

# Street Occupations, Neglected Democracy, and Contested Neoliberalism in Hong Kong

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THE UMBRELLA MOVEMENT (UM) IS THE CONVENTIONAL LABEL applied to the street occupations that took place in Hong Kong (HK) between September 28 and December 15, 2014. Many participants also called it the Umbrella Revolution (Veg 2016, 680). UM activists strove for HK citizens' right to universal suffrage applicable to the election of the chief executive and the whole legislature. The HK miniconstitution, or Basic Law, in force since the return of the former British colony to People's Republic of China (PRC) sovereignty in 1997, expressed the same goal as an "ultimate aim" to be implemented "in accordance with the principle of gradual and orderly progress" (J. Ng 2016, 56).<sup>1</sup> However, despite the continuous pressure exerted by the pan-democratic camp, the HK government has postponed the regulation and implementation of universal suffrage to date.

With these promises and pressures in sight, a process of electoral reform was launched by the HK Special Administrative Region (SAR) government in 2013. To the disappointment of the pan-democrats' aspirations, the electoral reform was substantially constrained by two documents issued by the Chinese central government in June and August 2014. In a white paper issued in June, the central authorities asserted their absolute power to interpret the Basic Law. In August, the same authorities delivered their interpretation of the electoral reform and set up a nomination committee following the model of the already existing Election Committee.<sup>2</sup> The only novelty introduced consisted of the public voting on the two to three candidates standing for the chief executive role previously nominated. This framework triggered the students' strike that, in turn, led to the UM (Cheng & Chan 2017, 225; J. Ng 2016, 66–73).

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In this article, I focus on two intersecting dimensions of the UM that have been underexamined in the literature. First, I contend that street occupants raised more criticisms of capitalism than in prior prodemocracy protests. In my view, the UM did not solely demand a full liberal democracy according to international standards. Rather, property speculation, poor welfare policies, and the wealth gap were intimately related to the activists' democratic aspirations, although rarely at the fore of their discourse. Second, I interpret the soft repression of the street protests according to the political and economic contexts. Initially, occupations were largely tolerated. Once activists achieved more institutional leverage, with new political parties and elected legislators, selective persecution intensified. In each period, the movement and its derivatives challenged in varying ways both the limited autonomy of the political regime and the neoliberal rule in which the regime is deeply rooted. My analysis, in particular, contributes to the recent literature on the conditions and effects of neoliberal capitalism on social movements (Barker et al. 2013, della Porta 2015). Moreover, this article adds to the literature on protest camps occupying public spaces in the aftermath of the global financial crisis (mainly from 2011 to 2012) (della Porta & Mattoni 2014, Feigenbaum et al. 2013, Fernández-Savater & Flesher Fominaya 2017, Martínez & García 2018), by examining a specific case in which activists advocated a classic model of liberal democracy, instead of a more participatory or direct one, and less directly confronted the neoliberal context.

### **Methods and Data**

This research is based on a mixed-methods approach. The intersection between capitalism and democracy was surveyed through a semistructured questionnaire applied to 40 UM participants over six months following the end of the occupations (from December 2014 to May 2015). Most of the interviews were conducted in Cantonese by my assistants and then transcribed and translated into English. Snowball sampling departing from the researchers' team contacts and quotas of gender (50 percent male, 50 percent female, but with the flexibility to include non-cis categories), age (three groups), and university of reference (if applicable) were implemented. Responses were coded and interpreted according to the main research objectives, especially regarding the relations between democracy claims and the neoliberal conditions of protest, on the one hand, and movement continuity, urban space, and outcomes, on the other. As for the dimensions of contention and repressive responses by authorities, I mainly relied on my

own on-site observations, mass media accounts, and participants' narrations, often found online (Twitter, Facebook, and different websites).

I regularly visited the sites of the occupations multiple times per week (more frequently in the evening and at night than in the morning and afternoon); took photographs of banners, slogans, and meetings; and engaged in informal talks with participants. Some of my fieldwork notes have appeared as articles in Spanish newspapers.<sup>3</sup> Several debates about the UM at the City University of Hong Kong and Hong Kong Baptist University with both academics and students served as venues for sharing preliminary data and analyses about the protests. In particular, I organized the screening of short videos about the movement followed by a forum with the filmmakers and the public in April 2015. During the months of the occupation, I continuously collected news, institutional reports, and surveys from many different English-language sources. Various groups of students in my courses on "Power and Politics" and "Approaches to Political Analysis" (from 2015 to 2016) conducted their own investigations on the UM by examining documents and mass media news only available in Cantonese or Mandarin. Finally, ethnographic, journalistic, and interpretative works, such as those by Jason Ng (2016) and Sebastian Veg (2016), were used to expand, contrast, and triangulate my data collection. All this observational and secondary material was subject to a protest event analysis with a special focus on the conflicts (police handling of the camps, internal cleavages among activists, protest actions, third parties attacking the UM participants, and controversies raised by political parties and local businesses) and their political-economic context.

