

Contemporary Hong Kong- Taiwan Relations in China's Shadow

Edited by
Joseph Yu-shek Cheng
Markus Hietanen
Torbjörn Lodén

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Preface

On November 25, 2022, the Institute for Security and Development Policy (ISDP) arranged a webinar titled “Contemporary Hong Kong-Taiwan Relations in the Shadow of the People’s Republic of China”. The basic idea behind this webinar was to explore in some depth the relations between the Hong Kong democracy movement and Taiwan. To this end, seven distinguished speakers—scholars, commentators, activists—were invited from Hong Kong and Taiwan to discuss these relations against the background of Beijing’s tightening control over Hong Kong and its aspiration to bring Taiwan also under its rule, by means of military force if necessary.

It is now our pleasure to publish edited versions of the four papers presented at this webinar. In chapter one, scholar and democracy activist Dr. Simon Shen, now living in the United Kingdom (UK), analyzes the implications for Taiwan of the Hong Kong National Security Law enacted in 2020. In chapter two, Dr. Tseng Chien-yuan from Chung Hua University in Taiwan discusses the issue of humanitarian aid for Hongkongers in Taiwan. In chapter three, Hong Kong democracy activist Simon Cheng, now based in the UK, analyzes the significance of the democracy movement for the future of the political landscape in Hong Kong and beyond. Finally, in the concluding fourth chapter, Professor Wu Jieh-min from Academia Sinica in Taiwan offers an in-depth analysis of Hong Kong-Taiwan civil society engagement in the shadow of the People’s Republic of China.

The ISDP continues to organize academic activities to remind the world of the struggle for dignity, human rights, and democracy in Hong Kong. For obvious reasons this struggle is now largely conducted by the territory’s

diaspora, as reflected by the contributors to this collection of essays. We hope that this book will stimulate further reflection and discussion about the situation in Hong Kong. It goes without saying that the diverse views and judgments expressed represent only the individual authors and not necessarily the ISDP.

Joseph Yu-shek Cheng

Markus Hietanen

Torbjörn Lodén

Stockholm and Auckland, October 2023

Abbreviations

BNO	British National Overseas
CCP	Chinese Communist Party
CPC	Communist Party of China
CPU	Central Policy Unit
HKB	Hongkongers in Britain
HKBORO	Hong Kong Bill of Rights Ordinance
HKETO	Hong Kong Economic and Trade Office
HKMAO	Hong Kong and Macau Affairs Office
HKSAR	Hong Kong Special Administrative Region
ICCPR	International Covenant on Civil and Political Rights
ISDP	Institute for Security and Development Policy
KMT	Kuomintang
NPC	National People's Congress
NSL	National Security Law
NSO	National Security Office
PRC	People's Republic of China
PWC	Preliminary Working Committee
ROC	Republic of China
TAO	Taiwan Affairs Office
UK	United Kingdom
US	United States

List of Contributors

Simon Shen is an associate professor of the college of social sciences, National Sun Yat-sen University, Republic of China (Taiwan), and an honorary associate professor of department of politics and international studies, Warwick University. He worked in various universities in Hong Kong prior to the enactment of the National Security Law in 2020. He acknowledges Mr. Jackie Hui for his assistance in preparing this manuscript.

Tseng Chien-yuan obtained a PhD in Law from the Graduate Institute of National Development at National Taiwan University. He is currently Adjunct Associate Professor at the Department of Hakka Language and Social Sciences at National Central University. He is also Chairman of the Board of Directors of the New School for Democracy and CEO of Scoop Taiwan Media Network Think Tank.

Simon Cheng is a British pro-democracy activist, human rights advocate, and exile from Hong Kong. He studied political science at National Taiwan University and the London School of Economics and worked in trade and investment at the British Consulate General in Hong Kong. Due to his pro-democracy stance, he was detained by the Chinese authorities, hunted by the security police, and stigmatized by the state media. He is the founder and chairperson of Hongkongers in Britain, a non-profit expatriate organization.

Wu Jieh-min is a research fellow at the Institute of Sociology, Academia Sinica, Taiwan. He co-founded the Center for Contemporary China, National Tsing Hua University, and has published widely on China's development, social movements, Hong Kong, and Taiwan-China relations. His most recent books include *Rival Partners: How Taiwanese*

Entrepreneurs and Guangdong Officials Forged the China Development Model (Harvard University Asia Center, 2022), *China's Influence and the Center-periphery Tug of War in Hong Kong, Taiwan and Indo-Pacific* (with Brian Fong and Andrew Nathan, Routledge, 2021), and *The Political Sociology of the "China Factor": The Penetration of Chinese Influence in Taiwan Society* (「中国ファクター」の政治社会学——台湾社会における中国の影響力の浸透, with Momoko Kawakami. Tokyo: Hakusuisha, 2021). He can be reached at wujiehmin@gate.sinica.edu.tw

Implications of Hong Kong's National Security Law on Taiwan

Simon Shen

The draconian National Security Law (NSL) in Hong Kong, enacted on July 1, 2020, criminalizes acts of alleged secession, subversion, terrorism, and collusion with foreign forces, and allows for the establishment of national security agencies in the city, among other provisions. It vastly deviates from the principles of the common law system, inherited from the British legal system and formulated for the judiciary system in Hong Kong. Without presuming the NSL to be a product still carrying the DNA of rule of law, it is first and foremost crucial to look into the differences compared to national security laws in the democratic world, in terms of process of enactment, balance of power, co-ordination with quasi-establishment organs as well as the underlying concepts of law, before outlying its implications for Taiwan, probably the next target of the People's Republic of China to exercise its totalitarian rule.

NSL is More than a "Law": Carl Schmitt and Nazi Jurist Theory

The NSL was "passed" by the Standing Committee of the National People's Congress (NPC), pursuant to NPC authorization, bypassing the (already undemocratic) legislature of Hong Kong, with no widespread consultation or release of contents prior to passage. The law gives the authorities extensive, almost unlimited, powers. Suspects could be removed to mainland China, handled within the mainland's criminal justice system and tried under mainland law. Investigating authorities can search properties, restrict or prohibit travel, freeze or confiscate assets, censor online content, and engage in covert surveillance, including intercepting communications, all without a court order.

The Chinese central government is setting up an Office for Safeguarding National Security in the heart of Hong Kong. The office and its staff do

not fall under Hong Kong's jurisdiction. Any actions, including their operation in the city, are not reviewable by local courts or subject to local laws. Another organization, the Committee for Safeguarding National Security, set up by the Hong Kong government, has the power to hand-pick personnel in law enforcement and prosecution to handle national security cases, in addition to selective judges being appointed by the Chief Executive. Budget and appointment of personnel related to safeguarding national security will bypass legislative scrutiny, and decisions are not subject to courts' review.

Communist states, after all, have a unique system of governance in which the Communist Party holds a monopoly on political power, with a network of well-coordinated quasi-establishment organs, such as GONGOs assisting in implementing their policies. Coordination between these quasi-establishment organs and the government is essential for maintaining the Communist Party's control over society. The concept of law is often used as a tool of repression and control rather than as a means of protecting individual rights and freedoms.

Carl Schmitt, a German legal theorist, political philosopher, and prominent member of the Nazi Party, advocated a similar legal system decades ago. He defined the state as the entity with the monopoly on the legitimate use of physical force within a given territory. Schmitt also argued that the state has the fundamental ability to make exceptions, or to suspend the rule of law in times of emergency. He also developed the concept of the "political enemy," which he defined as an individual or group that threatens the existence of the state. On the contrary, national security laws in the democratic world, like the United States (U.S.) and UK, usually go through legislative scrutiny, the same as any other law. All individuals and government officials are subject to and accountable to the law. The separation of powers is also in place. In the United Kingdom, for instance, the judiciary is responsible for interpreting and upholding the law, including laws related to national security. The judiciary can review the actions of the executive branch, including those taken under the authority

of national security laws, to ensure that they are in compliance with the law and do not violate individual rights and freedoms.

A new generation of Chinese jurists can be seen continuously contributing legal justifications for controversial policies and laws with explicit admiration of Carl Schmitt. Tian Feilong and Jiang Shigong are two examples.

Tian was an ardent critic of the demonstrations in Hong Kong in 2014 (the Umbrella movement), and six years later he is a staunch defender of the sweeping NSL that China has imposed on the former British colony. He has joined a tide of Chinese scholars serving as champions, even official advisers, defending and honing the party's hardening policies, including the rollout of the security law in Hong Kong.

Jiang previously worked at the Hong Kong Liaison Office representing Beijing from 2004 to 2008. He is a prominent adviser to the Chinese government on Hong Kong affairs and some of his statements have elicited controversy in Hong Kong. One of the main Chinese translators of Carl Schmitt, he is a notable promoter of Schmitt's political theory in China.

Both Tian and Jiang have demonstrated continuous involvement in Taiwan issues.

The Taiwan Factor in China's Hong Kong Policy

"One-country, Two-systems" was originally proposed by Beijing not to Hong Kong, but rather to Taiwan in 1978. Deng Xiaoping promised Taiwan a "high degree of autonomy", offering to allow Taiwan to keep its economic and social systems, government, and even military in return for acknowledging that it was part of the People's Republic. Taiwan under KMT rule rejected that proposal.

The proposal itself was roughly based on the "Seventeen Point Agreement"

between Beijing and the Dalai Lama government over Tibet in 1951. It outlined the policies and measures to be adopted by the Chinese Government in the administration of Tibet, including the protection of the rights and interests of the Tibetan people and the preservation of Tibetan culture and religion. The agreement was scrapped after eight years by Beijing, after an alleged riot in Tibet.

In 1979, Governor Sir Murray MacLehose visited Beijing to discuss the future of Hong Kong after the expiration of the 99-year lease of the New Territories in 1997. The historic talks laid the foundation of the Sino-British Joint Declaration which was signed in 1984. Deng, the plan's architect, used the idea of "One Country, Two Systems" to resolve the emergent crisis over Hong Kong. It promised to preserve the judicial system, legislative and executive autonomy, and all the key freedoms to which Hong Kong people had become accustomed, "including those of the person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief".¹ Deng believed that "one country, two systems" for Hong Kong would facilitate China's eventual reunification with Taiwan. He believed that by 2047, the mainland would have developed to Taiwan's level both economically and politically, and therefore Taiwan would welcome reunification.

Since then, the evolution of "one-country, two-systems" in Hong Kong was deeply entrenched with Taiwan affairs, at least from Beijing's point of view.

Although many local people disregard their importance, there are two units within the Hong Kong Special Administrative Region (HKSAR) government involved in Taiwan affairs. The Central Policy Unit (CPU) was the highest policy research unit of the Hong Kong government that

¹ Hong Kong Government, "Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, Article 3(5)" (Hong Kong: Government Printer, 1984).

provided advice to the Chief Executive and other senior government officials on various policy matters. The unit published research reports on Hong Kong-Taiwan relations for several years. The CPU also studied the implications of Taiwan's domestic and international policies for Hong Kong and mainland China. Disbanded in 2018, the CPU was reestablished and renamed the Chief Executive's Policy Unit in December 2022 after the implementation of the NSL. The Constitutional and Mainland Affairs Bureau is another unit serving as special advisor on Taiwan affairs, leading economic, trade, and cultural collaboration with Taiwan in an official manner.

Under China's State Council, division of labor was established with two different agencies. The Hong Kong and Macau Affairs Office (HKMAO) is responsible for the administration and coordination of policies related to Hong Kong and Macau, whereas the Taiwan Affairs Office (TAO) is responsible for the country's policy towards Taiwan.

NSL and Re-definition of "One-country, Two-systems" by Beijing

The "one country, two systems" principle (aka version 1.0), which was established in the Basic Law of Hong Kong, was meant to guarantee a high degree of autonomy for Hong Kong and protect certain civil liberties and freedoms, such as freedom of speech and assembly. However, the implementation of the national security law in Hong Kong in June 2020 has been undermining these principles and limiting the autonomy of the region, giving the central government broad powers to enforce it, including the ability to bypass the local legal system and establish special courts.

Based on the original definition, the "one country, two systems" promise has been broken. Beijing is now trying to re-define it. "To be able to fully and accurately implement one country, two systems, the most important criterion is to safeguard the one country principle," according to Hong Kong's Secretary for Justice Paul Lam Ting-kwok in a forum in October 2022, which implied that its implementation before the introduction of

the NSL was partial and inaccurate from Beijing's point of view.

Lam also stressed that safeguarding national sovereignty, security, and development interests was the "highest principle" of adopting the one country, two systems governing model. However, these interests are subject to interpretation and the question remains how we should understand them. Beijing is re-defining "One-country, Two-Systems" as a holistic concept, instead of the widely understood federacy.

In the CCP's 20th Party Congress, Xi contextualized his new definition of "One-country, Two-systems" and put the Taiwan policy into the CCP constitution. Most importantly, Xi mentioned the need to "precisely and resolutely in a comprehensive manner carry out the 'One Country, Two Systems' principle, adamantly oppose and contain 'independence,'" hinting that the previous versions adopted by his predecessors were "incomprehensive" and "imprecise." The context in the revised constitution is: "The policy of One Country, Two Systems is a great innovation of socialism with Chinese characteristics. We have fully and faithfully implemented the policy of One Country, Two Systems. [...] the central government exercises overall jurisdiction over Hong Kong and Macao. [...] administered by patriots [...] laws and enforcement mechanisms for safeguarding national security are implemented there. [...] Hong Kong [...] has restored order [...] for long-term stability and development. We have put forward an overall policy framework for resolving the Taiwan question in the new era and facilitated cross-Strait exchanges and cooperation." In contrast to the 2017 version, "[...] Continuously strengthen the solidarity of the whole people [...] including Taiwan compatriots [...] to complete reunification with the mother land" is erased.

It is notable that when the United States moved to recognize the People's Republic of China (PRC) and de-recognize the Republic of China (ROC) diplomatically in 1979, the United States stated that the government of the PRC was "the sole legal Government of China." Sole, meaning the PRC was and is the only China, with no consideration of the ROC as a

separate sovereign entity. The United States did not, however, give in to Chinese demands that it recognize Chinese sovereignty over Taiwan.

The new definition of “one country, two systems” has been met with mixed reactions internationally. Most democratic countries have criticized it.

In 2022, governments such as Japan and the UK made statements denouncing the Hong Kong government's attacks on free press and its manipulation of both the Legislative Council (LegCo) and Chief Executive elections. In May 2022, G7 leaders representing the United States, Canada, the EU, France, Germany, Italy, and Japan collectively expressed serious concerns over the chief executive election process and Hong Kong's “continued assault on political pluralism and fundamental freedoms.” The leaders' statement also “call[ed] on China to act in accordance with the Sino-British Joint Declaration and its other legal obligations.”

However, some may be concerned about a potential war or invasion of Taiwan, which is avoidable with the “One-country, Two-systems” proposal. It seems “reasonably palatable” as mentioned by western tycoons like Elon Musk: “the arrangement [for Taiwan] can be more lenient than Hong Kong.” As seen, there is a misunderstanding that the policy framework can truly honor autonomy of Taiwan's economic and political systems and way of life. However, by looking into the history of Tibet and the surgery on Hong Kong, this might not be the case. Forced assimilation has been embedded in the policy's rationale, which is not the federacy widely understood by democratic world.

