises made in the Basic Law have fuelled the demand of Hong Kong people to have a significant say in the future of their home city, the current system falls short of any such hopes. Power lies not with the general citizenry but mostly with an unholy alliance of co-opted business elites and the CCP in Beijing. The CE, for example, is selected by means of an Election Committee that is dominated by pro-Beijing business elites. Half of the LegCo is voted into to office by universal suffrage, but the other half is elected by a selective constituency that massively overrepresents pro-Beijing business elites.[8]

Particularly important for the controversy around the reform of this system is the question of nomination. In 2014, the governments in Hong Kong and Beijing initiated a reform proposal. In line with a very narrow interpretation introduced by the 31 August Decision, it suggested to turn the Election Committee into a Nomination Committee without any changes with regard to the composition method of the Committee (SCNPC, 2014). In elections by universal suffrage, Hong Kong voters would have been able to select one of the candidates nominated by the Beijing-controlled Nomination Committee. The Hong Kong government argued that it had to treat the 31 August Decision as a document of constitutional power, which leaves little if any room for a more democratic approach. The pro-democracy camp called the reform proposal a "fake democracy" and initiated the Umbrella Movement in protest. The reform bill finally failed in the LegCo.

Even though Hong Kong has never been a real democracy, the Basic Law's promise and the unequal treatment of ordinary citizens and the co-opted business elite in the selection of both the CE and the members of the LegCo[9] fuels discontent. What adds to the concerns of Hong Kong's opposition even further is the creeping erosion of civil

liberty rights as well as shrinking spaces of freedom ranging from the kidnaping of Hong Kong booksellers including the Swedish citizen Gui Minhai (*The New York Times*, 16th June 2016) to the purchase of media outlets by Mainland Chinese investors such as the acquisition of the *South China Morning Post* by Jack Ma in 2016, owner of the Mainland Chinese e-commerce and tech-giant Alibaba (Reporters Without Borders, 2016). All this is coupled with the gradual erosion of judicial independence. In this context, Beijing's claim that the SCNPC has the right to interpret the HKSAR's mini-constitution at its will is a particularly important case, as the above-mentioned example of the 31 August Decision demonstrates.

This episode also exemplifies how the lack of democracy is intertwined with a different understanding of the rule of law. The SCNPC interpreting the Basic Law is not a judicial body but part of China's legislature and fully controlled by the CCP. Over the years, the SCNPC has, however, not just issued interpretations of the Basic Law when Hong Kong's courts asked for it, but also upon its own initiative and upon the initiative of the pro-Beijing government of the HKSAR (Tai, 2010; *South China Morning Post*, 1st November 2016). Law does not function as a constraint to, but a means of power (Rühlig, 2018).

2.2. Economic Grievances: Relative Economic Decline and Social Challenges

> *Hong Kong has always made people dream and hope. In the 1970s, a TV series titled "Below the Lion Rock", named after a landmark mountain [in Hong Kong] has captured this. Since then, we speak of the "Lion Rock Spirit". [...] Nowadays, the Lion Rock Spirit is gone. The promise that our lives will get better if we only work hard is not true for our children anymore. Just look at the housing situation.*[10]

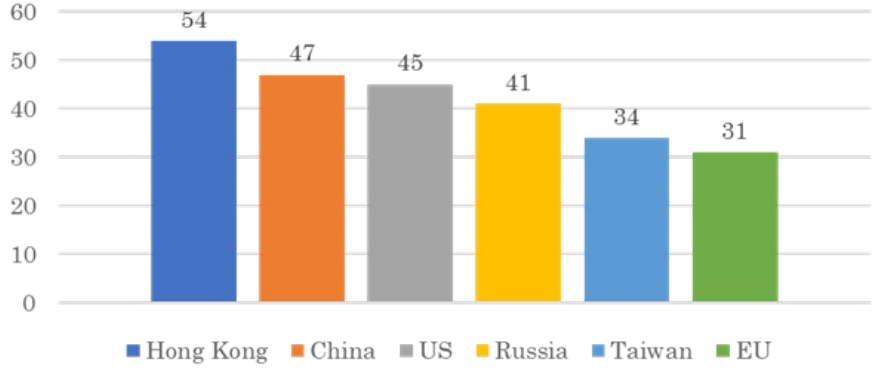
I sit with several high-rank members of advisory institutions of the central authorities on Hong Kong in Beijing. We discuss the protests of 2014 in Hong Kong. After only a few minutes, all my Chinese conversation partners exclusively discuss the economic and social situation in the HKSAR. One summarizes the perspective of the whole group: "Come on, forget about democracy! If Hong Kong was economically prosperous these protests would end tomorrow." It is not the first time I am confronted with this perspective but I find it remarkable given all the emphasis that protesters give to democracy, the rule of law and human rights. Beijing's focus on economics is yet another example of how the Mainland misses the essence of Hong Kong protests. However, the Chinese government's obsession with discussing Hong Kong's economic situation has its foundation and certainly the protests in the HKSAR have an economic dimension.

To begin with, the clear separation of the demand for electoral reform on the one hand and economic and social issues on the other hand that is often made by both Chinese and international observers and media is misleading. China's power is based on the loyalty of co-opted economic elites. Hence, leaders in Hong Kong and the CPG have to carefully consider the economic self-interest of this co-opted elite. The result is a policy that does not effectively fight poverty and inequality but favours particular business interests (Kwong, 2007).

20.4% of Hong Kong's citizens live below the poverty threshold (*South China Morning Post*, 11th January 2020). This figure stands in sharp contrast to the wealth of Hong Kong's rich. Accordingly, the HKSAR is one of the most financially unequal political entities. The Gini coefficient is an internationally accepted measure of the degree of inequality with a value of 100 representing maximum inequality (= a status in which one person has everything and all others have nothing)

and 0 stands for maximum equality (= all citizens have the same amount of resources). Hong Kong's Gini coefficient is higher than that of China, the US, Russia, Taiwan, and the European Union (EU) (see Figure 2).

Figure 2 Inequality (Gini coefficient), selected entities



A particular challenge to Hong Kong's unequal society is housing. On average, Hong Kong citizens' apartments comprise 15 square meters per person only. For years, the city was famous for the thousands of people who stayed in cages that landlords piled up in the poor areas on the Kowloon Peninsula and the New Territories. The rental of cages turned illegal, but to this day, more than 200,000 people live in terribly small places, commonly referred to as "sub-divided units". Throughout the city, 86,500 sub-divided units exist. Most of them consist of not much more than a bed, a wardrobe above the bed as well as a shared kitchenette and a shared bathroom (Society for Community Organization, 2019). Many of the sub-divided units do not even allow one to stand outside of the bed that covers the whole floor area.

Politicians are fully aware of the extreme housing situation, which does not exist by default. Instead, real-estate developers represent a cornerstone of the co-opted pro-Beijing elites. Several Hong Kong governments have announced their commitment to tackle the housing situation promising to invest in subsidised housing (Lo, 2005). Not least, the current administration under CE Carrie Lam has made the same promise (*South China Morning Post*, 16 October 2019). However, until this day, no less than 45% of all construction is carried out by only five real-estate developers. This strong market presence allows them to dictate the prizes. In fact, significant amounts of property are left empty on purpose to shorten the supply of living space and increase the price. The Hong Kong and Beijing governments have identified this problem, but shy away from going against the business interests of their allied co-opted elites.

Ironically, the 2019 protests and the tendency of a stronger political influence of pro-democratic political parties in Hong Kong make it even more difficult for the Beijing government to risk the support of its local loyalists including in the real-estate sector.[11] In fact, the high turnout of anti-extradition bill protests that included traditional supporters of Hong Kong's government has made clear once more that the support of large parts of the pro-Beijing elites in Hong Kong does not rely on conviction but is transactional in nature. If pro-democratic influence in the Election Committee and the LegCo increases, Beijing has even more reason to make sure that its loyalists stand with the interests of the CCP. This, in turn, provides less leeway to go against the vested interests of Hong Kong's co-opted elites, including in the real-estate sector.

Finally, a strengthening of Hong Kong as a prosperous business location is risky for Beijing. Hong Kong's economic importance for the PRC – although still significant – has drastically declined (Bond,2020). This comes with worse employment opportunities for Hong Kong's

workforce. Of particular importance to Hong Kong's economy is that it is a prime financial centre in East Asia. Over the last decade, Shanghai and Shenzhen are quickly catching up with Hong Kong. This leaves the CPG in yet another dilemma. In an attempt to appease protest in Hong Kong, the Beijing government could aim to re-strengthen Hong Kong and provide preferential treatment to its special administrative region. However, this would send a signal to the rest of the country that if people only protested, they would be economically rewarded. Left with this choice, Beijing seems to rather aim for a further decline of Hong Kong's relative economic importance to the Mainland.

2.3. Identity Conflicts: Post-Colonial Identity, Distinct Culture and Xenophobia

> *It is true that we are ethnically Chinese. But Hong Kong has never been Chinese. The British have founded the city and ruled it for 150 years. We are not Chinese; we are not British; we are Hongkongers and we want to keep our city as our home. I am sick of all the Mainlandization of Hong Kong. You want to see a Chinese city? Go [across the border just a few hundred meters away] to Shenzhen!*[12]

Autumn 2019. I visit the southern Chinese metropolis of Shenzhen next to Hong Kong. Only a small river separates the HKSAR from Shenzhen, but this demarcation is guarded like a national border. I take a subway to the border knowing that I will not be able to visit Hong Kong this time because otherwise I would need a separate visa that allows me to re-enter Mainland China. I am a little tired of a full working day and start to think of my friends across the border, who have also finished work now and – most likely – make their way to yet another protest rally. I fear that they will get involved in violent clashes when confronting the police when all of the sudden I freeze. Next to me is a young woman playing a

game on her smartphone, just like almost everybody else in the subway. Here in Shenzhen, just a few minutes away from Hong Kong, not a single sign indicates what is happening on the other side of the river. But this young woman does not just play any random game, no: On the screen of her phone I see little birds fluttering. The young woman aims to catch them with her figure and drag them into little cages at the bottom of the screen. I cringe. What a symbolic moment: This young Shenzhen woman enjoys to be entertained with an online game caging flying birds while we get closer and closer to Hong Kong, a city that is standing up in protests for weeks and months. "What a cultural difference?!" I think. "In Hong Kong, people protest. Here in Shenzhen, she does not only play this game but is unpolitical enough not to even think of its symbolism." I cannot stand to watch her playing, leave the train and rather wait for the next subway to arrive to continue the journey and dare not look at the screens of the fellow travellers around me anymore.

Ethnically, there is no difference between the local Hong Kong citizenry and the population in the south of the PRC. Culturally, however, Hong Kong and Shenzhen that are geographically so close, seem to be on different planets. At first glance, this appears to be not only surprising because of the proximity but also in light of the fact that each day around 735,000 people cross Hong Kong's border with the Mainland (HKSAR Government, 2016).

At this point, the enormous impact of history is apparent.

Before Hong Kong became a colony, the island was only inhabited by a small fishermen's village. In essence, Hong Kong was founded by the British and remained under British colonial rule for around 150 years. Most of Hong Kong's citizens are ethnically Chinese. Whenever China was undergoing a crisis – be it a civil war, a famine, or political persecution – Chinese citizens made their way to Hong Kong in search

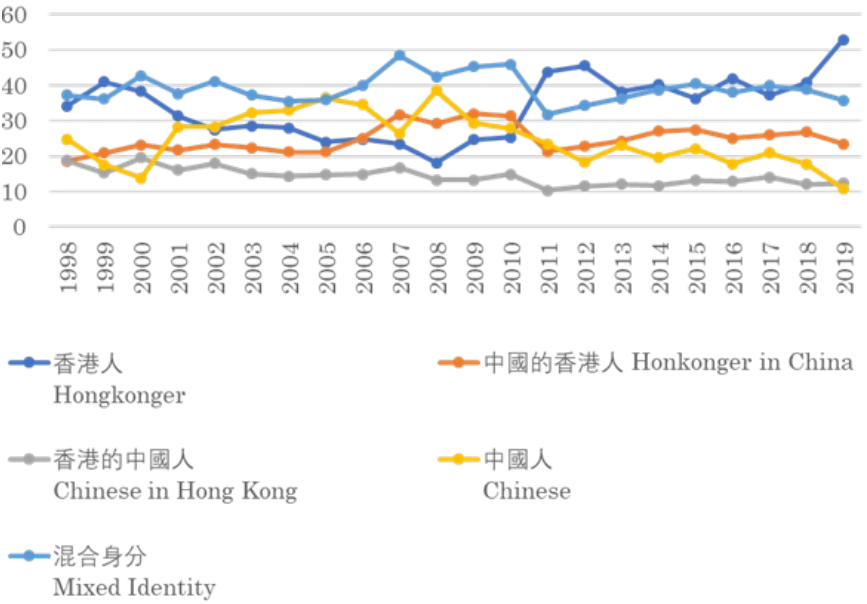
for freedom or the opportunities that a capitalist society seemed to promise to hard-working people (Carroll, 2007).

At all times, Hong Kong's destiny was closely bound to China's development. Hong Kong even served as a basis for Chinese dissidents such as the legendary founder of the Chinese Republic, Sun Yat-sen. But despite these relations, Hong Kong developed separately from China. It was home not only to Chinese refugees and Westerners, mainly British, ruling the colony but also to workers from Southeast Asia. To this day, each Sunday tens of thousands of foreign domestic workers, mainly from the Philippines and Indonesia, flood the streets and public parks to meet their fellow countrywomen on their only free day (Rühlig, 2015b). The result is that Hong Kong developed a distinct culture as a post-colonial and more cosmopolitan city than any other place within the PRC.

Independent opinion polls clearly show that only a small share of the Hong Kong population identifies as either "Chinese" or "Chinese in Hong Kong". Much more widespread is the self-characterization as either "Hongkonger", "mixed identity", or "Hongkonger in China". Even more worrisome for the leadership in Beijing is the development over time that indicates that the non-Chinese identity among Hong Kong's citizens is rather on the rise the longer the city is part of the PRC (see Figure 3).

Many citizens of Hong Kong are well aware of the city's colonial past and proud of their distinct Hong Kong culture. Over the course of the last 10-15 years, a social movement has developed that pays close attention to the colonial heritage of the city striving to raise awareness of a post-colonial identity. This does not necessarily imply that the people of Hong Kong glorify the colonial past (even though some do). For example, protests to protect the "Wedding Card Street" on Hong Kong Island or the old colonial piers have often been misunderstood in

Figure 3 Development of Identity among Hong Kong People over time (self-affiliation)



Source: Hong Kong Public Opinion Program (HKPOP).