Neo-HK after NSL and its New Role vis-à-vis Taiwan

NSL not only aims to eliminate dissent in Hong Kong, but also assigned a role to the Hong Kong authorities when facing Taiwan issues. In the event of Pelosi's Taiwan visit, the Chief Executive of Hong Kong, John Lee and his affiliates like Chief Secretary Eric Chan, Financial Secretary Paul Chan, Secretary for Justice Paul Lam and many other government

officials and pro-establishment bodies issued similarly worded statements condemning the visit.

Chief Executive Carrie Lam, when asked about her future plans, said she hoped to further promote “One-country, Two-systems” to Hongkongers, mainland residents and Taiwan people. In December 2022 after stepping down, she was still telling the successful-implementation story of “One-country, Two-systems”, in her fluent English, well-trained in her colonial-era education.

The Hong Kong Economic and Trade Offices (HKETOs), operating 14 offices outside Hong Kong and China, are responsible for promoting Hong Kong’s economic and trade interests, including liaising closely with the business and commercial sectors, politicians and the news media, and also organize events to promote Hong Kong’s image. After NSL, the HKETOs have been accused of presenting a false image of Hong Kong, white-washing the erosion of rule of law and repression of civil society.

Strong political censorship on anything related to Taiwan was also observed after Hong Kong’s NSL came into force. For instance, a screening of *The Lucky Woman*, a documentary about migrant workers in Taiwan, initially scheduled to be screened in October 2022, was scrapped after Hong Kong censors requested the removal of protest scenes, according to the film’s director. A handful of Taiwan websites were blocked, including the Transitional Justice Commission, Presbyterian Church in Taiwan, Democratic Progressive Party, and the Recruitment Centre of National Armed Force.

The National Security Office (NSO) in Hong Kong also has significant bearing on Taiwan. First of all, the NSO, without considerations of local citizens’ opinion, was established above the law. Beijing’s idea is to take this as a blueprint to rule Taiwan—possibly after a brutal invasion which is one of the worst scenarios. This has introduced serious worry in the surrounding territory. On the flip side, Taiwan is somehow aligned with the democratic world and has a good opportunity to build stronger bonds

with international peers. There might also be opportunities in the shorter term. Talents, expatriates, companies, and investments are leaving Hong Kong. Taiwan is in a position to benefit from some of these.

In a future cross-strait crisis between China and Taiwan, there are a number of possible roles Hong Kong could play, including (1) a military base, given its geographical position; (2) a mediator to resolve conflicts (however, this is becoming unlikely as Hong Kong gradually leans entirely towards Beijing; or (3) an economic and refugee shelter to provide support to those in need if Hong Kong is still a relatively stable territory. However, Hong Kong is still at risk of being directly impacted by intensive military conflict in the event of a cross-strait crisis, given its strategic location.

Handover Arrangement of Hong Kong and its Implications on Taiwan

If Beijing wishes to implement its “one-country, two system 2.0” model in Taiwan in the foreseeable future, the handover arrangement of Hong Kong in the transitional period might well be copied and pasted onto the Taiwan Strait. What lessons could be learnt from this?

Firstly, following the settlement of the Sino-British Joint Declaration, various united front attempts were made to engage the local elites in Hong Kong, at the expense of the will of the general public. For instance, the HKSAR Basic Law Drafting Committee was formed in June 1985 for the drafting of the Hong Kong Basic Law as a constitutional document setting out the basic policies regarding Hong Kong after 1997. The committee had 59 members, of whom a dominating 36 were from the mainland, mostly government officials. The remaining 23 were mostly Hong Kong businessmen from different social sectors, 2 from British colonial establishments, 1 judge from the Appeal Court, 1 representative for the New Territories, 2 Vice-Chancellors of universities, 1 Archbishop, 1 from a leftist trade union, and most importantly, 2 liberal figures, Martin Lee and Szeto Wah. The composition manifested the typical formula of the CCP's united front strategy, offering membership to a small number of

vocal critics so they could be controlled through the rule of procedures.

In July 1993, a 57-member Preliminary Working Committee (PWC) was set up by China's NPC, headed by foreign minister, Qian Qichen. The 30 Hong Kong members, mostly NPC members, former Basic Law drafters, and official advisors were carefully chosen by Beijing. The formation was ostensibly for the transfer of sovereignty, but also for preparing a "second kitchen" if Britain failed to cooperate with China on the transition.

On January 26, 1996, the Preparatory Committee, a body established by the Chinese government for the transition of Hong Kong sovereignty in 1997, was responsible for implementation work related to the establishment of the HKSAR, including the prescriptive formation of the first government and first Legislative Council and establishment of the Selection Committee of 400 members from Hong Kong, which in turn was responsible for the selection of the first chief executive and the members of the Provisional Legislative Council. Among the 150 members appointed by Beijing, all were co-opted.

On December 21, 1996, the 60 members of the Provisional Legislative Council were elected by the Selection Committee, which was the interim legislature of Hong Kong that operated from 1997 to 1998. Serving as the temporary replacement of the former Legislative Council of Hong Kong, it was boycotted and criticized by the Democratic Party.

The implication of this step-by-step formation of the HKSAR government and legislature is clear to Taiwan. Elites, or whoever is assigned high value in Beijing's united front strategy, will be co-opted into the political framework, without dominating the controlling power. Democratic elements may be discussed but likely remain far away from execution.

Secondly, since the transitional period, Hong Kong has gradually been placed under China's shadow on the international stage. China unilaterally proclaimed it did not recognize "unequal" treaties, specifically the Treaty

of Nanking in 1842, the Convention of Peking in 1860 and Convention for the Extension of Hong Kong Territory in 1898, which were signed as a result of military defeat and under duress. Unlike the Republic of China regime, which also vowed to take back the lost territories, but nonetheless recognized all the signed treaties and only attempted to advance its goals by signing new treaties to replace the previous ones, the PRC simply disregarded any international documents.

PRC logic states that Hong Kong was always China's territory since ancient times, and therefore its status as a British colony was not recognized. In other words, from China's perspective, the UK has no position to interfere with Hong Kong issues as it is China's "internal politics". The "Joint Declaration", although stated clearly in its obligations, is regarded as a historical document, to be interpreted by the one who is more powerful. De-internationalization, to handle and define the Taiwan issue as a "domestic affair", is precisely the current approach of Beijing.

Lastly, the concept of pan-Chinese national identity is often promoted by the Chinese government and used to justify the re-unification with Taiwan. This blueprint envisages the Taiwan issue as the internal politics of China, as the remaining issue from the Chinese Civil War which was ended in 1949. The Republic of China (ROC), led by the Nationalist Party, lost the war to the Communist Party of China (CPC) and retreated to Taiwan and continued to govern there, while the CPC established the People's Republic of China (PRC) on the mainland.

In order to implant the belief that the future of Hong Kong is predetermined and unchangeable, the Chinese government has been preaching realist fatalism regarding Hong Kong for decades. People in Hong Kong have been hearing the same messages repeatedly. For example, "Hong Kong is militarily and economically indefensible", "international attention is on continuous economic success only" and "ability of PRC to reshuffle Hong Kong whenever it wants".

Before the establishment of the NSL and the subsequent repression of almost all opposition voices, public opinion was usually the main battlefield whenever the people of Hong Kong challenged the authorities. The Chinese government is familiar with ways to manipulate and resonate with the mainstream voices of Hong Kong elites and sinologists in Britain, such as Percy Cradock. The foreseeable information warfare that might happen to Taiwan will only be intensified with the immersion of social media in Taiwanese lives.

On the Laws and Mechanisms of Humanitarian Aid for Hongkongers in Taiwan

Tseng Chien-yuan

Since the ‘Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region’ was passed by the Standing Committee of the National People’s Congress on June 30, 2020, we have seen a political purge envelop Hong Kong. It was only due to the COVID-19 pandemic that we have not yet seen a mass exodus of dissidents from Hong Kong. Since March 2020, countries around the world, including Taiwan, have locked their borders, freezing the escape routes for Hong Kong dissidents. Fearful of being taken into custody at Hong Kong International Airport, five young Hongkongers chose to stow away on July 18, reaching Dongsha by boat. However, on August 23, another 12 dissident youths including Andy Li Yu-hin, while on boat to Taiwan, were unfortunately arrested and taken to Shenzhen.



Pillar of Shame by Jens Galschiøt, formerly displayed at Hong Kong University

Hongkongers Show High Interest in Emigration

Despite border controls around the world, Hong Kong has still seen a wave of emigration—there were at least 90,000 legal emigrants in 2020 alone. These included participants in the Anti-Extradition Law Amendment Bill Movement, who have not been restricted from leaving, either because they have not been seriously scrutinized by the authorities, or because

of delays in processing, but they are basically united in opposition to the Hong Kong authorities. Of the 2 million participants in the protests, many Hongkongers remain in Hong Kong only for various temporary reasons. According to a March 2021 poll published by the Hong Kong Public Opinion Research Institute, 21 percent of responders plan to permanently leave Hong Kong, and only 27 percent will not leave under any circumstances, meaning 1 out of every 5 Hongkongers is planning to permanently leave, and another 3 are considering doing so. If we take Hong Kong's total population of 7.5 million, this means that over 1.5 million people are planning to emigrate, and a total of 6 million are considering leaving, meaning a large-scale refugee crisis may be in the works. As border controls loosen after the pandemic, Hongkongers will begin to emigrate in far greater numbers.

Taiwan's Mainland Affairs Council has unveiled the 'Hongkonger Humanitarian Aid and Concern Action Plan', and formed the Taiwan-Hong Kong Services and Exchanges Office, to offer advice to Hong Kong residents who seek to emigrate to Taiwan. However, it is little more than an advice counter, and the corresponding legislation remains unrevised for the time being. In effect, Taiwan's policy towards humanitarian aid to Hong Kong residents is decided on a case-by-case basis; the hope is it will gradually build up experience and form a convention. Normally, for special cases, the government applies Article 18 of the Laws and Regulations Regarding Hong Kong & Macao Affairs: "For residents of Hong Kong and Macau whose safety and freedom is in jeopardy for political reasons, necessary aid can be provided" to approve their entry and requires them to find other legal methods as to their status and residence in Taiwan. In other words, Article 18 is merely an emergency provision for political refugees, and not a legal basis for political asylum and humanitarian aid.

The Humanitarian Charter, drafted and advocated for by the International Red Cross and Red Crescent Movement, defines "humanitarian aid" as action to protect the basic rights of affected persons in times of disaster or

conflict. The charter views the right to humanitarian aid as an unalienable element of the right to exist and includes the right to a certain living standard, such as adequate food, water, clothing, shelter, and health, and must be administered fairly, allocating resources based on need, without discrimination. Taiwan has no legislation on refugees or political asylum, so they should refer to international standards to deal with humanitarian aid to refugees. However, the emigration of Hongkongers has little to do with disaster or economic motives, seeing that the living standards of Hongkongers are among the highest in the world—one could even say that if not for the Hong Kong National Security Law, Hongkongers would have no reason to leave. As a result, political refugees requiring humanitarian aid from asylum countries are rare, though not unheard of. Taiwanese society has largely shown cordiality and empathy for Hongkongers, and numerous organizations and families have provided care and work opportunities for young protesters, which effectively removes the government's burden on this matter. Hongkongers enjoy a special status in Taiwan, above and beyond that enjoyed by mainlanders and foreigners, and lax requirements for immigration, but we find that this is not enough to attract most Hongkongers to Taiwan. The problem is that Taiwan's policy does not see Hong Kong refugees and immigrants as human resources, and the policy environment is not cordial, leaving Hongkongers to look to other countries.

Comparative Analysis with Western Countries' Humanitarian Aid

Countries that have administered emergency humanitarian aid for Hong Kong, are mostly Western countries with close ties to Hong Kong. Hong Kong's former colonizer, the UK, has the Nationality, Immigration and Asylum Act, which has provided asylum for some 150 Hongkongers in the UK. Furthermore, prior to 1997, the UK issued British National (Overseas) Passports for some 3 million Hongkongers, which from January 31, 2021, can be used to apply for residence for anyone that has lived in the UK for 5 years, and apply for citizenship one year after resident status. Holders of the British National (Overseas) Passports and their descendants number 5.2 million. Faced with a large-scale immigration wave, the UK's Ministry

of Housing, Communities & Local Government announced in April the opening of 12 new immigration centers, to help Hongkongers deal with housing, education, and employment. That the UK, with its population of 64 million merely double that of Taiwan, would be willing to accept all holders of the British National (Overseas) Passport and their descendants, is worthy of our respect.

Canada, a member of the Commonwealth of Nations, is also accepting asylum applications from Hong Kong refugees. Refugees that meet the required language, education, employment standards, will be eligible to apply for the status of professional immigrants. This policy will continue to August 31, 2026. Canada's relaxed immigration standards apply to all Hongkongers, not just holders of the British National (Overseas) Passport.

Australia, another member of the Commonwealth of Nations, has provisions for refugees and political asylum in its Migration Act. As for immigration, the government has announced that all Hong Kong graduates and technical visas are extended for 5 years and seeks to attract talented Hongkongers with business innovation and investment visas.

Although members of the U.S. Congress have proposed giving Hong Kong residents special quotas and priority, it has not yet been legislated on. However, the U.S. threshold for political asylum and immigration has always been far more generous compared to other countries. Germany, which gave asylum to Hong Kong independence advocates Ray Wong Toi-yeung and Alan Li Tung-sing, has cited Article 16 of the German Federal Republic Basic Law: "Victims of political prosecution are entitled to political asylum", to protect the rights of refugees, and enacted the *Asylbewerberleistungsgesetz* to provide for asylum seekers' living standards.

Strengthening Identification and Security Screenings for Hong Kong Protesters

Since Hong Kong's Occupy Central protests and Umbrella Revolution of 2014, Beijing has sought to divide and conquer the movement. Civil

society and opposition forces have been fearful of infiltration, and the democratic and localist camps have suspected and attacked each other of being infiltrated and bought off by Beijing. These accusations may not be entirely without basis, but when it lacks a clear target and evidence, it could lead to an “every man for himself” mentality and to the collapse of the whole movement. Now Hongkongers finally realize that it doesn't matter if they are democrats advocating for Chinese democracy, or localists advocating for Hong Kong independence, they are all seen as unpatriotic forces in the eyes of the Hong Kong National Security Law.

The provisions for Hong Kong protesters to enter Taiwan are laid out in Article 18 of the Laws and Regulations Regarding Hong Kong & Macao Affairs, begging the question of how to determine whether the applicant is actually a protester or in danger for political reasons. Hongkongers applying for permanent residence face a national security screening, which often leads to controversies. When large numbers of Hongkongers apply for immigration, government personnel are stretched to their limits, causing unviewed cases to build up, and case-by-case decisions to run into trouble. As for the national security screenings, in August 2020, the Mainland Affairs Council revised the Regulations for Hong Kong and Macau Residents to Enter and Apply for Residency, which lists persons not eligible for residency, revising Article 22 Subparagraphs 3 and 10, and Article 31 to include “former mainland residents”, “current or formerly employed at mainland administrative, military, party or other government or political agencies and organizations, or their subsidiary agencies or media outlets in Hong Kong or Macau.” Hongkongers now have to declare whether they have served in Hong Kong government agencies and sworn loyalty to the Hong Kong Basic Law and the Hong Kong authorities, meaning all applicants with ties to the mainland or with former employment in the Hong Kong government are rejected, causing many families to be broken.