Mainland China as an attempt by activists to transfigure British colonial rule. In fact, such protests rather aimed at the preservation of Hong Kong's old buildings to remember and critically engage with the city's past to stimulate a nuanced and enlightened debate about what Hong Kong is all about. Widespread is the fear that the local Cantonese dialect could be replaced by Mandarin (Bridges, 2016; Chen and Szeto, 2015).[13]

Apart from such progressive movements, growing cultural influences from Mainland China not least as a result of the influx of tourists and permanent citizens settling in Hong Kong from across the

internal border, the loss of economic superiority over the Mainland as well as the decreasing attractiveness of Hong Kong's popular culture in Asia – Hong Kong's film industry and pop music were once famous throughout the continent and even beyond (Davis, 2019) – including in the PRC have fuelled anti-Chinese sentiments including xenophobia. It is a shockingly widespread prejudice among Hong Kong protesters that Mainland Chinese are uncivilized. Tourists from China, many argue, are rude, pee in the streets, and roll their suitcases over the feet of others without apologizing. Another accusation is that Mainland Chinese buy up daily necessities such as milk powder and drugs and smuggle them across the border. This, many people of Hong Kong complain, raises the cost of living for the local population. Such prejudice has already found cultural expression in some of the most popular songs of Hong Kong's social movements and are subject of movies that are box-office hits throughout the city (Rühlig, 2016). One protester summarized these xenophobic ideas when claiming that "the Mainlanders pollute the city".[14] Politically, the rising anti-Chinese sentiments also strengthen the above-mentioned localist call of independence.

****

Hong Kong's protests while focusing on political issues of democracy, human rights and the rule of law carry an identity and an economic angle as well. In fact, these three elements are closely intertwined. China's authoritarian control over Hong Kong relies on local economic elites. Inequality is to a significant extent a result of elite co-optation. The desire for democratic self-governance is further rooted in a deep-seated identification with Hong Kong as a place that is distinct from all other political entities, including Mainland China.

Any attempt that aims to appease Hong Kong needs to tackle all three dimensions; otherwise, it will only suppress protest.

3. What Are the Myths around the Protests?

> *I am not against democracy, but I think the protests will be useless. I am afraid the best we can do is find an arrangement with the government in Beijing to preserve our lifestyle and our freedoms, but not challenge the Communists.*[15]

It is a late-October day in 2019. I sit down in Shanghai with a member of a leading Chinese think tank to discuss Chinese foreign and industrial policy. When I am just about to stand up and leave the room, she holds me back: "May I ask you a question?" Without giving me the chance to respond, she continues: "I know you have been working on the Hong Kong riots for quite some time. You are a reasonable man: How can we stop this mob without using violence like we did in 1989 [at Beijing's Tiananmen Square]? I know that the majority of the Hong Kong people are reasonable and do not support this mess. They are the silent majority. But what is with all these deluded young kids?! They are so young and just ruin their lives!" I am not surprised of her view on Hong Kong. Her statement contains three major misrepresentations of the situation in Hong Kong: the assumption that a silent majority is against the protests; that Hong Kong protests are inherently violent riots; and that it is exclusively driven by the city's youth that she calls "deluded young kids". To this list, very often a fourth misrepresentation is added that says that the protests are staged by the US.

Not only the misrepresentations of the Hong Kong protest movement is exemplary for the widespread perception in Mainland China but also the negative undertone. Many Chinese argue that the people of Hong Kong are spoiled because instead of appreciating the political and economic freedoms the HKSAR has they ask for even more privileges (*The Economist*, 13th November 2014). Another common objection is that Hong Kong people are unpatriotic since they are seen as

jealous of the Mainland's economic success. In this context, one might sense that many Mainland Chinese have been looking up to Hong Kong's prosperity for a long time and are now disappointed for not feeling the same recognition for the PRC's growing wealth from the citizens of Hong Kong. What contributes even further to the antipathy is the localist call for independence sometimes coupled with xenophobic anti-Mainland sentiments as described above. But most Chinese citizens are simply disinterested in the developments in Hong Kong.

Against this background, any reflection whether the protests could spill over to Mainland China is essentially groundless. This remains, however, not only a widespread hope among Western observers, but continues to be a fear of the CCP leadership. When justifying the NSL, China's Hong Kong and Macau Affairs Office (HKMAO) spoke of the protesters as a "political virus" and the law as an "anti-virus software" (*The Guardian*, 6th May 2020). While this language made reference to the coronavirus pandemic, it also expresses the CCP's concern that Hong Kong protests could spread "like a virus" to other parts of China. Given Hong Kong's sense of exceptionalism and the widespread scepticism among Mainland Chinese people coupled with the Chinese government's high degree of control over the flow of information in Mainland China, it is hard to take such fears serious.

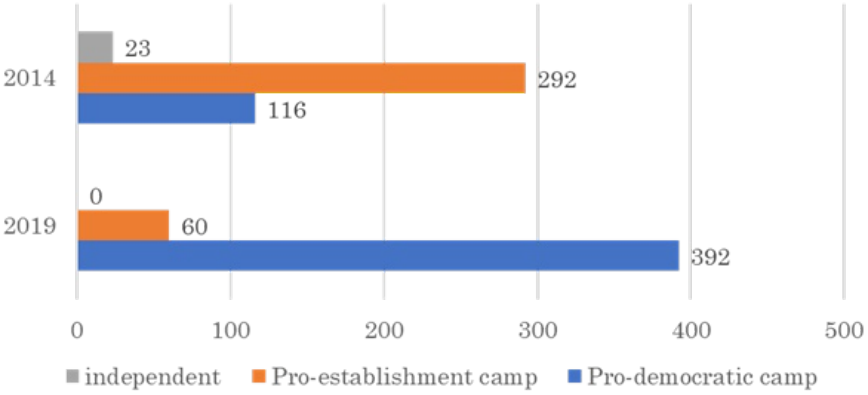
Whatever the opinion is in Mainland China, many Chinese including the CPG were taken by surprise when Hong Kong's electorate dismantled the common assumption that a silent majority would oppose the violent protests. Contrary to Mainland China, the protests find strong support among a majority of Hong Kong's citizens.

On 24 November, Hong Kong headed to the polls to elect what is called District Councils, a neighbourhood institution with hardly any political power. In contrast to previous elections, however, the voter turnout was particularly high in 2019 (71.2% compared to 47.1% in the

previous elections in 2014) because Hong Kong's voters did not primarily consider the very limited power of the District Councillors but treated the local election as a referendum on the ongoing protests (*Financial Times*, 21st November 2019).

The results of the District Council Elections brought a landslide victory for the pro-democratic protest movement (HKSAR Government, 2019). The pro-democratic camp won 392 seats up from 116 seats in the previous elections in 2014. The pro-Beijing camp, in turn, lost most of its 292 from 2014 and is reduced to 60 seats in 2019 (see Figure 4).

Figure 4 Results of the 2019 District Council Elections (seat allocation of estimated political affiliation)



The distribution of seats overestimates the support for the pro-democratic camp that profited from Hong Kong's electoral system. The pro-democracy candidates received almost 60% of the popular vote. This is more or less in line with previous elections with a high voter turnout in Hong Kong, particularly the free half of the LegCo elections (i.e. the

geographical constituencies). In fact, local elections show that the public opinion in Hong Kong is a remarkably stable 60-40 divide to the advantage of the pro-democrats. This also calls into question the Chinese accusation that the protests are all staged by the US and the UK. In fact, there is no indication that this is the case and the deep-rooted support within a majority of the Hong Kong people is counter-evidence. China's rhetoric of foreign forces meddling into Hong Kong affairs is groundless as is the perception of the subject through the lens of national security.

Reportedly, the CCP leadership was shocked by the results. In early January it implicitly acknowledged its misjudgement when replacing its highest official within Hong Kong. Wang Zhimin was recalled as head of the CPG's Liaison Office in the HKSAR and replaced by Luo Huining, a relatively old and experienced Party cadre with no previous ties to Hong Kong who was set to retire (*South China Morning Post*, 4th January 2020). While Luo is regarded as being close to President Xi, his appointment is widely interpreted by China watchers and the media as a sign of Beijing's attempt to get a more appropriate understanding of the situation in Hong Kong.

While the election results do not support the hypothesis of a "silent majority" rejecting the protests, it also clearly shows that not all of Hong Kong's 7.5 million citizens align with the protesters.

Furthermore, a generational difference is visible even though the reduction to the protesters as being only youngsters is simplistic. By trend, young people in Hong Kong are more critical of the PRC's influence over the city (Lee, 2015; Lee *et al.*, 2015). This remains puzzling because most of the young protesters were not yet born by the time when Hong Kong was handed back to China in 1997. They only know Hong Kong as being part of the PRC and under the control of the CCP. This, however, does not imply that the demonstrators are all young. In fact, one can distinguish two generations of protesters.

The "older protesters" were mainly politicized in the late-1980s and early-1990s in the wake of the Tiananmen Massacre and the commemoration of it. They regard themselves as Chinese patriots but disagree with the authoritarian rule of the CCP. Localism, in turn, is much more widespread among young protesters, who were born in the last-1990s or early 2000s (Lagerkvist and Rühlig, 2016; Rühlig, 2017).

Finally, the characterization of the Hong Kong protests as particularly violent deserves some elaboration. This claim was frequently made by Mainland Chinese media and the Hong Kong government. There is no doubt that the confrontation between the protesters and the police turned more violent over the course of the protests. This stands in sharp contrast to the remarkably peaceful tradition of civil disobedience in Hong Kong. The Umbrella Movement in 2014, for example, remained peaceful throughout the 79 days of occupation. Preceding the Umbrella Movement, Hong Kong experienced an unprecedented public education campaign by a group of activists calling themselves "Occupy Central with Love and Peace" that informed Hong Kong's population of peaceful protest means and the concept of civil disobedience (Yuen and Cheng, 2015; Chan, 2014). And even the mass rallies in 2019 and 2020 of up to 2 million demonstrators were largely peaceful. Four aspects, however, contributed to the 2019/2020 protests turning more violent over time. Firstly, rising frustration among young demonstrators made them more receptive to non-peaceful protest tactics. Secondly, there is clear indication that Hong Kong's police infiltrated the protesters with agent provocateurs in order to have a justification for clearing the streets (*BBC News*, 13th August 2019). Thirdly, the Hong Kong police itself reacted more aggressively increasingly using force. Fourthly, there is indication that forces close to the Hong Kong government cooperated with local mafia groups, widely

known as triads, beating up pro-democracy protesters (*The Washington Post*, 24th July 2019). To speak of the demonstrators as being violent is thus an oversimplification and misses the root causes of the non-peaceful developments.

4. What Explains Beijing's Hong Kong Policy?

> *Although there is almost no risk the protests will spread to the rest of China this is a very serious issue. President Xi is in a particularly difficult situation to balance all consideration. He faces a real dilemma.*[16]

I sit at the breakfast table and turn on my phone. "Have you seen the news from Shenzhen?" a text message reads I have received. I open the news and read about an "anti-terror exercise" carried out by China's People's Liberation Army (PLA) in Shenzhen, just kilometres away from the border to Hong Kong. I don't need to ask whether he is concerned. In 1989, he saw the tanks rolling through Beijing; he was loosely involved in "Operation Yellowbird" that brought dissidents out of China to Hong Kong in 1989; and since then, the commemoration of that night has become the task of his life. But not only for him the question is in the air: Will there be a military crackdown on the protests in Hong Kong?

The military does not intervene. The cycle of protests rather comes to an end with the outbreak of the coronavirus pandemic. The real crackdown follows one year later with the adoption of the NSL. Which calculations are driving the CCP? Why have they not intervened militarily even though accusing "foreign forces" of meddling into Hong Kong affairs, which in Beijing's view justifies the NSL?

The Chinese government like any other in the world does not want to use force against its own population. Xi Jinping might be an autocratic and nationalist leader, but he probably does not take the decision over a violent crackdown of a civil unrest mildly. Furthermore, using military force would have come at an enormous direct and indirect cost for the leaders in Beijing. Direct costs would have mostly been economic. Hong Kong continues to be an important entry point for foreign investment into the PRC. If investors lost their confidence in the legal certainty that Hong Kong provides, it harmed Chinese economic interests. This is particularly troublesome for China now that it is undergoing economic transformation and distress, which was only further deepened by the US-Chinese trade war and the two superpowers competing over high technology.

Indirect costs are largely reputational with consequences for the CCP's domestic legitimacy. For decades, the authoritarian Communist rulers enjoyed a high degree of legitimacy in China because of the steady growth of wealth and prosperity due to double-digit growth rates (Holbig and Gilley, 2010). This source of domestic legitimation while still existing is being challenged in recent years. China's economy is undergoing a substantial transformation from a labour-intensive market moving up the global value chain. In this situation, the CCP under Xi Jinping has started to re-strengthen another traditional source of legitimation: national pride. A violent crackdown would have proved that Hong Kong people are not happily returning to their beloved motherland, as the CCP's propaganda reads, but Chinese rule over Hong Kong is based on force.

Another blow to national pride could have stemmed from a damage of China's international reputation as a responsible power. A violent crackdown in front of the eyes and lenses of the world media would

have destroyed the slowly growing international reputation of China as a responsible great power in world affairs.

Of particular importance in the Beijing government's calculus in this context must have been the general elections in Taiwan in January 2020. Before the protests in Hong Kong started, the governing China-critical President Tsai Ing-wen and the China-friendly challenger Han Kuo-yu were almost on par with a slight advantage for Han in the opinion polls. Just one week before the June 9, 2019 protest, an opinion poll carried out by Taiwan's Chinese Communication Society (CCS, 中華傳播學會) saw Han at 39.4% and Tsai slightly behind with 37.2% (*Newtalk*, 3rd June 2019). The PRC government feared that a harsh approach to Hong Kong could support China critics in Taiwan, not least since the PRC government is promoting the OCTS principle as a template for its reunification with Taiwan for many years. In fact, political observers agree that the Hong Kong protests had a massive impact on the Taiwanese elections (even though other factors played a role as well) and helped President Tsai to achieve a landslide victory where she gained 57.1% of the vote compared to 38.6% for Mr Han (Bloomberg, 2020). Taiwanese voters apparently looked at Hong Kong as a negative example of what increased Chinese influence under a Beijing-friendly government could look like (Chiu, 2020).