The Laws and Regulations Regarding Hong Kong & Macao Affairs have not exempted Hongkongers' asylum cases from the Administrative Procedure

Act, meaning that government decisions as per Article 3, Paragraph 3, Subparagraph 2 of the Act: “Foreigners’ entry, departure, refugee status and change of nationality” is subject to judicial review. The stance of this paper is that using ties to China as the sole reason for rejection is in violation of Article 6 of the Act which states: “administrative decisions cannot discriminate without just cause”. To use ties to China as the sole reason for rejection is clearly the result of the administrative incompetence of the screening process, tantamount to discrimination against persons with mainland Chinese ties, considering that during more than 20 years after reunification it has been perfectly normal for Hongkongers and mainland citizens to intermarry and to find employment at Chinese government agencies and their subsidiaries. It is even more absurd to reject applicants for their employment at Hong Kong government agencies, considering that Hong Kong’s high degree of autonomy is the very premise of the Laws and Regulations Regarding Hong Kong & Macao Affairs. To punish Hongkongers for working in government is a betrayal of trust towards the entire Hong Kong population.

A national security screening should only consider concrete evidence or reasonable doubt that the individual in question is actually working with Beijing to undermine the Republic of China or has worked for Beijing to oppress the people of Hong Kong. If this is the case, it is legitimate to reject their applications in order to avoid fear or discomfort in Taiwanese society and its protectees. Even major party officials in the mainland, as long as they are willing to seek freedom, and disclose their experience in mainland China, should be welcomed with open arms and solicited.

However, seeing that the number of Taiwan’s national security personnel is limited, and cannot know the details of every single case, the screenings cannot completely rely on the national security agencies, but also must make use of civil society organizations. Taiwanese organizations concerned with the situation in Hong Kong, Hongkongers’ associations, and Hong Kong academics are all of potential help.

Improving Humanitarian Aid for Hongkongers

As for the process for humanitarian aid for Hongkongers, firstly the work capacity of the Taiwan–Hong Kong Economic and Cultural Co-operation Council and the Taiwan-Hong Kong Service and Exchange Office should be increased. The former, which is Taiwan's representative in dealing with official matters related to Hong Kong, should include Hongkongers with Republic of China nationality, in order to build connections between the government and the Hongkonger community in Taiwan, so that Hongkongers can participate in official decisions on Hong Kong affairs. As for the Taiwan-Hong Kong Service and Exchange Office, its oversized workload is causing it to be capable of little more than recipient processing and is not capable of effective advisory service or administrative guidance on cases. The only way out is to increase the manpower and invite academics and concerned organizations from civil society to participate in the national security screening process.

Secondly, the government should seriously consider Article 18 of the Laws and Regulations Regarding Hong Kong & Macao Affairs and, if necessary, formulate an enforcement rule in order to elevate the immigrants' status to that of political asylum. This is because young protesters might not have 6 million New Taiwan Dollars to apply for investment immigrant status or be willing to enroll in our schools, so we need a process to accommodate these protesters and provide temporary housing, care, and vocational training. As for accommodation and care for refugees, the government would do well to seek the excellent expertise and resources of the Chinese Association for Relief and Ensuing Services. If collaboration with them is rendered impossible by the Kuomintang Ill-Gotten Assets lawsuit, utilize the National Immigration Agency's detention centers, and collaborate with civil society organizations to provide the basic living necessities of political refugees, so they can transition and smoothly integrate into Taiwanese society. Furthermore, as dissidents are likely to face difficulties in gaining approval to leave Hong Kong and in gaining a clean criminal record certificate, the possibility of more Hongkongers stowing away to Taiwan cannot be ignored. We must be prepared for marine rescue at

Dongsha Island, which has an important geographic location between Hong Kong and Taiwan.

Even more essentially, Taiwan must see Hongkongers as an important reserve of manpower, particularly professionals who should be seen by policymakers as having vital expertise that Taiwan lacks. As Taiwan faces a shortage of manpower, the current system, which requires Hongkongers to earn twice as much as Taiwanese people, may be an unnecessary barrier to entering Taiwan's labor market, and should be abolished. As for the prosperity and progress of Hong Kong, and the prospects for political change in the future, Taiwan should bear the moral burden for the liberation of Hong Kong. So instead of a pessimistic or gloating attitude, we should make Taiwan, the closest free country to Hong Kong, a safe haven for Hongkongers, in order to reduce the political risks they face, and give them the opportunity to continue the struggle in Taiwan. Taking this into account, we should widen the criteria for investment immigration, from requiring investment in an enterprise, to include buying public and private debt, so the government and businesses can make the best use of the capital brought by Hong Kong immigrants, while avoiding the concerns of Chinese capital infiltrating certain businesses. As this can promote Taiwan's industrial, economic and population growth and provide Hongkongers with a friendly immigration environment, it may be the best humanitarian immigration policy for Hongkongers. In addition, through these Hongkongers residing in Taiwan, we can build a stable Taiwan-Hong Kong and cross-strait relationship and connect with the wider Hong Kong diaspora overseas, including those in the UK, Canada, and Australia, in order to improve our standing among the global Chinese diaspora, which would spell a great leap for Taiwan's global influence.

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Hong Kong Pro-democracy Movement: Will it Reshape the Political Landscape?

Simon Cheng

For many years, the pro-democracy movement in Hong Kong has been forward-looking and progressive but there was always a weak understanding of the realpolitik between the great powers.

This article discusses the evolution of the movement after the handover of Hong Kong from British to Chinese authority in 1997. It aims to address the following key issues and questions:

- ‘One Country, Two Systems’ is the political formula enshrined within the constitutional guidelines of the Basic Law of Hong Kong and the Sino-British Joint Declaration, but its legitimacy, functionality, and practicality are questionable. Pitfalls, limitations, and flaws of the formula means it was always destined to cause deep-rooted social problems.
- It is legitimate to mention human rights abuse in Hong Kong, but rarely is rationale provided that explores the broader spectrum of opposing viewpoints in Hong Kong. What are the ideological grounds that shape one’s political stance in Hong Kong? Explaining this is important to build understanding and common ground for dialogue between opposing views.
- While many are familiar with the prominent individual voices that have come to symbolize the Hong Kong democracy movement, what are the movement’s different layers of composition? Beside the elected politicians and activists who propose democracy, what are the roles of civil society and the mass public in the city of

Hong Kong and the emerging diaspora communities? What are the dynamics and interactions among these and how have they evolved?

- While many tend to focus on the decisions and wrongdoings of the authorities, issues and divisions within the pro-democracy camp are rarely discussed. These issues drive divergence within the anti-establishment camp and are reflected by the different approaches and mindsets of the 2014 Umbrella Movement and 2019 Water Revolution. This paper will address the significance of this 'paradigm shift' of protest tactics from 2014 to 2019 and beyond.
- What problems have led to this divergence within the Hong Kong pro-democracy movement? Divergence has occurred not only on self-identity allegiances to sovereign states and peaceful versus violent tactics for protest, but also in terms of elitist and populist mindsets. How has such divergence been shaping the recent and future development of the exiled democracy movement and diaspora communities? How does it also lead to convergence?

Background

In the years leading up to the handover negotiations, a more mature concept of citizenship had evolved in Hong Kong under a set of particular historical and international trends:

1. Global currents of nationalism, independence, and decolonization had blown new life into the concept of the modern nation state.
2. An emerging middle class and a wider wealth gap triggered greater demand for political change and democratization.
3. Point 1 and 2 provided fertile ground for social unrest and protests in Hong Kong in the 1960s, which were also deeply influenced

by the Cultural Revolution and Maoism in mainland China. Since then, 'patriotism' and the 'pro-democracy movement' have been alternately mutually exclusive or inclusive concepts.

4. During the period of Deng's reforms, Hong Kong played a significant role in the economic liberalization of mainland China. As a model city for communist China to start its experiments with capitalism, it influenced Chinese laborers, businesspeople, students, intellectuals, and people from all walks of lives with its economic and social liberalization. Liberalization gradually led to the student and labour anti-corruption movement in China in the 1980s. However, the brutal crackdown in 1989 (the Tiananmen massacre) brought an end to hope for further political liberalization through top-down reform in China.
5. The 1989 crackdown cast a general atmosphere of anxiety over the handover process. London, following the Hong Kong people's petition, started to bargain for firmer promises of democratization from Beijing after the handover in 1997. During the collapse of the Soviet Union and the end of Cold War, Beijing, sensing a deep crisis of one-party communism and wanting to break the diplomatic isolation (including the arms embargo), restore confidence in Hong Kong's handover and continue economic reform, took a softer approach in dealing with the anger and frustration behind the social unrest. After the brutal crackdown in 1989, Beijing appeared to accept a limited proposal for 'democratization' in Hong Kong.
6. After 1997, issues like environmentalism, land usage and development policy, and culture and history preservation, revitalized Hong Kong 'localism', a sense of belonging to the homeland, and different but strong self-identities of different generations of Hongkongers. People gradually started seeing Hong Kong as their home city rather than as a migrant or expat city. It initiated the early stage of the social movement, which developed into the pro-democracy movement.

Therefore, the vision of 'universal suffrage' in electing the members of the legislative bodies and, indirectly, the executive leaders, as well as certain human and civil rights were enshrined both in the Basic Law, Hong Kong's mini-constitution, and in the Sino-British Joint Declaration, which provided guidelines for setting up the constitutional framework. Both documents agreed to partially continue the Hong Kong Bill of Rights Ordinance (HKBORO, enacted in 1991 under British rule due to the 1989 crackdown) as the domestic law to incorporate the International Covenant on Civil and Political Rights (ICCPR) after the handover in 1997.

'Double-Edged Sword': One Country, Two Systems

The pro-democracy and opposition figures and groups thus have legal footholds to survive and be recognized (to a limited extent) within the political system, legal regime, and social establishment. But the "One country, Two systems" constitutional arrangement is a double-edged sword.

While it serves as legal defense for the survival and momentum of the pro-democracy movement in Hong Kong, it also serves as a brake on the movement because the opposition can only survive within the constitutional framework under the sovereign state of China. Thus, it legitimizes the movement's existence but also requires it to obey the one-party dictatorship.

As China is taking advantage of its economic power while weakening Hong Kong's political autonomy, Hong Kong is losing its bargaining chips with Beijing, since it has ceased to be an economic role model for mainland China, and the political hierarchy under the 'one country, two systems' formula shows an increasingly blatant 'patron-client relationship' as a de-facto 'new colonialism'. The recent trend of China Rising and the role of Hong Kong in enhancing the economic muscle of an aggressive China could be regarded as inflicting harm on the rule of law, freedom, human rights, and the prospect of Hong Kong's democracy and economic status.

This trend culminated in Beijing's imposition of the National Security Law (NSL) on Hong Kong in 2020. Unlike liberal democracies with division of power and checks and balances to ensure that national security laws cannot be abused, this Chinese law serves the one-party dictatorship. It overrules the local legislature and grants the government nearly unlimited power to criminalize dissenting thoughts, and it overrides all human rights protection in the legal framework based on Hong Kong Basic Law and the attached HKBORO and ICCPR. All genuine opposition figures and groups are not only marginalized as before, but totally removed from the social establishment in Hong Kong. They are either forced to be voiceless outside of power or in prison, or to face even greater irrelevance in exile.

Council, Street and International Fronts: Three Pillars of the Human Rights Movement

Before the delicate 'checks and balances' in Hong Kong were broken down after 2020, how was the Hong Kong pro-democracy movement able to continue for so long in the uphill battle against absolute authority and power? Their fronts and tactics can be placed in three categories:

Council: the most typical pro-democracy tactic was for citizens to vote pro-democracy figures into the legislative council (LegCo) or district councils.

Such elections are guaranteed by law and have generally been executed professionally, neutrally and lawfully without much corruption. But the election law also stipulated the process of political decision-making and the rules of election are not fully democratic, so the opposition and pro-democracy parties were marginalized even with the support of a majority due to the deliberately flawed design of the election and political system.

While they were playing a key role with veto power to scrutinize the government, pro-democracy councilors and their voters were growing frustrated that they could never be in power and wield any real influence.

The defensive and passive narrative of the pro-democracy camp gradually led their voters to request more aggressive and bolder protest within the Council Chambers, such as filibustering and certain types of civil disobedience and disturbance.

Even under such a difficult situation, the massive pro-democracy protest in 2019 led to a landslide victory for the pro-democracy camp at elections to the district councils. Afterwards, more progressive plans were initiated and coordinated by Benny Tai, aiming to get the majority of seats at the upcoming election to the Legislative Council. The move was seen by Beijing as a serious threat and challenge to their authority, so they initiated the massive crackdown on 47 pro-democracy figures, leaders, and political candidates using the newly imposed 'national security law'—an iconic case of suppression.

Street: organizers of organic and spontaneous civil society, non-profit sector social enterprise and protests or rallies, are the auxiliary actors to the pro-democracy figures in the Council. With a grassroots foundation and capacity for mass public mobilization for freedom and democracy, they are crucial for boosting the autonomy of the society.

When the council route has a prospect, civil society groups and protest organizers can play a supportive and secondary role, but if the council route is not effective, the street route is an alternative main front for the pro-democracy movement.

The level of intensity of protests is negatively correlated to the level of receptiveness of the government. Growing mastery and dominance from Beijing over Hong Kong (see The Practice of the "One Country, Two Systems" Policy in Hong Kong issued by the Information Office of the State Council in 2014), the deadlock of 'political reform' towards 'universal suffrage', economic and housing crises and a 'lack of prospect of the council route' made the younger generation more aggressive and assertive in protest format and tactics.

A peaceful march of half a million citizens was enough to stall national security legislation in 2003, but two million citizens in protest did not stop the fierce follow-up crackdown in 2019. Although the 'extradition bill' with mainland China was suspended, a far more oppressive national security law was unilaterally imposed by Beijing instead. This is also a concrete example of Beijing's shrinking receptiveness to opposition voices and protest. The serious confrontation between protesters and police forces was intensified with the government crackdown.

International: garnering international support and solidarity for Hong Kong is a standard tactic for a pro-democracy movement, from persuasion by giving incentives for mutual cooperation and trust to sanctions with legal weapons and even military deterrents. Value-based diplomacy and 'checks and balances' on realpolitik at the international level can play a decisive role on the outcome of a pro-democracy movement. When both council and street routes were still viable routes towards democracy, the international route was only a supportive and auxiliary factor. However, with the council and street routes seriously stalled, the international front is now becoming an important and major route.

Before the council route was closed off due to the NSL crackdown and election ban, the pro-democracy legislative or district councilors, sometimes with other high-profile figures, usually acted as a legitimate voice with the local Hong Kong citizens' mandate to connecting with media and politicians on the international arena.

After the NSL crackdown, pro-democracy politicians and activists either chose to stay and bear legal risk of jail in the city or leave for exile and resettle overseas. Those who resettled overseas could gradually disconnect from people in Hong Kong due to the distance and lack of renewed and meaningful elections, and the mandate of formerly elected prominent figures gradually phased out. While the developing diaspora community of Hongkongers overseas is flourishing, the key question for activists is how to reconnect Hong Kong people across continents through elections.