For Xi Jinping, the growing Chinese national pride is, however, a double-edged sword. While his desire for international reputation represented an incentive for not militarily interfering in Hong Kong, it could have also been seen as a source of a more aggressive nationalist approach. From this vantage point, one could have expected that Xi needed to demonstrate China's strength and also send a signal to potentially secessionist movements in Tibet or Xinjiang. It is therefore not unlikely that some forces within the leadership of the CCP have urged President Xi to demonstrate strength and intervene. In the end, Xi

seemed to have believed that China, Hong Kong and his own power base were better off without a military intervention.

In comparison to the decision to abstain from a military intervention, the CCP leaders saw the introduction of the NSL as a politically and economically cheaper option. Most importantly, the NSL does not produce the same mediated pictures of violence. Domestically, the CCP can argue that it is directed against the interference of foreign forces.

Internationally, the CCP expected criticism but thought that the coronavirus pandemic in which countries around the globe rely on medical equipment and face masks produced in the PRC would have them abstain from following up on such criticism. Similarly, economic interest in an economic crisis would be too strong to leave Hong Kong for international business.

At first, the Chinese calculus seemed to work out well, at least partially. The United States (US) was quick to not only criticize the move, but also impose sanctions and withdraw Hong Kong's special status (*BBC News*, 2nd July 2020; The White House, 14th July 2020). This must have been expected by China given the rising tensions under President Donald Trump and in the run-up to the 2020 US elections, in which neither Republicans nor Democrats want to look weak on China. The UK shortly joined the US alongside Canada, Australia and New Zealand in its criticism. The UK also angered China by offering a simplified path to UK citizenship for British Overseas Passport holders, i.e. almost 3 million Hong Kong citizens that were born before 1997 (*BBC News*, 1st July 2020). The UK's move was, however, largely symbolic and will harm Hong Kong and China only to the extent that it facilitates a brain drain from the HKSAR. This move is also symbolic because the young generation, born after 1997, that leads the protests, is not profiting from the UK's decision. More importantly to China, the EU

voiced its concern only to declare that it would not adversely affect relations with China and the ongoing negotiations on an investment agreement (POLITICO, 29th May 2020).

If China's leaders were pleased with the outcome they had celebrated too soon since three dynamics covering politics, economics and legal affairs became clear. *Politically,* the EU as a key factor in the Chinese calculus turned much more critical. First the European Parliament adopted a legally non-binding resolution that calls upon the EU to sanction China, bring the case to the International Court of Justice, and call for a UN Special Envoy for Hong Kong among several other measures (European Parliament, 2020). Addressing the media after the EU-China Summit, European Commission President Ursula von der Leyen also hardened the EU's position speaking of "consequences" if China was not changing its Hong Kong policy (European Commission, 2020). Simultaneously, more and more European states moved closer to China-critical decisions, most prominently the exclusion of Chinese vendors from the buildout of 5G wireless networks, an issue that is a policy priority of China (Rühlig, 2020; Rühlig and Björk, 2020). While China found explicit support in some Asian and African states, the NSL turns into a watershed that deepens an emerging split into the West on the one side and China on the other. The PRC's calculation that this could be avoided by launching the NSL during the coronavirus pandemic has not yielded its desired outcome.

Economically, the US decision to withdraw Hong Kong's special status comes with some, though minor, direct cost. US investments into Hong Kong are relatively scarce. Chinese companies that have a subsidiary were able to largely circumvent US punitive tariffs (ING, 31st May 2020). Indirect costs could, however, be higher than expected. Hong Kong's status as a financial centre in East Asia is largely based on the trust of international investors. European business associations, such

as the German BDI, have already voiced grave concerns (BDI, 2020). A survey among US companies based in China further found that 68% were worried with 48% expecting negative impacts on their business and 35.5% with concrete plans to withdraw capital from Hong Kong (*South China Morning Post*, 13th July 2020). Such concern is reasonable not only because legal certainty is endangered now that China is violating international law (see below), but also since US sanctions could put digital services at risk. Reportedly, around 70% of Hong Kong's cybersecurity technology is US American (ING, 31st May 2020). The US decision to treat Hong Kong like Mainland China implies, however, the halt of technology exports and could seriously undermine international investor's trust in the cybersecurity of digital financial services.

Legally, it has become clear to the international community that the NSL is a violation of international law. The NSL breaches the SBJD directly and indirectly where it is not in conformity with the Basic Law of Hong Kong, because the SBJD guarantees Hong Kong the rights that are enshrined in the Basic Law (HKSAR Government, 1984). More concretely, the introduction of Mainland security institutions in Hong Kong violates §3(11) of the SBJD and Articles 14 and 22 of Hong Kong's Basic Law, since these articles promise that the maintenance of public order is the sole responsibility of the HKSAR government and lies within Hong Kong's autonomy. Also, the fact that China bypassed LegCo by making it a national law that it added to Annex III of the Basic Law (only national laws mentioned in Annex III are applicable in Hong Kong) violates the Basic Law. Article 18 of Hong Kong's Basic Law grants the SCNPC the right to do so only with laws that lie outside the autonomy of Hong Kong. Article 23 of the Basic Law, however, explicitly lists the enactment of a national security law as a right and duty of Hong Kong's legislature. Apart from that, the NSL undermines a

number of civil liberties that the SBJD, the Basic Law and the International Covenant on Civil and Political Rights (ICCPR) – that China has signed and agreed to apply to Hong Kong as under British rule – guarantee (Cheung, 2015; OHCHR, 2020). As a result, more and more in the international community realize that China's imposition of the NSL is a clear breach of international law.

In sum, China's calculation that the introduction of a NSL would be politically, economically and legally cheap might very well turn out to be incorrect.

5. Outlook from a European Perspective

> *This is about more than "only" Hong Kong. It is about the question whether the free world stands with a social movement that faces the most powerful authoritarian regime in its fight for universal values. It is about whether the free world holds China accountable to honour the international treaty it has signed. And it is about sending a signal to the world that democracy is well and alive.*[17]

In early 2020, I talk again with the friend of mine that I had been in contact with on June 9. "In June you told me that you had never expected to be a part of such a protest again after the Umbrella Movement failed to achieve genuine democracy in 2014. How do you feel now? What will come next?" – "I don't know what will happen. Probably things will get gradually worse," he responds. After a short break he continues and all of a sudden his voice sounds much more optimistic: "But now I know that Hong Kong will always protest. We will continue the fight and if we stay home for a little while, we will soon come back to the streets again."

A few weeks later, such certainty is ushered. The NSL adopts such a broad definition of national security that it criminalizes almost everything that the Chinese rulers deem uncomfortable. Hence, the NSL could turn out to effectively suppress protest. There is, however, no reason to believe that the dissatisfaction of the majority of the Hong Kong citizens will disappear any time soon. The political demands for the preservation of liberty rights and the rule of law as well as the democratization are unlikely to be met. Not least vested interests of co-opted economic elites will probably prevent major social reforms. And the clash over identity and the xenophobia will surely not go away overnight.

The NSL has made the situation for Hong Kong's citizens even worse. Not only does it limit civil liberties, but it will likely come with a negative economic impact. This could make social grievances even more pressing. A possible next wave of social protests could focus on social issues. On the surface, this would appear to be less critical not questioning the political system. Given the close linkages of political authoritarianism by means of co-opted economic elites and social grievances and inequality in Hong Kong, social protests would essentially target the whole system – once again.

The introduction of the NSL is even more regrettable because room for a compromise between both sides exists. As a first step, the promise to uphold the OCTS principle and respect a "high degree of autonomy" for Hong Kong could be prolonged beyond 2047. Carrie Lam had argued in favour of such a move even though she has made the pre-conditions that Hong Kong people should stay "loyal" to Beijing's vision of how the city should be run (Reuters, 16th January 2020). This pre-condition is certainly not building enough trust to get a political dialogue going. Such move would be only substantial if the NSL was withdrawn.

Political reform could further seek for inspiration in concordance with democratic approaches. Such approaches emphasise consensus among all political parties with the aim to overcome the distinction between government and opposition. This would require that pro-Beijing and pro-democracy forces sit down to search for compromises. Ironically, such an approach could reduce the CPG's dependency on its loyalists in Hong Kong and open up the possibility to tackle social issues in the HKSAR more effectively. Reassurances to preserve the Cantonese language and accepting that Hong Kong's history has left its imprints on the local identity and culture is equally important as Hong Kong protesters' understanding that anti-Chinese xenophobia is unfounded and leads nowhere.

Unfortunately, such compromise is very unlikely. Pro-Beijing and pro-democracy camp deeply distrust each other. Many Mainland decision-makers almost never visit Hong Kong and when they come, they do not meet representatives of the opposition. All too often, the political establishment in the PRC takes the stance that the demonstrators are "only" students and cannot be counterparts for a discussion with the leadership of the PRC that is about to turn into a global power again. Like the 31 August Decision ended all realistic hopes for compromise on electoral reform, the NSL seems to bring Hong Kong's freedoms to an end.

This is not only bad news for Hong Kong, but for Europe and the entire free world as well. Contrary to Chinese claims, the Hong Kong question is not an entirely domestic one. The SBJD might be a vague international treaty, but against all Chinese claims it has not expired. Holding the PRC responsible to its commitments does not come with a right of Hong Kong to democratize but guarantees the independence of the judiciary and the preservation of civil liberty rights. It is the duty of the UK as the signatory of the SBJD and the whole international

community to closely watch and demand compliance with the SBJD. As a side effect, this keeps up public awareness and reminds the Chinese leadership of the reputational costs if it decides to use force in dealing with Hong Kong.

The future of Hong Kong might not be a bright one, but working to fend off the worst consequences for Hong Kong could be a realistic goal.

Notes

[+] This article is an updated version of a Swedish piece published in early 2020. (Tim Rühlig (2020). Hong Kong. Protesternas stad. *Världspolitikens Dagsfrågor* 2/2020. Stockholm: UI.)

[*] Dr Tim Rühlig is a Research Fellow at The Swedish Institute of International Affairs in Stockholm. His work focuses on EU-China relations, emerging geopolitical rivalry over digital technology, tech-nical standardization, Chinese foreign policymaking and Hong Kong affairs. He is the chairman of the Working Group "High technology and Innovation" of the EU-funded "China in Europe Research Network" (CHERN), served as the rotating president of the European Think-tank Network on China (ETNC) in 2018 and is doing commissioned advisory work on China's digital technology politics for the European Union. In this journal, he has published two articles: Johan Lagerkvist and Tim Rühlig (2016), "The mobilization of memory and tradition: Hong Kong's Umbrella Movement and Beijing's 1989 Tiananmen Movement", *Contemporary Chinese Political Economy and Strategic Relations* 2:2, pp. 735-774; Tim Rühlig (2017), "Expressing my attitude and doing something impossible to make it happen..." Listening to the voices of Hong Kong's Umbrella Movement protesters", *Contemporary Chinese Political Economy and Strategic Relations* 3:2, pp. 747-818. <*Email: tim.ruhlig@ui.se*>

1. Author's telephone interview with a Hong Kong-based protester, June 2019.
2. Author's telephone interview with a Hong Kong-based protester, July 2020.
3. Author's telephone interviews with an advisor to the HKSAR government and a member of the CHRF, August and November 2019.
4. Author's telephone interviews with Hong Kong-based protesters, January-May 2019.
5. Author's telephone interview with a Hong Kong-based protester, November 2019.
6. Author's interview with a leading figure of the pro-democracy movement, Hong Kong, September 2016.
7. Author's interviews with pro-Beijing politicians and elites, Hong Kong, June 2015-April 2017.
8. According to the Basic Law, the CE of Hong Kong is voted into office of a 5-year term by a majority of more than 50% in an electoral college of almost 1,200 members, called "Election Committee". The Election Committee, in turn, is voted into office by elections in four so-called "functional constituencies" that are supposed to represent four different professions. In fact, only 7% of Hong Kong's population that holds the right to vote in the LegCo elections are part of one of the four functional constituencies; around 93% have no say. Even within the functional constituencies, the votes have unequal weight since all four functional constituencies send around 300 representatives into the Election Committee even though the size of the four functional constituencies differs enormously. All this has the effect that mostly pro-Beijing loyalists, mostly members of the co-opted economic elite have a say.
9. The LegCo consists of 70 seats. 35 seats are voted by universal suffrage ("geographical constituencies"); the other 35 seats are voted by the same functional constituencies that elect the Election Committee (see previous

note). In light of the fact that the pro-Beijing camp dominates the functional constituencies, it always secures a majority in the LegCo. So far, it has always failed to gain a 2/3 majority, which is necessary to change the Basic Law.

Similar to the CE selection method, the Basic Law promises a reform of the LegCo elections that should be held by universal suffrage. The SCNPC has, however, issued a statement that the reform of LegCo would only come after a reform of the CE selection method.

10. Author's interview with a Hong Kong-based protester and social worker, Hong Kong, April 2017.
11. Author's telephone interviews with pro-Beijing politicians, October-November 2019.
12. Author's interview with a Hong Kong-based protester, Hong Kong, June 2016.
13. Author's interviews with Hong Kong-based protesters, Hong Kong, June 2015-April 2017.
14. Author's interview with a Hong Kong-based protester, Hong Kong, July 2015.
15. Author's interview with a Hong Kong-based supporter of a pro-Beijing social movement, Hong Kong, March 2017.
16. Author's interview with a member of a leading think tank, Beijing, November 2019.
17. Author's interview with a leading Hong Kong-based pro-democracy protester, April 2017, Hong Kong.

References

BBC News (13th August 2019). Hong Kong protests: Police defend use of 'disguised' officers. <*https://www.bbc.com/news/world-asia-china-49324822*>, accessed: 2020-07-27.

BBC News (1st July 2020). Hong Kong: UK makes citizenship offer to residents. <*https://www.bbc.com/news/uk-politics-53246899*>, accessed: 2020-07-26.

BBC News (2nd July 2020). Hong Kong: US passes sanctions as nations condemn new law. <*https://www.bbc.com/news/world-asia-china-53259656*>, accessed: 2020-07-27.

BDI (2020). BDI zum Beschluss des chinesischen Volkskongresses zu Hongkong: "Deutsche Industrie blickt mit Sorge auf die politischen und gesellschaftlichen Spannungen in Hongkong". <*https://www.presseportal.de/pm/6570/4639124*>, accessed: 2020-07-27.

Bloomberg (2020): Taiwan 2020 election results. <*https://www.bloomberg.com/graphics/2020-taiwan-election-results/*>, accessed: 2020-07-27.