Regarding the issue of losing ‘mandate’ and connectivity with the mass public, a bottom-up transnational grassroots community could provide a way forward for pro-democracy advocacy at the international level. Conventional high-end lobbying and top-down approaches with big-name politics need not be the only way forward for an international front. While the importance of certain individual politicians and activists cannot be ignored, grassroots organizations and activism can ensure that the activists in the spotlight remain in touch with the public. The flourishing diaspora community is developing into a fundamental pool of voters for activists to renew the mandate through elections in order for the movement to still claim relevance, and the practice of principles of democracy and equality should bind people together. This is an important issue for many reasons.

Populism? Elitism? Pitfalls and Opportunities for Pro-Democracy Movement

Sustainability and inclusivity: Activism focused solely on individual heroism can create a cult of personality around specific activists. While this may generate initial attention, it can also lead to an overreliance on charismatic leaders and neglect the importance of building a broader movement. By shifting the focus to civil society engagement and mass public involvement, the movement becomes more sustainable and inclusive, allowing a wider range of individuals to participate and contribute. Individual heroism, while capturing attention in the short term, may not lead to long-term sustainable change. By engaging with civil society and the mass public, the movement can work towards creating a more inclusive and representative platform that resonates with a broader spectrum of society.

Avoiding division and alienation: Elevating certain activists as heroes may inadvertently create divisions within the movement. Glorifying specific activists can create a perception that only certain individuals are essential to the movement’s success. This may discourage others from getting involved or undermine the collective nature of the pro-democracy movement. People have different approaches and tactics they

are comfortable with and emphasizing the heroism of a select few might marginalize those who choose different paths or strategies. By promoting civil society engagement, the movement can encourage a more cohesive and united front that brings together diverse perspectives and strategies.

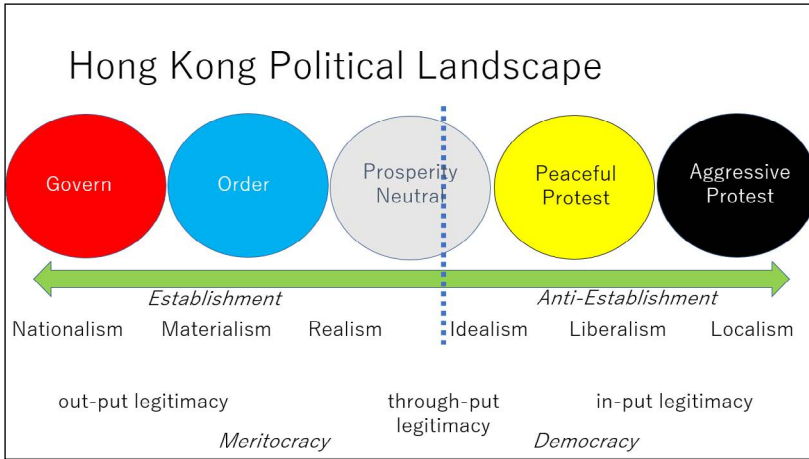
Mitigating risks and repression: Individual heroism can expose activists to significant risks, such as arrests, physical harm, or psychological pressure. Focusing on civil society engagement with the mass public allows for a larger support base, making it more challenging for authorities to target specific individuals. It also reduces the chances of burnout or exhaustion among a few key figures by distributing the responsibilities and leadership roles across a broader network.

Building public support: By engaging with civil society and the broader public, the pro-democracy movement can aim to garner widespread support for its cause. Rather than relying solely on the actions of a few individuals, the movement can demonstrate that it represents the aspirations and concerns of a significant portion of the population and create a more powerful force that can influence policy and bring about change. This can increase the chances of achieving meaningful and lasting democratic reforms.

Pro-Establishment? Anti-Establishment? Hong Kong's Politico-Ideological Spectrum

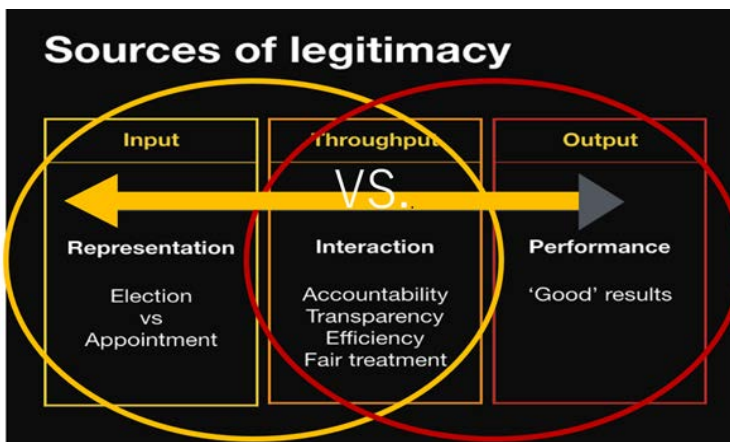
The Hong Kong political spectrum can be categorized in terms of 'pro-establishment' and 'anti-establishment'. Those who stay neutral in the middle would likely prefer to lean slightly on the establishment as they generally hope for status quo and stability as means to preserve social capital and resources. The call for prosperity is common ground across the political spectrum.

On the pro-establishment side, the focus lies more on order and authority to govern. Pro-establishment segments of the population are more materialist and care more about outcomes (output legitimacy) and



‘quality’ (meritocratic) governance. Such a hybrid mindset of ‘nationalism’ or ‘patriotism’ with ‘meritocracy (elitism)’ could easily be weaponized by the ruling elites for typical propaganda purposes to mobilize people, justify the rule, and glorify the state and its leaders in a dictatorship.

On the contrary, the anti-establishment side focuses more on the question of ‘what should be’, and in terms of value orientation they are idealists and liberals. They care more about democratic representation (input legitimacy) and possess a strong and unique sense of identity—localism—as another form of protest to the official ideology of patriotic education. Both sides



claim their different types of legitimacy are consistent with the 'rule of law', 'administrative impartiality and inclusiveness' and 'transparency'.

Looking into the differences within the 'anti-establishment' camp, at whether peaceful or aggressive tactics and formats of protest have proved to be more efficient, it is seen that they are not necessarily mutually exclusive and can be complementary to each other.

Yellow? Black? Divergence and Convergence in Anti-Establishment Approaches

In the 2014 umbrella movement (yellow), civil disobedience was a way to defy the government while still respecting the judiciary, but the 2019 water revolution (black) illustrates the steep decline of public confidence in the Hong Kong judiciary. It is no longer regarded as a watchdog for civil rights against the power abuse of the government but as a suppressive tool of the police forces.

In 2014, the Umbrella Movement was leader-centric, its path mirroring historical examples like the Sunflower Movement in Taiwan and Civil Disobedience in India. This movement was led by the intellectual elites and a left-wing but inclusive liberal agenda, and it was generally peaceful, static, and organized; the 2019 water revolution on the other hand was rather leaderless and decentralized, sprung from anonymized grassroots populism with a right-wing self-identity agenda and an aggressive, agile and subtle way to protest. Such different tactics of protest still affect the Hong Kong pro-democracy movement in exile.

Some 'yellow' supporters doubt that the 'leaderless' social movement is realistic and that it is disorganized and will dissolve into many self-defeating fragmented factions, while some 'black' supporters grumble that the 'leader-centric' social movement will be corrupted and ossified into a small and exclusive vested self-interest elites' group (for either fame, title, position, social capital or other benefits in materials or non-materials) infected with serious cronyism. However, they could mutually

**Stage 1:
Rescuing**



**Stage 2:
Solidifying**



英國港僑協會
HONGKONGERS IN BRITAIN

**Stage 3:
Empowering**



**HONG KONG
SHADOW PARLIAMENT**
香港影子議會

complete and supplement each other to do both high-end lobbying with political elites and engage with the mass public and civil society.

Diaspora: New Actors for the International Front

Following the trend of the Hong Kong pro-democracy movement in the NSL era, the effort to re-consolidate the voices for democracy amongst the patchy but vibrant diaspora is crucial on the international front. Spontaneous initiatives, such as the few examples below, may involve grassroots organizing, protests, community outreach, and dialogue to persuade and involve a wider range of individuals in the movement.

- 1) *Self-help*: Haven assistance and similar advocacies are promoting and connecting activists across continents to share asylum and immigration policies amongst democratic countries and lobbying the governments for a safer and expedient route to refuge and haven in the aftermath of the massive crackdown in Hong Kong between 2019 and 2021. Take the UK for example: There have been a total of 160,700 applications for the BNO route in the almost two years since its introduction on 31 January 2021 up to the end of December 2022. In this case, activists provide direct and immediate service to the public. Such advocacy acts as a catalyst for further

development of the diaspora as intrinsic to the pro-democracy movement on the international front.

- 2) *Self-reliance*: Hongkongers in Britain (HKB) and many more local and nation-wide Hongkong diaspora groups are set up for more detailed and comprehensive services ranging from mental health support, employment support, and civil rights education, etc., for resettlement and integration. Such self-help networks can help new community organizers, activists, and individuals become more resilient and less isolated in face of adversity and create momentum for the movement. Acquiring civil and political rights in the new countries of residence can empower people to understand and experience the practice of democracy and policy making and furnish pro-democracy and exiled communities with state resources, leverage, and protection to achieve pro-democracy goals in Hong Kong.
- 3) *Self-empowerment*: While activists and people in Hong Kong and exile communities overseas are gradually disconnected, the culture of Hong Kong diaspora communities could also diverge between regions and countries overseas. 'Hong Kong Summits' (some regions use another name due to the concern that the term 'Summit' may be inadvertently conflated with the concept of elitism and therefore hierarchy of social class) are set up in each continent as platforms to facilitate dialogue among community organizers of Hong Kong and other exiled ethnic and religion groups. Along with the purpose of re-connecting people from newly developing diaspora with exiled activists and politicians, advocacies such as the 'Hong Kong Shadow Parliament', lately redubbed the 'Hong Kong Parliament', are open to public debate as some people think that such voting systems and elections should be the core value of democracy and the most effective way to bind people and activists across regions and continents together.

Through diplomatic efforts using economic and other forms of cooperation and coercion as incentives, the Chinese regime may well be able to justify what happened in Hong Kong, just as it managed to whitewash the crackdown on the democracy movement in Beijing in 1989, and persuade the international community to move on and develop relations with the PRC as if nothing had happened. Therefore, a series of questions pertaining to China's future development may well be decisive for the future of Hong Kong and international society more widely. What impact will the "China model" and China's soft power discourse have in the future? Is the world moving in the direction of a bi-polar new cold war or towards multi-polar globalization? What kind of governments and governing will we see in the future? After the transition from communism to state-capitalism (Mao to Deng) is China now on course for a new transition from anti-imperialism to neo-imperialism (from Deng to Xi)? What kind of role will Hong Kong play in the world financial system in the future? Can a future war be avoided?

The Hong Kong-Taiwan Nexus in the Shadow of China

Wu Jieh-min¹

Taiwan has long seen the PRC's treatment of Hong Kong as a barometer of its Taiwan policy. When Deng Xiaoping proposed the "One Country, Two Systems" formula four decades ago, he was eyeing Taiwan, though without a timetable. As Beijing started turning the screws on Hong Kong in recent years, it seemed to decouple the Hong Kong-Taiwan nexus. This chapter explores the other side of the Hong Kong-Taiwan nexus—inter-civil society engagement and its political impact.

The uneasy post-Cold War partnership between Taiwan and Hong Kong has undergone a profound transformation in recent years. Economically, Hong Kong has been a central operations center for Taiwanese enterprises dealing with China since the late 1980s. When Taiwan and China launched direct flights in 2008, Hong Kong's status as an entrepôt diminished, but it continues to play a vital function for Taiwan. More salient changes took place in the political sphere. Taipei maintained an "unofficial relationship" with Hong Kong as a British colony. After the handover of Hong Kong's sovereignty to the PRC in 1997, Taipei continued to maintain Hong Kong's special status through its Laws and Regulations Regarding Hong Kong and Macao Affairs (enacted in March 1997).

The U.S. canceled its similar preferential customs status for Hong Kong in 2020 after crackdowns on protesters and mass arrests indicated that the PRC was renegeing on its commitment to the "One Country, Two Systems"

¹ This paper was first published in *The Asia-Pacific Journal* 20, no. 16 (2022): 1-19. The author would like to thank Lin Cheng-yu and Chiang Min-yen for research assistance; and Mark Selden and an anonymous reviewer for valuable comments and suggestions.

policy. The U.S. Congress hurriedly enacted laws aimed at enhancing human rights protections for Hongkongers and imposing sanctions on Chinese and Hong Kong officials. This development has subtly affected Taiwan's Hong Kong policy. Lacking the U.S. government's political clout, the Taiwanese government offers low-profile humanitarian aid to Hong Kong exiles through civic groups or joint efforts with NGOs. The estrangement between Taiwan and Hong Kong at the government level has gone hand-in-hand with closer civil society ties. This reflects the heightened U.S.-China rivalry amid significant geopolitical changes in the region.

Hong Kong's Civil Movement and Interaction with Taiwan since 2012

2012 was the critical year when the civil societies of both polities started interacting closely.² Beijing had been doubling down on its efforts to influence Taiwan's mainland policy during the intervening period, but the Taiwanese were either unaware of or indifferent to such influence. Various pro-China media acted as Beijing's loudspeakers, with the Want Want Group particularly brazen in actively acquiring media outlets and fulfilling its "united-front" assignment by the Chinese government. University students and NGO activists eventually took to the streets against that "media monster" in what was a harbinger of the 2014 Sunflower Occupy Movement. At that point, fighting the "China factor" became a slogan in the "anti-media monster" movement.

The "anti-patriotic education movement" erupted in Hong Kong that same year in response to Beijing's efforts to enhance its political influence in schools. A hunger strike by a group of Hong Kong high school students called Scholarism drew the attention of Taiwanese activists. Taiwanese students created a Facebook page to share Scholarism's activities and express support for "Hong Kong's anti-brainwashing education

² Wu Jieh-Min, "The Civil Resistance Movements in Taiwan and Hong Kong under the 'China Factor'" (Chinese), in Hsieh Cheng-yu, Nobuo Takahashi, and Huang Ying-che (eds), *Cooperation and Peace in East Asia*, 130-144 (Taipei: Avant-Garde, 2014). Malte Kaeding, "Resisting Chinese Influence: Social Movements in Hong Kong and Taiwan," *Current History* 114, no. 773 (2015): 210-216.

movement.”³ Journalists and activists raised awareness of the campaign in Taiwan’s civil society. With both sides feeling the heat of China’s impact, civic groups from Taiwan and Hong Kong began engaging with each other through increasingly frequent visits, interviews, workshops, and conferences. Worried by these exchanges, Beijing and its Hong Kong-based proxies made preemptive moves.