Bond, Ian (2020): Hand-wringing for Hong Kong. What else can the EU Do? *Insight*, 11th June 2020. Centre for European Reform. <*https://www.cer.eu/insights/hand-wringing-hong-kong-what-else-can-eu-do*>, accessed: 2020-07-20.

Bridges, Brian (2016). Booing the national anthem: Hong Kong's identities through the mirror of sport. *Contemporary Chinese Political Economy and Strategic Relations: An International Journal*, Vol. 2, No. 2, pp. 819-843.

Carroll, John M. (2007). *A concise history of Hong Kong*. Plymouth: Rowman & Littlefield.

Chan, Che-po (2016). Post-Umbrella Movement: Localism and radicalness of the Hong Kong student movement. *Contemporary Chinese Political Economy and Strategic Relations: An International Journal*, Vol. 2, No. 2, pp. 885-908.

Chan, Johannes (2014). Hong Kong's Umbrella Movement. *The Round Table*, Vol. 103, No. 6, pp. 571-580.

Chan, Stephen Ching-kiu (2015). Delay no more: Struggles to reimagine Hong Kong (for the next 30 years). *Inter-Asia Cultural Studies*, Vol. 16, No. 3, pp. 327-347.

Chen, Yun-chung and Mirana M. Szeto (2015). The forgotten road of progressive localism: New preservation movement in Hong Kong. *Inter-Asia Cultural Studies*, Vol. 16, No. 3, pp. 436-453.

Cheng, Edmund W. (2016). Street politics in a hybrid regime: The diffusion of political activism in post-colonial Hong Kong. *The China Quarterly*, Vol. 226, pp. 383-406.

Cheng, Joseph Y.S. (2005). Introduction – Causes and implications of the July 1 protest rally in Hong Kong (pp. 1-26). In: Joseph Y.S. Cheng (ed.), *The July 1 protest rally: Interpreting a historic event*. Hong Kong: City University of Hong Kong Press.

Cheung, Alvin Y.H. (2015). Road to nowhere: Hong Kong's democratization and China's obligations under public international law. *Brooklyn Journal of International Law*, Vol. 40, No. 2, pp. 465-545.

Cheung, Anthony B.L. (2005). The Hong Kong system under One Country being tested: Article 23, governance crisis and the search for a new Hong Kong identity (pp. 33-70). In: Joseph Y.S. Cheng (ed.), *The July 1 protest rally: Interpreting a historic event*. Hong Kong: City University of Hong Kong Press.

Chiu, Adrian (2020). The "Hong Kong Factor" in the 2020 Taiwanese Presidential Election. *Taiwan Insight*, 21st January 2020. *<https://taiwaninsight.org/2020/01/21/the-hong-kong-factor-in-the-2020-taiwanese-presidential-election/>*, accessed: 2020-07-27.

Davis, Hana (2019). Opera, gangsters and swordplay: The rise and fall of Hong Kong cinema. *South China Morning Post* (Hong Kong), 8th June 2019. *<https://www.scmp.com/news/hong-kong/society/article/3013205/opera-gangsters-and-swordplay-rise-and-fall-hong-kong-cinema>*, accessed: 2020-07-27.

DeGolyer, Michael E. (2005). Demonstrating failure: How the accountability system failed in less than a year (pp. 221-248). In: Joseph Y.S. Cheng (ed.), *The July 1 protest rally: Interpreting a historic event*. Hong Kong:

City University of Hong Kong Press.

European Commission (2020). Press conference by President von der Leyen following EU-China Summit. <*https://www.youtube.com/watch?v=dH5aXeUH5tA*>, accessed: 2020-07-26.

European Parliament (2020). The PRC National Security Law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy. (European Parliament Resolution of 19 June 2020.) P9_TA-PROV(2020) 0174. Brussels: European Parliament.

Financial Times (21st November 2019). What Hong Kong's local elections mean for the protests. (Reported by Joe Leahy and Nicolle Liu.) <*https://www.ft.com/content/eced16fc-0c15-11ea-bb52-34c8d9dc6d84*>, accessed: 2020-07-27.

HKSAR Government (1984). *The Sino-British Joint Declaration*. Hong Kong: Constitutional and Mainland Bureau of the Government of the Hong Kong Special Administrative Region.

HKSAR Government (1997). *The Basic Law.*

HKSAR Government (2016). Hong Kong: The facts – Transport. <*http://www.gov.hk/en/about/abouthk/factsheets/docs/transport.pdf*>, accessed: 2016-05-10.

HKSAR Government (2019). District Council election results. <*https://www.elections.gov.hk/dc2019/eng/results.html*>, accessed: 2020-07-27.

Holbig, Heike and Bruce Gilley (2010). Reclaiming legitimacy in China. *Politics and Policy*, Vol. 38, No. 3, pp. 395-422.

ING (31st May 2020). Hong Kong. Impact of losing special status from US. (Author: Iris Pang.) <*https://think.ing.com/articles/hong-kong-impact-of-losing-special-status-from-us/*>, accessed: 2020-07-23.

Kwong, Bruce Kam-Kwan (2007). Patron-client politics in Hong Kong: A case study of the 2002 and 2005 Chief Executive elections. *Journal of Contemporary China*, Vol. 16, No. 52, pp. 389-415.

Lagerkvist, Johan and Tim Rühlig (2016). The Mobilization of Memory and Tradition: Hong Kong's Umbrella Movement and Beijing's 1989 Tiananmen Movement. *Contemporary Chinese Political Economy and Strategic Relations : An International Journal*, Vol. 2, No. 2, pp. 735-774.

Lee, Eliza Wing-yee (2012). Civil society organizations and local governance in Hong Kong (pp. 146-164). In: Stephen W.K. Chiu and Siu-lun Wong (eds.), *Repositioning the Hong Kong government: Social foundations and political challenges*. Hong Kong: Hong Kong University Press.

Lee, Francis L.F. (2015). Social movement as civic education: Communication activities and the understanding of the civil disobedience in the Umbrella Movement. *Chinese Journal of Communication*, Vol. 8, No. 4, pp. 393-411.

Lee, Pauls S.N., Clement Y. K. So and Louis Leung (2015). Social media and Umbrella Movement: Insurgent Public sphere in formation. *Chinese Journal of Communication*, Vol. 8, No. 4, pp. 356-375.

Lo, Wai-chung (2005). A review of the housing policy (pp. 337-362). In: Joseph Y.S. Cheng (ed.), *The July 1 protest rally: Interpreting a historic event*. Hong Kong: City University of Hong Kong Press.

Newtalk/ 新頭殼 (3rd June 2019). 民調顯示藍綠白三強鼎立 學者：藍處在脆弱優勢 [polls show that the blue, green and white are in strength; scholars: the blue has a weak advantage]. <*https://newtalk.tw/news/view/2019-06-03/254948*>, accessed: 2020-07-27.

POLITICO (29th May 2020). Borrell: China's move in Hong Kong doesn't endanger investment deals. (Reported by Jacopo Barigazzi.) <*https://www.politico.eu/article/josep-borrell-chinas-move-in-hong-kong-doesnt-endanger-investment-deals-eu-trade-business-national-security/*>, accessed: 2020-07-23.

Rajadhyaksha, Ashish (2015). Hong Kong from the outside: Four keywords. *Inter-Asia Cultural Studies*, Vol. 16, No. 3, pp. 488-494.