China has long nurtured an innermost fear of Western infringement of its sovereignty, born of historical experience. The witch-hunt for “separatists” has become routine. As early as 2010, Beijing, without any reasonable evidence, accused a radical wing of the democracy movement, which was proposing a quasi-referendum campaign, of attempting to manufacture a public climate for independence.⁴ The incident revealed China’s self-imposed fear of separatism. In 2013, a trade union leader and several democracy advocates were accused of “merging Hong Kong independence with Taiwan independence” by a pro-China newspaper after participating in a conference in Taiwan.⁵ The accused had never in effect advocated the cause of independence. Echoing previous warnings targeting the Dalai Lama’s visit to Taiwan and the release of a documentary on Xinjiang exile Rebiya Kadeer,⁶ pro-Beijing newspapers accused activists in both Hong Kong and Taiwan of “an act of secession, intended to lead the ‘Occupy Central’ movement in the direction of ‘Hong Kong independence’ and challenge the ‘one country’ principle.”⁷ “The people of Hong Kong, the SAR (Hong Kong) Government and the Central Government... need to

³ <https://www.facebook.com/TaiWanXueShengShengYuanXiangGangFanGuoMinJiaoYu/>

⁴ See Ho-fung Hung, *City on the Edge* (New York: Cambridge University Press, 2022).

⁵ “‘Occupy Central’ colluding with ‘Taiwan independence’ and ‘the merging of the two independence movements to ruin Hong Kong’ (Chinese). *Wenweipo*, October 24, 2013, <http://paper.wenweipo.com/2013/10/24/PL1310240001.htm>.

⁶ “Analysis: Interaction of Opposition Forces in Taiwan and Hong Kong Causes Beijing to Be Wary” (Chinese), *BBC News*, October 21, 2013, https://www.bbc.com/zhongwen/simp/china/2013/10/131021_tw_hk_occupied_zhonghua.

⁷ “Hong Kong pan-democrats are warned for contacting Taiwan’s green camp” (Chinese), *Central News Agency (CNA)*, October 22, 2013, <https://reurl.cc/XVG9vE>.

deal with it strongly and promptly.”⁸

So-called “Hong Kong independence” was nearly unheard of in the pan-democratic camp at that time, but Beijing’s paranoid attacks added fuel to the fire and became a self-fulfilling prophecy. Before the localist turn in the 2010s, Hong Kong’s democratic parties had primarily taken Chinese nationalism for granted. They had long supported or acquiesced in Beijing’s irredentist agenda toward Taiwan. The Legislative Council (LegCo), for instance, passed a motion “opposing Taiwan becoming independent” on the eve of the swearing in as president in 2000 of Chen Shui-bian, of the opposition Democratic Progressive Party. Most opposition legislators approved the motion, even though it had been initiated by the pro-Beijing establishment party. Of the 20 pan-democrat legislators, 12 voted for the motion; 1 abstained; and 7 walked out of the chamber before the call to vote.⁹ For the pan-democrats, independence was taboo, no matter for Hong Kong or Taiwan. The bottom line was supporting “peaceful unification” and opposing using force to take back Taiwan. In the debate, a key democratic legislator argued that,

If Taiwan has the right to self-determination, what about Tibet? What about Xinjiang? What about Guangxi? What about Inner Mongolia? What about Gaoxiong in Taiwan? What about Yilan? What about Penghu and Mazu? This is an extremely complicated issue, thus, no one will say that as Taiwan is a people and has its special history, it has the right to self-determination because this cannot be justified.¹⁰

The public transcript of the debate indicates the democrats’ political outlook on Taiwan. It also reveals Beijing’s anxiety toward Taiwan’s

⁸ “There is no way out for the merging of Hong Kong independence and Taiwan independence” (Chinese), *Ta Kung Pao*, October 31, 2013, <http://news.takungpao.com/hkol/politics/2013-10/2004980.html>.

⁹ Compiled from “Official Record of Proceedings,” Hong Kong Legislative Council, May 10, 2000, <https://www.legco.gov.hk/yr99-00/english/counmtg/hansard/000510fe.pdf>.

¹⁰ Official Record of Proceedings, n. 9, 6340.

democratization and its “demonstration effect” on the Hong Kong opposition. Beijing forestalled the opposition from claiming the right to self-determination. This is how Beijing has defined its so-called “core interest” in dealing with Hong Kong and Taiwan issues. Under such circumstances, many democrats had shied away from Taiwan’s democracy movement or independence advocates until the localist turn.

Beijing’s aggressive policies caused local groups advocating self-determination and a distinctive Hong Kong identity—as opposed to Chinese identity—to mushroom,¹¹ and, although these rarely advocated independence, this Hong Kong identity surged (see Figure 4.1). A superficial resemblance to identity changes in Taiwan might have further aggravated a suspicious Beijing, but, viewed closely, the differences are obvious: Taiwan enjoys de facto sovereign status with a high degree of statehood, whereas Hong Kong is a special region that, in recent years, has come within the PRC’s ever-tighter grip.¹² Taiwanese identity has overtaken a mixed Chinese-Taiwanese identity and become predominant from 2008, while Chinese identity has shrunk to an insignificant level for an extended period. Mixed identity remains substantial but is consistently smaller than Taiwanese identity by a wide margin (see Figure 4.2). By contrast, Hongkonger identity, despite overtaking Chinese identity in 2009, remains entangled with mixed identity, as was the trend in Taiwan during the mid-1990s to the mid-2000s. It has fluctuated abruptly, unlike the relatively steady growth of Taiwanese identity. The Anti-Extradition Movement mobilized a spike in Hongkonger identity in 2019,¹³ but Beijing’s

¹¹ For different types of localism during its embryonic stage, see Sebastian Veg, “The Rise of ‘Localism’ and Civic Identity in Post-handover Hong Kong: Questioning the Chinese Nation-state,” *The China Quarterly*, 230 (2017): 323-47; Malte Kaeding, “The rise of ‘Localism’ in Hong Kong,” *Journal of Democracy* 28, no.1 (2017): 157-171; Samson Yuen and Sanho Chung, “Explaining Localism in Post-handover Hong Kong: An Eventful Approach,” *China Perspectives* 3 (2018): 19-29.

¹² One may wonder whether the territory still enjoys a certain degree of autonomy in the economic and financial sphere even under the National Security Law. Yet, Chinese state capital has become a significant player in Hong Kong, which endured a process of mainlandization of business circles. See Ho-fung Hung, *City on the Edge*.

¹³ The movement was a reaction to a proposed bill revising the Extradition Law that would have

harsh crackdown caused a sudden drop in the following two years. Yet the long-term growth trend in Hongkonger identity has undoubtedly worried Beijing, just as firmer Taiwanese identity has been linked with resistance to China's unification offensive. Further breaking down ideas of identity in Hong Kong by age and focusing on youth (aged 18-29), the trend toward indigenization must have Beijing on tenterhooks: in 2011, 46.8 percent identified themselves as Hongkongers, 13.1 percent as Chinese, and 40.1 percent as mixed identity. By 2019, Hongkonger identity among youth had jumped to 82.6 percent, Chinese identity had shrunk to just 1.9 percent, and mixed identity had declined to 15.5 percent.¹⁴ The sharp rise of Hongkonger identity in the younger generation completely changed the political landscape; localist activism had paved the way for Hong Kong-Taiwan civic movement connections.

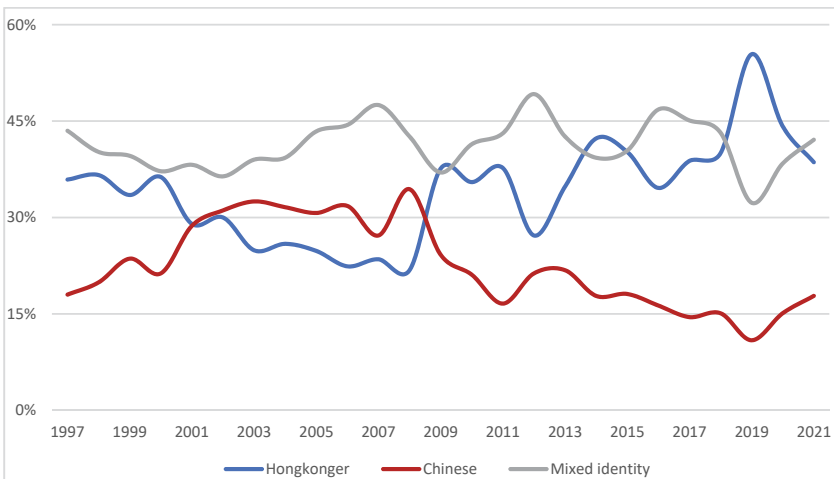


Figure 4.1: Trend in Hong Kong's Political Identity, 1997-2021

Sources: Compiled from Hong Kong Public Opinion Research Institute (PORI), <https://www.pori.hk/pop-poll/ethnic-identity/q001.html>. The second half-year data for each year were adopted for analysis.

allowed extradition of criminal suspects to mainland China, which caused huge fear in Hong Kong, including among the Chinese citizens living there.

¹⁴ Calculated from the survey data provided by PORI, <https://reurl.cc/xQL9Xb>. The second half-year data for each year were adopted for analysis.

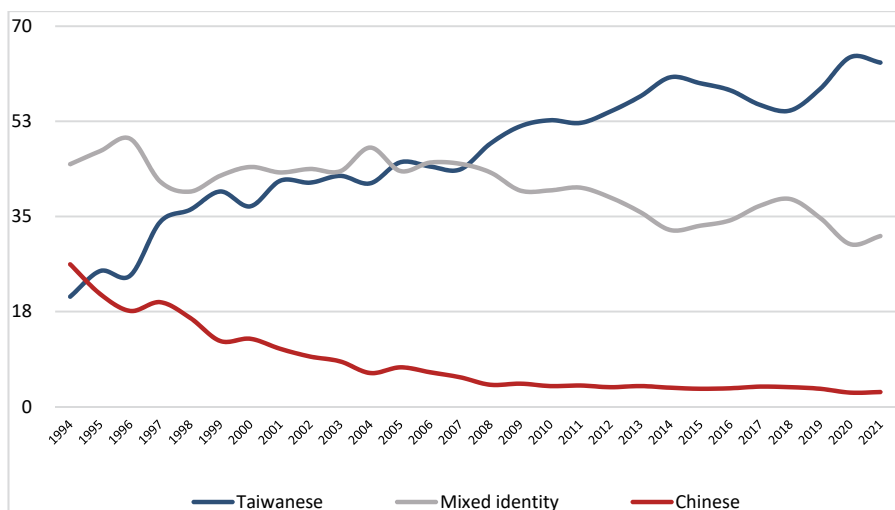


Figure 4.2: Trend in Taiwan's Political Identity, 1994-2021

Sources: Election Study Center, National Chengchi University, <https://esc.nccu.edu.tw/PageDoc/Detail?fid=7804&id=6960>

The “China factor” proved counterproductive to Beijing by provoking lively exchanges between activists and intellectuals from both places:¹⁵ Taiwanese wanted to learn how to guard against China’s united front work, while Hongkongers wanted to tap into Taiwanese resistance to Kuomintang rule under martial law. In 2014, a Hong Kong University student journal, *Undergrad*, published a volume *On the Hong Kong Nation*, which included a chapter written by a Taiwanese scholar specializing in nationalism. The idea of a Hong Kong nation was more heuristic and imaginary than realistic at that stage, but with the then-Chief Executive Leung Chun-ying’s fierce criticism of China the following year, the book became an instant bestseller. The episode hinted at embryonic national sentiment among the younger generation and public distaste for Beijing’s mouthpieces, anticipating the larger protest cycle in the next stage.

¹⁵ There used to be frequent academic and civil society exchanges between Taiwan and China before the Xi regime consolidated its position. But the CCP’s tightening control of civil society and intensified cross-strait tensions have made exchanges difficult.

In March 2014, students and social movement activists stormed Taiwan's parliament (Legislative Yuan) to protest against the Services Trade Agreement signed by Taiwan's ruling Kuomintang (KMT) government and China. The Agreement had lacked due process of parliamentary review and would further integrate Taiwan's economy into Chinese markets, something which caused grave concern. Evoking unprecedentedly strong sentiment to defend Taiwan against the China factor, the young demonstrators occupied parliament for several weeks and succeeded in having the trade pact suspended. Hong Kong's social media revealed powerful sympathy and support for this Sunflower Occupy Movement, and thousands of students and activists staged a rally to express solidarity with Taiwan. An opposition party leader who came to Taiwan to "boost the students' morale" said that "[b]oth Taiwan and Hong Kong must face the problem of economic leaning-to-China," and that she didn't want to see "the Taiwan of tomorrow become the Hong Kong of now."¹⁶

Later that year, Hong Kong's Occupy Central Movement (calling for universal suffrage in choosing the Chief Executive) gradually gained momentum. On July 1, 2014, the anniversary of the handover, when pro-democracy forces staged a parade as in previous years, social movement groups from Taiwan joined the event for the first time.¹⁷ Public anger reached boiling point when Beijing officially repudiated universal suffrage at the end of August; a student hunger strike developed into the 79-day Umbrella Movement. As videos of police firing tear gas at peaceful protesters shocked the world, Taiwan's activists organized a sit-in in front of Hong Kong's representative office in Taipei. Petitions and meetings organized by Hong Kong students in Taiwan attracted student support across the nation. Many Taiwanese advocates and scholars, meanwhile, went to Hong Kong's protest sites. The Hong Kong government did not yield to the demands of the protestors; instead, it used a strategy of attrition

¹⁶ "2.3 thousand people brave cold wind, prefer to catch a cold rather than take the trade agreement," *United Evening News*, March 21, 2014.

¹⁷ "Taiwan NGOs will not be absent, going to Hong Kong to show support," *Liberty Times*, July 1, 2014, <https://news.ltn.com.tw/news/focus/paper/792180/print>.

to prevent the Occupy Central and Umbrella Movements from achieving the democracy that Hongkongers wanted,¹⁸ only to sow the seeds for popular uprisings and youth activism in the coming years, when young activists and professionals went on to organize many more civic groups and political parties.

Both Hong Kong and Taiwan have undergone political transformation in the face of Beijing's ever-aggressive policies. The 2012-2014 protest cycles in Taiwan and Hong Kong brought about the first round of cross-border civil society interplay, but with divergent outcomes. The Umbrella Movement in Hong Kong was eventually thwarted partly by line struggle (i.e., disputes caused by strategic and tactical disagreement among different protest groups), leadership competition, and a lack of solidarity. In contrast, Taiwan's Sunflower Movement disrupted China's cooperation with the KMT. Though with divergent movement outcomes, both campaigns opened up new spaces for youth politics in their respective domains.¹⁹

In Taiwan, in the wake of the Sunflower Movement, a new generation established political parties. At the same time, the ruling Democratic Progressive Party absorbed scores of activists into its party apparatus and the new government, defeating the KMT in the 2014 and 2016 elections, while the recently founded New Power Party took five seats in the 2016 parliamentary elections.

Inspired in part by the success of Taiwan's youth politics, Hong Kong activists organized new parties (including the internationally renowned

¹⁸ Attrition is defined as "a mode of regime response that only tolerates protests ostensibly but uses a proactive tactical repertoire to discredit, wear out, and increase the cost of protests." Samson Yuen and Edmund W Cheng, "Neither Repression Nor Concession? A Regime's Attrition against Mass Protests," *Political Studies* 65, no. 3 (2017).

¹⁹ See Ming-sho Ho, *Challenging Beijing's Mandate of Heaven: Taiwan's Sunflower Movement and Hong Kong's Umbrella Movement* (Philadelphia: Temple University Press, 2019); Wu Jieh-min, "Taiwan's Sunflower Occupy Movement as a Transformative Resistance to the 'China Factor'," in Ching Kwan Lee and Ming Sing (eds), *Take Back Our Future: An Eventful Political Sociology of Hong Kong's Umbrella Movement*, 215-240 (Ithaca, NY: Cornell University Press, 2019).

Demosistō) and devoted themselves to elections at different levels, achieving significant gains. The vibrant post-Umbrella youth politics breathed fresh air into a somewhat hackneyed opposition. Young localist and pro-self-determination candidates grabbed six of the 29 seats gained by the pan-democratic camp in the 2016 Legislative Council elections.

Lively exchanges between young activists on both sides also attracted unwanted attention: When Demosistō's Joshua Wong and Nathan Law visited Taiwan in 2017, they were followed and threatened by pro-China groups (later found to have gangland connections) cultivated by Beijing over the years to counter the democracy movement and attack activists. This countermeasure, developed by the CCP, represents just one of the regime's strategies of attrition.²⁰

The Anti-Extradition Movement and Taiwan's Support

Since the start of partial direct elections to the LegCo in the 1990s, Hong Kong's pan-democratic parties continued to win elections, but the biased rules of the game nevertheless allowed pro-establishment cliques to control the government (see Tables 4.1 and 4.2 for vote shares and seat distributions in LegCo elections). Pan-democrats have enjoyed an absolute majority in direct elections but have been unable to win a majority of seats under the rules in place. As for the special executives, Beijing has simply hand-picked them with perfunctory indirect elections. This explains why democrats pushed hard for direct elections while Beijing sternly opposed them.

²⁰ For more on CCP and Hong Kong ruling elite countermobilization, see Samson Yuen, "The Institutional Foundation of Countermobilization: Elites and Pro-Regime Grassroots Organizations in Post-Handover Hong Kong," *Government and Opposition* (September 2021 online).

Table 4.1: Vote Shares in Hong Kong's Legislative Council Elections: 2004-2016

Year	Direct-vote districts		"Super District" (District Council functional constituency, direct vote)	
	Pro-establishment candidates	Pan-democratic candidates	Pro-establishment candidates	Pan-democratic candidates
2004	36.9%	60.5%	N/A	N/A
2008	39.8%	59.5%	N/A	N/A
2012	42.7%	56.2%	45.4%	50.7%
2016	40.2%	55.0%*	42.0%	58.0%

* Including pan-democrats in the conventional sense, and localist and pro-self-determination candidates.

Source: Compiled from Electoral Affairs Commission, The Government of Hong Kong Special Administrative Region. <http://www.eac.gov.hk/ch/legco/lce.htm>

Table 4.2: Distribution of seats between pan-democratic and pro-establishment camps in Legislative Council elections: 2004-2016

Year	Pro-establishment parties				Pan-democratic parties			
	Direct-vote districts	Functional constituencies	Total seats		Direct-vote districts	Functional constituencies	Total seats	
2004	11	23	34	(56.7%)	19	7	26	(43.3%)
2008*	11	25	36	(51.4%)	19	4	23	(32.9%)
2012	17	26	43	(61.4%)	21	6	27	(38.6%)
2016*	16	24	40	(57.1%)	22**	7	29	(41.4%)

* One independent was elected respectively for 2008 and 2016. ** Including pan-democrats in the narrow sense, and localist and self-determination candidates.

Source: Compiled from Electoral Affairs Commission, The Government of Hong Kong Special Administrative Region. <http://www.eac.gov.hk/ch/legco/lce.htm>

Since the Umbrella Movement, increasing distrust of the Chinese government and erosion of "One Country, Two Systems" has spawned enormous social discontent. In spring 2019, an Extradition Law Amendment

Bill triggered fears of Hong Kong residents being extradited to China and ignited a new protest cycle, leading to an unprecedented scale of mobilization that summer, with rallies of over one million people filling the streets. Global news media reported police brutality disproportionate to the protesters' vandalism and occasionally violent behavior: In less than a year, the police fired 16,138 tear gas canisters, 10,076 rubber bullets, 2,026 bean bag rounds, 1,873 sponge grenades, and 19 live bullets.²¹ The police reported 600 injuries, but many more civilian injuries can only be estimated (many protesters refused medical treatment for fear of being reported), while there were also numerous reports of police torture and abuse. Photos of pole-wielding gangsters attacking empty-handed protesters and subway passengers spread worldwide. Public demands for an independent committee to investigate the "merging of police and gangsters" went unanswered, spurring even larger demonstrations.

The movement was dubbed the "Water Revolution" for its fluidity, spontaneity, and decentralized leadership. Despite its lack of conventional vertical coordination, it demonstrated the historic cooperation and solidarity of Hong Kong citizens, which prevailed over the line struggle and distrust that had derailed the leadership of previous mass rallies, especially the Umbrella Movement.²² Creative coordination channels, primarily through social media, also played a crucial role in the face of successive police crackdowns and arrests. When the protesters met with the regime's unresponsiveness and police brutality, many expressed their determination to escalate the conflict by an uncoordinated strategy of *laamchau* or "burning together" — perishing along with their enemies.²³

²¹ Sources: Provided by Hong Kong Police Department on February 17, 2020, and April 20, 2020.

²² For different lines in the Umbrella Movement, see Samson Yuan, "Transgressive politics in Occupy Mongkok," in Ching Kwan Lee and Ming Sing (eds), *Take Back our Future: An Eventful Sociology of the Hong Kong Umbrella Movement*, 52-75 (Ithaca: Cornell University Press, 2019).

²³ See Ngok Ma, *A Community of Resistance: Hong Kong's Anti-Extradition Movement in 2019* (Chinese) (Taipei: Rive Gauche, 2020); Sebastian Veg, "Hong Kong Through Water and Fire: From the Mass Protests of 2019 to the National Security Law of 2020," *The Diplomat*, July 1, 2020, <https://thediplomat.com/2020/07/hong-kong-through-water-and-fire/>.

A survey of Umbrella protest sites from June to December 2019 indicates that “young people were a major force.” Analyzing the results of 26 on-site surveys, “the percentage of respondents below age 35 ranged from 41.6 percent to a staggering 93.8 percent (over 60 percent in most of the surveys) ... A further age breakdown of the young protesters illustrates that the 20-24 and 25-29 age groups were the most active. The proportions of the former group ranged from 9.4 percent to 54.2 percent, but most were roughly 20 percent to 30 percent, whereas the latter group’s proportions ranged from 11.6 percent to 34.2 percent, but most were roughly 10 percent to 20 percent. Participation by respondents under age 20 also was notable, accounting for a few percentages to over one-fifth (22.5 percent) of the protester population throughout the Movement.”²⁴ Aggregating the data of 26 surveys, a holistic picture emerges: Among the total 17,233 respondents, 1,875 (or 15.6 percent) were under 20; 4,319 (36 percent) were aged between 20 and 24; and 3,654 (30.5 percent) were between 25 and 29.²⁵

During the Movement, the police arrested 8,986 persons in 2019, including 2,899 in November alone. Among the arrestees, 42.9 percent were aged between 21 and 30, 30.7 percent between 16 and 20, and 7.1 percent between 11 and 15 (see Figure 4.3). Among the 612 persons charged with riot as of May 2020, 89.1 percent were under 30 years of age, including 14 adolescents under 15 (Figure 4.4). The numbers support the image of a youth (or even adolescent) street movement. At the same time, numerous older citizens and veteran democracy advocates actively provided coordination, logistics, public discourse, and various other kinds of assistance.

²⁴ Centre for Communication and Public Opinion Survey, The Chinese University of Hong Kong, “Research Report on Public Opinion during the Anti-Extradition Bill (Fugitive Offenders Bill) Movement in Hong Kong,” May 20, 2020: 31-32, <http://www.com.cuhk.edu.hk/ccpos/en/pdf/202005PublicOpinionSurveyReport-ENG.pdf>.

²⁵ Recompiled from Table 5, p. 32, Research Report on Public Opinion during the Anti-Extradition Bill (Fugitive Offenders Bill) Movement in Hong Kong.

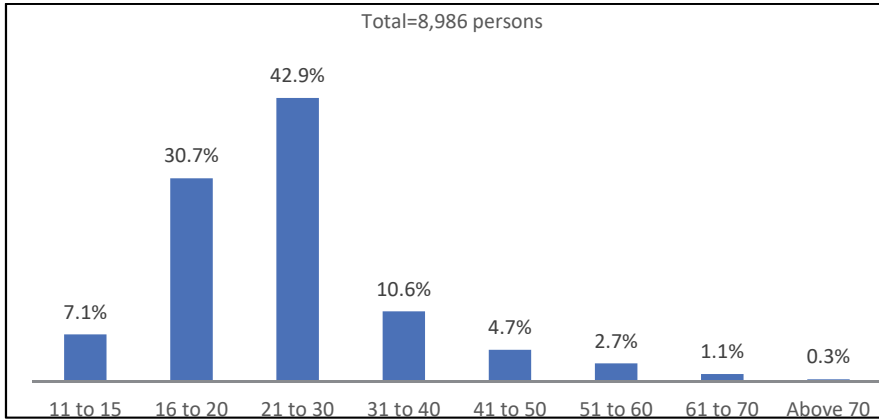


Figure 4.3: Arrests by age during the Anti-Extradition Movement, June 2019-May 2020

Sources: HK 01, June 8, 2020, <https://pse.is/3n2qrk>.

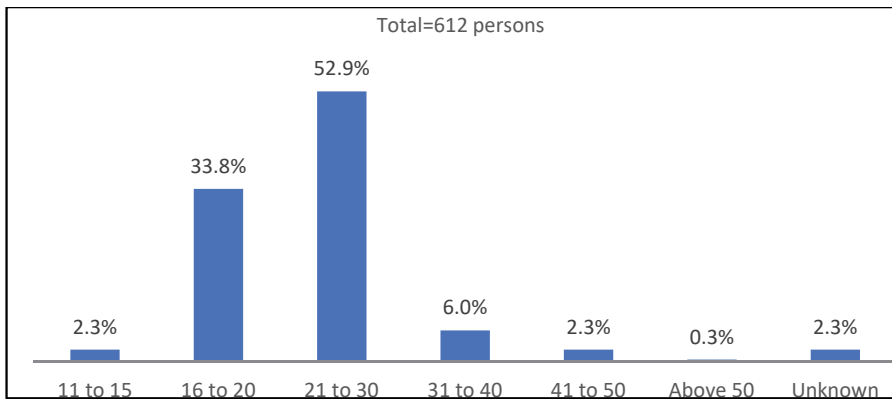


Figure 4.4: Persons charged with riot by age during the Anti-Extradition Movement, June 2019-May, 2020

Sources: Stand News, June 12, 2020, <https://pse.is/3nzczk>.

Under the crackdown, Hongkonger identity soared to 55.4 percent in 2019, a 10 percent leap from the previous year, while Chinese identity and mixed identity reached their nadirs at 10.9 percent and 32.3 percent, respectively (see Figure 4.1).

Undeterred by police brutality, many young oppositionists participated in the district council elections in November 2019, which attracted a turnout of 71 percent, compared to just 47 percent in 2015. The democrats won 388 seats (57 percent of votes), while the establishment parties gained just 58 seats (41 percent of votes). The election was seen as a referendum on the legitimacy of Beijing and the Hong Kong authorities. It once again sent a clear message that if universal suffrage were applied to higher-level elections, the pan-democrats could easily win power. The Anti-Extradition Movement and district council elections catalyzed Beijing's further fierce repression.

When news of the Anti-Extradition protests reached Taiwan, Taiwanese youth and NGO activists rushed to mobilize rallies, sit-ins, and petitions, and set up Lennon Walls on campuses around the country to support Hong Kong. Organizers collected donations to purchase anti-tear gas kits and shipped them to Hong Kong while urging the government to aid young protesters seeking refuge in Taiwan. The author's research team documented nearly one hundred episodes of protest in support of Hong Kong's resistance movement from June-November 2019, indicating the intensity of mobilization (see Figure 4.5).

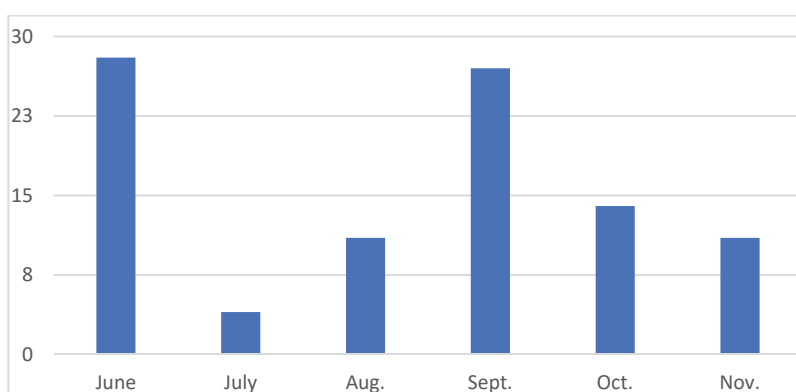


Figure 4.5: Number of Hong Kong-related protest events in Taiwan, June-November 2019

Sources: Coded and compiled from *Liberty Times (Ziyou Shibao)*, Taipei news archive.

“Standing with Hong Kong” became not merely a street slogan but a popular mandate in Taiwan. Public opinion urged Taiwan’s President Tsai Ing-wen to provide asylum for young protesters who faced persecution and escaped to Taiwan. According to a May 2020 survey by Academia Sinica, 67 percent of Taiwanese supported Hongkongers’ resistance, while among those aged 18 to 34 the figure reached 85 percent.²⁶ Global media widely reported Taiwanese support for Hong Kong’s civil resistance, but some criticized the government’s lukewarm or limited support.²⁷ Treading a fine line between defending a besieged Hong Kong and avoiding an overreaction from Beijing, the government opted for collaboration with Taiwanese civic groups, but in a more low-profile manner. In July 2020, the government set up an office to take charge of relief work. Between 2019 and 2021, some 100 young Hongkongers who had participated in the Anti-Extradition Law protest found sanctuary in Taiwan, receiving education, employment, and financial aid.

Meanwhile, an influx of Hong Kong migrants has been evident. Applicants for Taiwanese residence visas and citizenship have increased substantially in recent years. While the Umbrella Movement in 2014 led to a mini peak, the Anti-Extradition movement and the implementation of the National Security Law brought about a massive exodus. Many emigrants saw Taiwan as a new home, insurance for an alternative domicile, or a transit point to other Western democracies. In 2019, nearly 6,000 acquired residence visas, a 41 percent increase from the previous year, and more than 1,000 acquired citizenship status, a 35 percent growth. Subsequently, the influx became even more remarkable, with over 10,000 obtaining residence visas for two consecutive years. During the same period, 3,261 persons obtained citizenship (see Figure 4.6). To sum up, Taiwan accommodated over 30,000 Hong Kong immigrants in the period 2019-2021, an impressive record compared to other, larger, democratic countries. For comparison, the UK

²⁶ Survey by China Impact Studies (CIS), Institute of Sociology, Academia Sinica, Taiwan, <https://pse.is/3n82fm>.