Reporters Without Borders (2016). The invisible hand on Hong Kong's media. Paris: RSF.

Reuters (16th January 2020). 'One country, two systems' can coninue beyond 2047: Hong Kong leader. (Reported by Felix Tam and Clare Jim.) <*https://www.reuters.com/article/us-hongkong-protests/one-country-two-systems-can-continue-beyond-2047-hong-kong-leader-idUSKBN1ZF0NO*>, accessed: 2020-07-27.

Rühlig, Tim (2015a). Hong Kong's Umbrella Movement in search of self-determination. *UI Paper* 3. Stockholm: Utrikespolitiska Institutet.

Rühlig, Tim (2015b). Reflections from a field trip: Migrants in Hong Kong. <*http://www.ui.se/eng/blog/blog/2015/8/12/domestic-foreign-workers-in-hong-kong-1.aspx*>, accessed: 2015-09-24.

Rühlig, Tim (2016). "Do You Hear the People Sing" "Lift Your Umbrella"? Understanding Hong Kong's pro-democratic Umbrella Movement through YouTube music videos. *China Perspectives*, 2016/4, pp. 59-68.

Rühlig, Tim (2017). "Expressing my attitude and doing something impossible to make it happen..." Listening to the voices of Hong Kong's Umbrella Movement protesters. *Contemporary Chinese Political Economy and Strategic Relations: An International Journal*, Vol. 3, No. 2, pp. 747-818.

Rühlig, Tim (2018). How China approaches international law: Implications for Europe. *EU-Asia at a Glance*. Brussels: European Institute for Asian Studies.

Rühlig, Tim (2020). Who controls Huawei? Implications for Europe. *UI Paper* 5/2020. Stockholm: The Swedish Institute of International Affairs.

Rühlig, Tim and Maja Björk (2020). What to make of the Huawei debate? 5G network security and technology dependency in Europe. *UI Paper* 1/2020. Stockholm: The Swedish Institute of International Affairs.

SCNPC (2014). Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on

the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (Adopted at the Tenth Session of the Standing Committee of the Twelfth National People's Congress on 31 August 2014). <*http://www.china.org.cn/china/2014-08/31/content_33390388.htm*>, accessed: 2017-05-02.

Society for Community Organization (SoCO, Hong Kong) (2019). Cage homes and old private housing project. <*https://soco.org.hk/en/projecthome/cage-homes/*>, accessed: 2020-07-27.

South China Morning Post (1st November 2016, updated 30th November 2016). Beijing to interpret Hong Kong's Basic Law over oath-taking saga. (Reported by Gary Cheung, and Tony Cheung.) <*http://www.scmp.com/news/hong-kong/politics/article/2042043/beijing-interpret-hong-kongs-basic-law-over-oath-taking-saga*>, accessed: 2017-05-15.

South China Morning Post (16 October 2019, updated 18 October 2019). Hong Kong leader Carrie Lam attempts to solve housing crisis in her policy address, but people from low-income group feel they were left high and dry. (Reported by Lilian Cheng, Kanis Leung and Victor Ting.) <*https://www.scmp.com/news/hong-kong/politics/article/3033274/hong-kong-leader-carrie-lam-attempts-solve-housing-crisis*>, accessed: 2020-07-27.

South China Morning Post (1st November 2019). Beijing reiterates call for Hong Kong to prioritise national security, patriotic education. (Reported by Kinling Lo and Jun Mai.) <*https://www.scmp.com/news/china/diplomacy/article/3035913/beijing-reiterates-call-hong-kong-prioritise-national-security*>, accessed: 2020-07-27.

South China Morning Post (4th January 2020). China replaces top official in Hong Kong in first major reshuffle since protests erupted. (Reported by Teddy Ng, William Zheng, Kimmy Chung and Natalie Wong.) <*https://www.scmp.com/news/hong-kong/politics/article/3044684/china-unveils-its-new-top-official-hong-kong*>, accessed: 2020-07-27.

South China Morning Post (11th January 2020). Poor in Hong Kong: life is hardest for the elderly, jobless and single-parent families living on a pittance. (Reported by Fiona Sun.) <*https://www.scmp.com/news/hong-kong/politics/article/3045517/poor-hong-kong-life-hardest-elderly-jobless-and-single*>, accessed: 2020-07-27.

South China Morning Post (13th July 2020, updated14th July 2020). National security law: US business in Hong Kong increasingly worried about legislation, American Chamber of Commerce survey finds. (Reported by Kathleen Magramo.) <*https://www.scmp.com/news/hong-kong/politics/article/3093017/national-security-law-us-businesses-hong-kong-increasingly*>, accessed: 2020-07-28.

Summers, Tim (2019). *China's Hong Kong: The politics of a global city.* Newcastle upon Tyne: Agenda Publishing.

Tai, Benny Y.T. (2010). Judicial autonomy in Hong Kong. *China Information*, Vol. 24, No. 3, pp. 295-315.

The Economist (13th November 2014). The spoiled brats of democracy. <*http://www.economist.com/news/china/21623775-hong-kongs-students-take-their-place-long-and-noble-chinese-line-spoiled-brats*>, accessed: 2015-11-05.

The Guardian (9th June 2019). Clashes in Hong Kong after vast protest against extradition law. (Reported by Helen Davidson.) <*https://www.theguardian.com/world/2019/jun/09/vast-protest-in-hong-kong-against-extradition-law-china*>, accessed: 2020-07-27.

The Guardian (6th May 2020). China calls Hong Kong protesters a 'political virus'. (Reported by Helen Davidson.) <*https://www.theguardian.com/world/2020/may/06/china-calls-hong-kong-protesters-a-political-virus*>, accessed: 2020-07-27.

The New York Times (16th June 2016). Defying China, Hong Kong bookseller describes detention. (Reported by Alan Wong, Michael Forsythe and Andrew Jacobs.) <*https://www.nytimes.com/2016/06/17/world/asia/hong-*

kong-bookseller-lam-wing-kee.html?_r=0>, accessed: 2017-03-19.

The Washington Post (24th July 2019). China's backers and 'triad' gangs have a history of common foes. Hong Kong protesters fear they are next. (Reported by Gerry Shih.) <*https://www.washingtonpost.com/world/asia_pacific/chinas-backers-and-triad-gangs-have-history-of-common-foes-hong-kong-protesters-fear-they-are-next/2019/07/23/41445b88-ac68-11e9-9411-a608f9d0c2d3_story.html*>, accessed: 2020-07-27.

The White House (14th July 2020): The President's Executive Order on Hong Kong normalization. <*https://www.whitehouse.gov/presidential-actions/presidents-executive-order-hong-kong-normalization/*>, accessed: 2020-07-28.

United Nations Office of the High Commissioner for Human Rights (OHCHR / UN Human Rights) (2020). UN experts call for decisive measures to protect fundamental freedoms in China. <*https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E*>, accessed: 2020-07-28.

Wong, Joshua (2015). Scholarism on the march. *New Left Review*, No. 92, pp. 43-52.

Xinhua News Agency (1st July 2020). English translation of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region.

Yuen, Samson and Edmund Cheng (2015). Hong Kong's Umbrella protests were more than just a student movement. *ChinaFile*, 1st July 2015. <*http://www.chinafile.com/reporting-opinion/features/hong-kongs-umbrella-protests-were-more-just-student-movement*>, accessed: 2015-08-24.

Free Speech and Free Press