²⁷ Sarah A. Topol, “Is Taiwan Next?” *The New York Times Magazine*, updated August 23, 2021, <https://www.nytimes.com/2021/08/04/magazine/taiwan-china.html>.

government offered 47,924 entry visas to Hongkongers via the British National Overseas (BNO) route in 2021, accounting for 81.2 percent of the total entries from Hong Kong;²⁸ the U.S. government issued 2,416 migrant visas to Hongkongers during the 2020-21 fiscal year.²⁹

In 2022, a public debate erupted in Taiwan over the Hong Kong immigrant issue. Many people, including some ruling party legislators, were concerned about national security implications if the PRC were to infiltrate spies into Taiwan, taking advantage of its lenient Hong Kong policies. This debate has affected the sentiments of those protesters seeking refuge in Taiwan, who fear persecution if forced to return to Hong Kong when their temporary residence visas expire. To mitigate the anxieties of the public and the protesters simultaneously, the government resorted to a roundabout way of providing asylum. In July 2022, it quietly passed confidential special measures for long-term residence and prospective citizenship applications for asylum seekers.³⁰

²⁸ Compiled from "Entry clearance visa applications and outcomes," Managed migration datasets, Home Office, UK, <https://www.gov.uk/government/statistical-data-sets/managed-migration-datasets#entry-clearance-visas-granted-outside-the-uk>.

²⁹ Compiled from "Table XIV: Immigrant Visas Issued by Issuing Office (All Categories, Including Replaced Visas*)" Bureau of Consular Affairs, Department of State, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/annual-reports/report-of-the-visa-office-2021.html>.

³⁰ Hung-chin Chen and Chen-hao Lee, "The unspeakable special measures for Hong Kong people to apply for work permits in as shortly as five years to get an identity card," July 30, 2022, <https://www.mirrormedia.mg/story/20220729pol003/>.

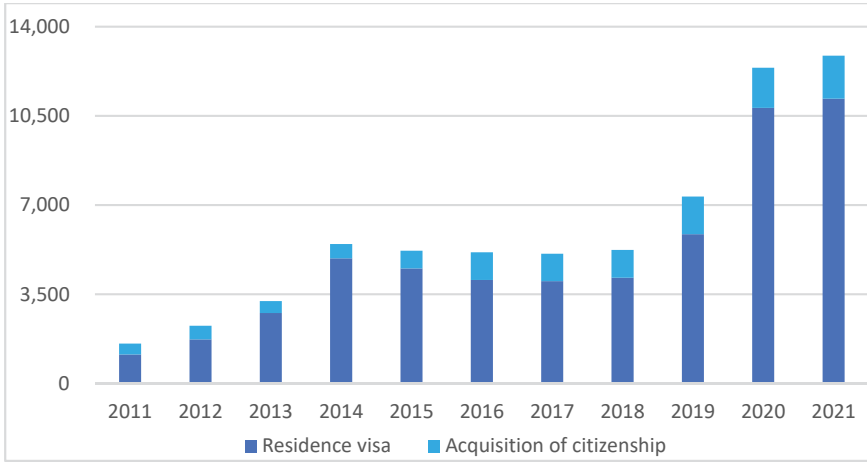


Figure 4.6: Trend in Taiwan government granting residence visas and citizenship to Hong Kong people, 2011-2021

Source: The Mainland Affairs Council, Taiwan.

The Anti-Extradition Movement coincided with Taiwan's presidential election of January 11, 2020, following the ruling DPP's defeat by the KMT in local elections the previous year. In a major speech to "Taiwanese compatriots" in early 2019, China's leader Xi Jinping called for unification under the "One Country, Two Systems" formula, adding that "we do not promise to renounce the use of force."³¹ Taiwanese President Tsai Ing-wen immediately rebuffed Xi's speech. The common perception is that Xi was taking advantage of the KMT's victory to promote unification or create space for Beijing's local collaborators to attack "Taiwan independence forces," but this proved counterproductive.

That year, on top of the Hong Kong crackdown, Taiwan's younger generations began to feel a deep angst at the danger of losing their country (*wang guo gan*), as a result of China's information warfare and threat of "forceful unification". The Legislative Yuan's passage of Asia's first same-

³¹ "Xi Jinping: Speech at the 40th Anniversary of the Release of the "Letter to Taiwan Compatriots," January 2, 2019", <http://cpc.people.com.cn/BIG5/n1/2019/0102/c64094-30499664.html>.

sex marriage bill in May created a more vital cause for younger progressives to rally behind Tsai, and they helped her win a second term. Their *wang guo gan* translated into a momentum for collective action on behalf of Hong Kong, as it also meant fighting for Taiwan's freedom. Chants of "Today Hong Kong, Tomorrow Taiwan" filled the air.

The harshness of China's policies toward Hong Kong have stirred robust support for Taiwan's independence, especially among those 20-35 years of age: support for independence among youth grew from 45.2 percent in 2011 to 60.7 percent in 2019.³² It's no exaggeration to say that China's impact has rejuvenated the independence movement in Taiwan, with Hong Kong's sacrifice serving as an alarm bell.

Beijing has built a "Berlin Wall" separating Hong Kong from the World

On June 30, 2020, China's National People's Congress (NPC) passed a National Security Law (NSL) specific to Hong Kong, effective immediately. On the same day, the U.S. government revoked part of Hong Kong's special trade status; the youth party Demosistō was forced to declare itself disbanded. On July 1, the Taiwanese government opened a "Taiwan-Hong Kong Exchange Office" for humanitarian relief, as mentioned above. On July 2, Hong Kong police arrested 370 people, including 10 suspected of violating the NSL; Nathan Law, a legislator and founding member of Demosistō, fled Hong Kong; the U.S. Congress passed the Hong Kong Autonomy Act. On July 3, the Chinese government announced appointments to critical posts in Hong Kong, authorized by the NSL. By July 6, the rules for implementing the NSL were already in place, with some thought even given to targeting Taiwan: Article 43 of the NSL's implementation rules, for instance, stipulates that the Hong Kong Police can request information from foreign and Taiwanese political organizations and their agents on activities involving Hong Kong, something which poses a direct threat to Taiwan's personnel in Hong Kong. The result has been to force Taiwan

³² Source: CIS Polls, Academia Sinica, 2011-2019.

to compromise or withdraw its office from Hong Kong, with Taiwanese personnel otherwise facing the risk of imprisonment. The Mainland Affairs Council too was forced to withdraw its officials in Hong Kong within a short period (see below).

The NSL set out a wide range of vaguely defined offences and unimaginably broad punishments. This legal blitzkrieg took the world by surprise.³³ In retrospect, however, Beijing had been preparing for it for months, if not years, in advance, given the speedy legislation and deployment of personnel and resources. Its primary goals were to punish those who commit “subversion of state power” or “incitement to subvert the state” and to prevent “foreign forces interfering with Hong Kong affairs.” Beijing would move to disrupt the flow of foreign funds and aid to Hong Kong NGOs and civic groups.

Beijing’s determination to block the opposition from winning the LegCo election scheduled for September 2020 was reflected in police harassment of primaries organized by the pan-democrats in July and the investigation of a private polling institute. The primaries nevertheless attracted more than 600,000 voters, and many young advocates obtained nomination. The Central Liaison Office (Hong Kong’s second government) condemned the democrats for violating the NSL by “performing a Hong Kong version of the color revolution,” referring to the movements in the former Soviet Union and elsewhere. The Hong Kong government disqualified 12 pan-democratic candidates and then announced the postponement of the LegCo election for one year on account of the coronavirus pandemic. Chief Executive Carrie Lam explained, “This is a difficult decision. We had the Center’s support. There’s no political consideration.”³⁴

³³ Ming-sung Kuo, “China’s Legal Blitzkrieg in Hong Kong,” *The Diplomat*, August 8, 2020, <https://thediplomat.com/2020/08/chinas-legal-blitzkrieg-in-hong-kong/>.

³⁴ “Carrie Lam: Hong Kong Legislative Council election postponed a year because of the seriousness of the epidemic” (Chinese), *CNA*, July 31, 2020, <https://www.cna.com.tw/news/firstnews/202007315009.aspx>.

Moreover, in a clear case of Beijing's direct intervention in Hong Kong affairs, the Standing Committee of the NPC in November 2020 disqualified four LegCo members on the grounds of "support of 'Hong Kong independence,' refusal to recognize the [Chinese] state's right to exert sovereignty on Hong Kong, seeking foreign or offshore forces to interfere with Hong Kong's internal affairs."³⁵ Months later, the NPC passed the "Decision on Improving Hong Kong's Electoral System," a game-changer enabling the Center's complete control over Hong Kong's elections. The new rules stipulate that candidates for both Chief Executive and legislators must pass a vetting and nomination process; the National Security Division of the Hong Kong Police Force first vets the eligibility of candidates, which is then forwarded to the National Security Council and then to the Candidate Qualifications Committee. In addition, the LegCo was expanded from 70 seats to 90 seats, with 40 seats decided by the Election Committee and 30 seats by functional constituencies; seats filled by direct election have been reduced to 20, compared to the prior system of 40 seats by direct election out of a total 70. In December 2021, the LegCo elections produced 89 pro-establishment seats and one non-establishment token seat. The turnout was a low 30 percent for the direct election constituencies, in contrast to the range of 44-58 percent in previous elections over the last two decades. Such lukewarm participation shows society's passive resistance to the post-NSL regime. Beijing now controls Hong Kong's political society in a most watertight way, although civil society still has the breathing space of "infrapolitical resistance."³⁶

On January 6, 2021, the police arrested 55 participants in the pro-democracy primaries. Forty-seven were charged with "subversion of state power" under the NSL, virtually wiping out the opposition. Since the implementation of the NSL, 154 people have been arrested, mostly on

³⁵ "Hong Kong Legislative Council: the Chinese People's Congress Standing Committee resolution against the pro-democracy camp" (Chinese), *BBC*, November 11, 2020, <https://www.bbc.com/zhongwen/trad/chinese-news-54884224>.

³⁶ See Lake Lui, "National Security Education and the Infrapolitical Resistance of Parent-Stayers in Hong Kong," forthcoming in *Journal of Asian and African Studies*.

charges of “subversion,” “collusion with foreign forces,” “secession from the state,” and “terrorism”. Among them, 26 were arrested merely for speech-related acts such as shouting or displaying slogans; the first person sentenced under the NSL was indicted for carrying a banner with the Water Revolution slogan, “Liberate Hong Kong, the revolution of our times!”³⁷

Beijing’s persecution of Hong Kong democrats did not stop at LegCo but was extended to the district councils. In 2021, in an episode that showed how fragile Hong Kong’s electoral system has become under the NSL, more than 200 pan-democratic district councilors resigned after media reports that the government might disqualify up to 230 members for failing to meet oath requirements and that it might even recover salaries and allowances.

Many activists have been forced into exile and put on wanted lists. Scholars and activists accused by the pro-China media, or facing arrest, have chosen to leave Hong Kong, while others have decided to stay in Taiwan. At least nine scholars have been falsely accused or unfairly treated since September 2021. Long-established civic organizations such as the Professional Teachers' Union, the Civil Human Rights Front and the Hong Kong Confederation of Trade Unions (HKCTU, representing more than 93 affiliated labor organizations) have been forced to disband. The HKCTU is one of just a few civil society organizations that closely interacted with Taiwan’s trade unions before 2012. In September, the National Security Department claimed that the Alliance in Support of Patriotic Democratic Movements of China, renowned for organizing the annual candlelit vigil in Victoria Park commemorating the Tiananmen protests and massacre, was a “foreign agent.” When staff refused to hand over documents, they were arrested. The alliance’s vice chair Chow Hang-tung said, “We won’t help you spread fear.”³⁸ Wall-fare, a support group for prisoners’ rights

³⁷ Kelly Ho, “Activist Tong Ying-kit jailed for 9 years in Hong Kong’s first national security case,” *Hong Kong Free Press*, July 30, 2021, <https://hongkongfp.com/2021/07/30/breaking-activist-tong-ying-kit-jailed-for-9-years-in-hong-kongs-first-national-security-case/>.

³⁸ Candice Chau, “Organisers of Hong Kong’s Tiananmen Massacre vigil refuse to comply with national security police data request,” *Hong Kong Free Press*, September 6, 2021, <https://hongkongfp.com/2021/09/06/organisers-of-hong-kongs-tiananmen-massacre-vigil-refuse-to-comply-with-national-security-police-data-request/>.

founded after the Anti-Extradition Movement, was also forced to close.

Previously, the police had raided the offices of the *Apple Daily* (a major media arm of Next Digital Limited), the popular opposition paper in Hong Kong, and arrested five senior staff on charges of collusion with foreign or extraterritorial forces and endangering national security.³⁹ If convicted, the defendants will receive heavy sentences. The publication was forced to shut down within a week. Next Digital's owner, Jimmy Lai, was already in custody under previous criminal charges. As a result, many independent online news channels began self-censoring or scrubbing "sensitive" reports and op-eds from their websites.

The Next Digital persecution not only terminated the most critical pro-democracy media in Hong Kong but also saw their assets frozen, including those overseas. With the charge of collusion with foreign forces, the case was also linked to the "Li Yu-hin case" and the "12 Hongkongers fleeing case," the former involving alleged "transnational money laundering" and the suspected role of related persons in the U.S.; the latter involving 12 young people intending to smuggle themselves into Taiwan by boat. The prosecutor alleged that Jimmy Lai was behind the conspiracy.⁴⁰

The prosecutions of Jimmy Lai and Next Digital were soon linked to Taiwan. The Taiwan-based *Apple Daily* was declared bankrupt at the end of 2021. A Hong Kong court-appointed liquidator sought permission to order the newspaper and *Next Magazine* to turn over all their assets. (Jimmy Lai was an investor in both news outlets, but they were not subsidiaries of the Hong Kong-based Next Digital.) Those assets included their news

com/2021/09/06/organisers-of-hong-kongs-tiananmen-massacre-vigil-refuse-to-comply-with-national-security-police-data-request/.

³⁹ "HK's Apple Daily raided by 500 officers over national security law," *Reuters*, June 18, 2021, <https://www.reuters.com/world/asia-pacific/hong-kongs-apple-daily-newspaper-says-police-arrest-five-directors-2021-06-16/>.

⁴⁰ "The case involving Jimmy Lai and Li Yu-hin: Chan Tsz-wah suddenly changed his appointment to a DAB lawyer" (Chinese), *RFA*, April 14, 2021. <https://www.rfa.org/cantonese/news/htm/hk-chan-04142021071025.html>.

archives and data on employees, op-ed contributors, and subscribers, involving personal information that could be used by the Hong Kong and Chinese authorities for political purposes. Civic groups in Taiwan urged the government to take action to protect the assets from being used for infringing privacy and harming press freedom.⁴¹

The NSL putsch caused a deterioration in Hong Kong's political relations with Taiwan. In May 2021, the Hong Kong government abruptly closed its office in Taipei. Macao followed suit the next month. In June, Taiwan's Mainland Affairs Council (MAC) announced it had withdrawn its officials from Hong Kong after their visas expired: The Hong Kong government had made signing a "One China Pledge" a condition for visa renewals. Given the unlikelihood that Taiwan's representatives would sign a document that implicitly recognized the PRC's sovereignty claims over Taiwan, this requirement was a pretext for severing Taiwan's ties with Hong Kong.

So far, Beijing has achieved almost everything it wanted: Stifling Hong Kong's civil resistance, cutting off civil society's connections with foreign countries, arresting most dissident leaders, suppressing freedom of expression, and making a travesty of elections to eradicate Hong Kong's "deep state" and complete the so-called "second handover."⁴² Within 18 months, between June 2020 and November 2021, 60 civil and political groups were forced to disband, including political groups and parties, trade unions, protest organizations, protester support groups, church organizations, media, and others. The dismantling of the most vibrant civil society sector led to the silencing of the resistance movement. Figure 4.7 illustrates the two waves of dissolution of civic organizations. The first wave occurred when the NSL was enacted and implemented on June

⁴¹ Hsieh Chun-lin and Jake Chung, "HK liquidator must be kept from Taiwan's media: group," *Taipei Times*, November 26, 2021, <https://www.taipeitimes.com/News/front/archives/2021/11/26/2003768526>.

⁴² Tien Fei-long, "Why does Leung Chun-ying keep his eyes on HSBC?" (Chinese), *Ifeng.com*, June 5, 2020, https://news.ifeng.com/c/7x38lzPytt2?_CPB_404_L7; Cheng Yong-nian, "Why do we need a second 'handover' for Hong Kong?" (Chinese), *Orange News*, August 20, 2019, <https://www.orangenews.hk/hkviews/45581.jhtml>.

30, 2020. All the disbanded groups were dangerous political and protest organizations in the eyes of Beijing. The second wave was concentrated in mid-2021, especially between July and September, and focused on trade unions and various civic organizations. It was at this time that the arrests of the Next Digital editors and other political cases sent a chill through Hong Kong.

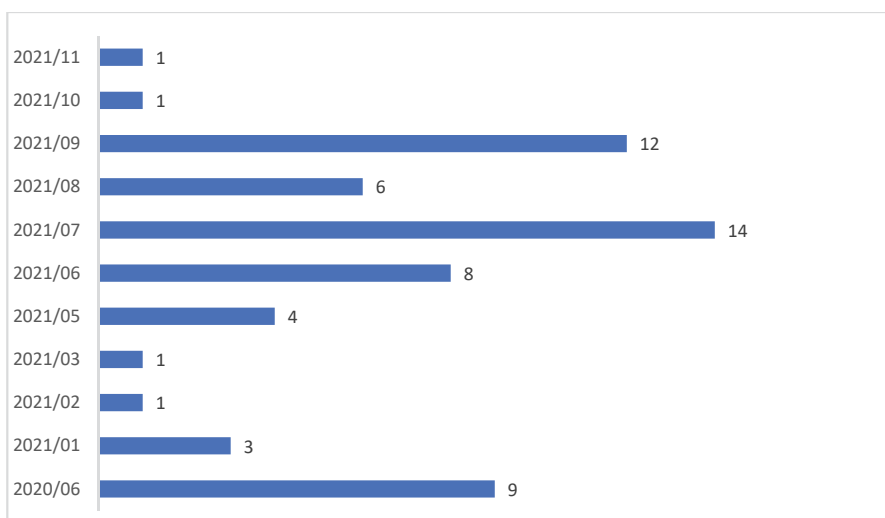


Figure 4.7: The dismantling of social and political groups, June 2020-November 2021

Source: Compiled from a special report by Stand News (disbanded in December 2021) and the author's research team.

So, the NSL has legalized a police state and installed a quasi-martial law regime. It has amounted to building a "Berlin Wall" separating Hong Kong from the Western democracies. But the crackdown on the Anti-Extradition movement has antagonized the Hong Kong people, and the NSL has created a long-term governance problem. Moreover, the NSL's apparatus has torn up the promise of "One Country, Two Systems", deepening the image of a PRC diffusing autocracy and further alienating Taiwan. The West could not stop Beijing from building the wall, but it did make Beijing pay a considerable price. Western countries began to impose sanctions on

Hong Kong and Chinese officials. In August 2020, the U.S. government put six top Hong Kong officials and five Chinese officials in charge of Hong Kong affairs on a list of “Specially Designated Nationals and Blocked Persons,” including Carrie Lam, the Chief Executive of Hong Kong, and Xia Bao-long, the director of the State Council’s Hong Kong and Macao Office. The U.S. government also suspended Hong Kong’s special status. It doubled down on its sanctions list by adding 14 vice-chairpersons of the National People’s Congress in December 2020 and six Hong Kong and Chinese officials in charge of Hong Kong affairs in January 2021. The UK government opened a new visa route for Hong Kong people with BNO status. The Canadian government offered new pathways to permanent residence to facilitate the immigration of Hong Kong residents.

An Uneasy Beginning to Decolonization

The current Hong Kong situation has resulted from a long-term accumulation of crises and the consequences of the broader interplay among nations. China has long suspected a Western conspiracy. Soon after the signing of the Sino-British Agreement in 1984, China became profoundly suspicious and uneasy when the British Hong Kong government issued a white paper intended to gradually expand the number of directly elected seats in the run-up to 1997. According to Christine Loh, who was close to the pro-Beijing establishment:

They (Beijing) concluded that Britain wanted to establish a representative government as a sign of returning power to the people, not to China, and to hand over the decision-making power of the Executive Council to the Legislative Council, a fundamental change to the colonial government structure and a departure from Deng Xiaoping’s guiding principles in drafting the Basic Law. In other words, Britain is attempting to implement many changes in the next thirteen years of British rule, creating many problems for the future government of the Hong Kong SAR. In the eyes of Chinese officials, the cunning British are playing the “democracy card” to disrupt China’s plans. It would divide Hong Kong society and foster pro-British forces

to act as British proxies and continue to govern Hong Kong after 1997 as if Britain continued to exist.⁴³

Such a description of the CCP's perception was a succinct premonition of the "deep state" accusations of later years. Hong Kong's people lost confidence in Beijing after the 1989 Tiananmen crackdown. The British government indicated that it would speed up the process of direct elections in Hong Kong, but the CCP disagreed. Beijing even believed that, during the Tiananmen Movement, "certain people from Hong Kong and Macau went to the Mainland and played a role in the turmoil there." The CCP presumed that "Britain has changed its policy toward China regarding Hong Kong and is prepared to use Hong Kong to destabilize the Chinese Communist regime. ... Hong Kong is no longer a Sino-British issue; it has become part of a Western anti-Chinese conspiracy."⁴⁴

Evidently, as early as 1989, Hong Kong was suspected of colluding with foreign powers in a conspiracy of subversion against China. This view has been an undercurrent in China's policy toward Hong Kong for decades. In 2003, the Hong Kong government tried to legislate Article 23 of the Basic Law: "Prohibiting foreign political organizations or bodies from carrying out political activities in the Hong Kong SAR and prohibiting political organizations or bodies in the Hong Kong SAR from establishing ties with foreign political organizations or bodies." The legislation was halted due to an unprecedented rally in opposition, but the CCP never relinquished it.

The Basic Law reserved several means for the PRC's central government to directly control Hong Kong. Article 23 is one among them, and the abortive legislation sowed a seed that would remain a flashpoint. Moreover, the Center reneged several times on the universal suffrage promised in the Basic Law. In 2014, the Umbrella protests reacted to the Center's white paper renouncing the direct election of the Chief Executive. The "Fishball

⁴³ Christine Loh, *The Underground Front: A History of the Chinese Communist Party in Hong Kong* (Dixia Zhenxian: Zhonggong zai Xianggang de lishi) (Hong Kong: University of Hong Kong Press, 2011), 184.

⁴⁴ *Ibid.*, 200.

Revolution” —civil unrest in Mong Kok during the 2016 Chinese New Year holidays—proved how inflammable Hong Kong politics had become.

Hong Kong had long enjoyed a degree of freedom under British colonial rule and developed a vibrant civil society. It was natural for there to have been cross-border flows of ideas and protest repertoires. Affinity between Taiwan and Hong Kong was evident for geopolitical proximity, linguistic affinity, and, above all, the Chinese government’s framing of Hong Kong and Taiwan in a coherent action plan, with its “One Country, Two Systems” experiment applying also to Taiwan. Beijing created trouble for itself. It was the China factor that made both civil societies intimate allies.

In retrospect, the permanent crisis in Hong Kong originated from a clash of two political visions: The CCP’s authoritarian control and the people’s will to pursue democracy (falsely attributed to a mere conspiracy of the West). The Extradition Law Amendment Bill led to Hong Kong’s citizens staging immediate protests, which in turn substantiated Beijing’s fear of democratization. Beijing’s fierce crackdown forced the West to adopt sanctions on China and provide relief to political refugees. Above all, it would be a moral crisis if Taiwan and the Western democracies simply sat back and watched demonstrators being cruelly beaten. Beijing vowed to retaliate against the involvement of Western governments. Yet, a fear of destabilizing Hong Kong’s financial sector and capital flight may have led Beijing to exercise a certain degree of restraint since the passing of the NSL. In June 2021, reports spread that Beijing was considering applying the Anti-foreign Sanctions Law in Hong Kong. The law states that no organization or individual may enforce or assist foreign countries in enforcing discriminatory restrictive measures against Chinese citizens and organizations, and that failure to enforce or cooperate with Chinese countermeasures may result in legal liability. In the end, Beijing decided not to extend that law to Hong Kong.⁴⁵

⁴⁵ Iain Marlow, “China to Shelve Anti-Sanctions Law in Hong Kong, HK01 Says,” *Bloomberg*, October 5, 2010. <https://www.bloomberg.com/news/articles/2021-10-05/china-to-shelve-anti-sanctions-law-in-hong-kong-hk01-says>.

Conclusion: Creation of a Long-Distance Resistance Movement

Hong Kong's resistance and repression have their rhythm. The predicament of the democracy movement can be traced back to its duel with Beijing during the Occupy Central Movement and the Umbrella uprising. Over the last three years, the deterioration of the situation has been partly shaped by the global geopolitical environment, with growing Sino-American tensions that some have called the "New Cold War" playing a critical part in Beijing's decisions on Hong Kong. But Beijing's perception of the situation too has played a significant part. Judging from Chinese leaders' speeches, strategists' writings, and the content of the NSL, Beijing is suspicious of Hong Kong's connections with foreign forces—Western democracies and global civil society—and the possibility of "color revolution" or peaceful evolution. The U.S. understands those Chinese perceptions well, and the secretary of state has tried to persuade Beijing that regime change is not on the agenda: "Now, Beijing believes that its model is the better one; that a party-led centralized system is more efficient, less messy, ultimately superior to democracy. We do not seek to transform China's political system."⁴⁶ Given that the Xi regime is the ultimate authority over Hong Kong, the situation is unlikely to change unless Beijing loosens its grip in the future.

Yet, concomitant to Hong Kong's fall, Beijing's aggressive influence operations around the globe have stirred up numerous instances of pushback.⁴⁷ The model of the Hong Kong-Taiwan civil society nexus against the "China factor" has expanded geographically. China has, for example, invested heavily in Thailand and enjoyed massive influence there. As elsewhere, Chinese nationalist netizens have censored Thailand's civil society activism that supported Hong Kong and Taiwan. The PRC's "wolf warrior diplomacy" has encouraged such netizen behavior. The cross-border witch hunts for evidence of "Hong Kong independence"

⁴⁶ Antony J. Blinken, "The Administration's Approach to the People's Republic of China," May 26, 2022, <https://www.state.gov/the-administrations-approach-to-the-peoples-republic-of-china/>.

⁴⁷ Brian Fong, Wu Jieh-min, and Andrew Nathan, *China's Influence and the Center-periphery Tug of War in Hong Kong, Taiwan and Indo-Pacific* (New York: Routledge, 2021).

and “Taiwan independence” have caused a moment of solidarity against China.⁴⁸ An online “Milk Tea Alliance” movement, mobilizing social media activists from Taiwan, Hong Kong, Thailand, and Myanmar, has emerged.⁴⁹

The center of resistance has shifted with the deteriorating situation in Hong Kong. Overseas movements have flourished in the past few years, as opposition elites have fled and established various organizations in the West, particularly in the U.S., UK, and Canada. The author’s research team has documented 43 such organizations established between 2019 and 2021. Likewise, Taiwan has become a new hub of activists, although it is highly constrained under continuous pressure from China. Taiwan’s decade-long civil society engagement with Hong Kong has been transformed with new networks and spatial arrangements. People have acted in more careful and low-profile ways to protect those involved and to help preserve the embers of democracy in Hong Kong. More significantly, Taiwan-based Hongkonger organizations have mushroomed. A list of 20 new Hongkonger organizations was collated and divided in four types:

1. Three groups offering refuge and assistance to protesters in Taiwan.
2. Six units for rights advocacy and services for Hong Kong fellow people.
3. Three for academic and cultural exchanges.
4. Eight “yellow-economy” restaurants and corporations.⁵⁰

⁴⁸ For a case study of a witch hunt for “Taiwan independence,” see Liao Mei, 2021, “China’s influence on Taiwan’s entertainment industry: The Chinese state, entertainment capital, and netizens in the witch-hunt for ‘Taiwan independence suspects,’” in Fong, Wu, and Nathan.

⁴⁹ Nicola Smith, “#MilkTeaAlliance: New Asian youth movement battles Chinese trolls,” *The Telegraph*, May 3, 2020, <https://www.telegraph.co.uk/news/2020/05/03/milkteaalliance-new-asian-youth-movement-battles-chinese-trolls/>; Jasmine Chia and Scott Singer, “How the Milk Tea Alliance Is Remaking Myanmar,” *The Diplomat*, July 23, 2021, <https://thediplomat.com/2021/07/how-the-milk-tea-alliance-is-remaking-myanmar/>.

⁵⁰ The “yellow economy,” a practice of mutual help and reciprocity growing out of the civic movement in Hong Kong, was composed of small businesses “with pro-democracy posters [to] attract supporters who want to continue the movement.” It was later introduced into Taiwan by Hongkongers. For more on the yellow economy, see Simon Shen, “How the Yellow Economic Circle Can Revolutionize Hong Kong,” *The Diplomat*, May 19, 2020. <https://thediplomat.com/2020/05/how-the-yellow-economic-circle-can-revolutionize-hong-kong/>.

These groups have all been in intense communication with civil society in Taiwan. By way of illustration, the Economic Democracy Union, a prominent Taiwanese civic organization well known for its fight against Chinese influence operations, co-publishes the magazine *Flow HK* with overseas Hong Kong activists.

Hong Kong's current opposition to authoritarianism is akin to Taiwan's under martial law (1949-1987). During that period, overseas Taiwanese organizations informed the world of KMT repression. They lobbied Western governments, trained activists and organizers, published banned books, connected with dissidents in their homeland, and helped them flee. These overseas activities proved vital for the continuation of resistance during authoritarian rule.

Today, the national security apparatus in Hong Kong has been creating not only the first generation of political prisoners but also a long-distance resistance movement. Hongkongers are keen to learn about Taiwan's past experiences: How to wage a "war of position" after exhausting confrontations; how to resist brainwashing in schools and media and preserve historical memory; how to play with an "émigré regime" that needs legitimacy; and how to nurture offshore civil society and connect it with domestic fighters. For the foreseeable future, Hong Kong will continue to exist in the thrall of the NSL regime. But when the day of liberalization comes, an ongoing and transformed Hong Kong-Taiwan nexus will have contributed to that process.