### **Universal Suffrage First, Economic Justice Next**

Compared to the protests against austerity measures in Europe and against global capitalism in both the global justice movement and the Occupy wave of 2011 (Flesher Fominaya 2014), the UM was not a straightforward anti-capitalist movement. UM activists only conveyed their economic concerns in a tangential manner. Genuine universal suffrage was at the forefront. Although the young activists were very concerned with issues of economic justice, their struggle during the UM was, above all, about having a standard Western-like democratic system in the HKSAR. As one banner stated, "We only fight for democracy. Nothing else." Another slogan collected by Veg (2015, 59) stressed, "This is not a Revolution. We only want universal suffrage. We only want civil nomination." When the HK Federation of Students

held talks with the HK government on October 21, 2014, the students made four explicit demands: “(1) withdrawal of the NPCSC [central government] decision in August 2014; (2) endorsing civic nomination for the election of the Chief Executive; (3) abolition of the Functional Constituencies; and (4) a clear timetable to achieve these objectives” (Chan 2014, 577).

This is confirmed by a survey of 1,681 participants in the three occupied sites (Admiralty, Mong Kok, and Causeway Bay) when asked to declare their motivations for protesting, with only 4.6 percent responding “champion better livelihood” versus 86.4 percent naming “support of genuine universal suffrage” (Cheng & Chan 2017, 229). Another survey of 195 participants in the Admiralty site found that “45% felt it was ineffective to use HK economic development as a bargaining chip to strive for democracy.”<sup>4</sup> Student leaders such as Joshua Wong also placed dissatisfaction with the undemocratic system at the top of their political agenda (Wong 2015). For external observers, “the catalyst for the Umbrella Movement was thus first and foremost constitutional and legalistic” (Veg 2015, 58), and the movement was “the culmination of the democracy movement in Hong Kong” (Ortmann 2015, 47) that can be traced back to the 1980s, but especially to the July 1 marches of 2003 and the following years (Hung 2016, 709–10).<sup>5</sup> Another repeated argument is that previous HK chief executives’ performance was “far from satisfactory” (J. Cheng 2016, 687), and more just economic reforms would only be possible once universal suffrage had been implemented. My own interviews with participants confirmed this general sentiment:

The wealth gap issue is actually not related to the UM. After all, the UM is talking about looking for “real universal suffrage”. Currently the UM is talking about universal suffrage in which both poor and rich people can vote.... I think that the demands of democracy and economy are always against each other. For example, you want good economy, then sacrifice democracy -just like what is going on in Mainland China. Or just like Hong Kong -only focusing on boosting the economy. If there are always demonstrations, the economy won’t be good. But if people are only concerned about earning money... it’s just like Hong Kong before 1997 or current China -do not care about democracy, freedom and these sorts of things. (Interview #2)

Another participant stated,

I think they [the UM protests] did not care about economic aspects at all. Some of the protestors including me even want to completely change the economic system, so that the government will care about it. (Interview #31)

A contrasting view suggests that the democratic regime cannot be separated from its economic bases. As one journalist observed,

the current protests are as much about democracy as they are about growing social inequality. Students see their options shrinking in front of them. An apartment has always been expensive in HK, but it has become almost impossible for first-time buyers to get on the property ladder. (Tsui 2014)

A homogeneous framing of claims may not be sensible when the movement is so massive and diverse. Therefore, given the economic hardships experienced by young people from the middle and working classes, one can expect as many criticisms of the political regime as of the prevailing economic system. These equally strong criticisms are evident when participants are asked about their future prospects in terms of jobs and income. One protester stated, for instance,

There is no such thing called “future” in Hong Kong now. Everything is expensive in Hong Kong and our income is not proportional to that.... For jobs, there is the risk that we will be substituted by those Mainlanders. Like there are more Mainland teachers who took the teaching position of the local teachers. I am worried about jobs, housing and so on being “occupied” by those mainlanders. (Interview #31)

Despite the priority given to the master framework of true democracy, in the responses of my interviewees, this issue is usually combined with dissatisfaction with the economic conditions of life, and also with a demand for more self-government that could potentially improve them. According to Veg’s (2015, 57, 62–64) analysis of 1,000 textual pieces, anticapitalist messages were the third significant pillar of the claim-making frames, as seen in the slogan, “Rule of law? Wake up, Hong Kong people. The law? Skewed toward tycoons and finance!” as well as “People are not property” and “Worker[s] Rights [&] Dignity” (my own photographs). Not by coincidence, activist Joshua Wong not only opposed the Election Committee but also notoriously remarked that “the two leading candidates for the post [of chief executive] were both multi-millionaires” (Wong 2015, 45). Following this thread, I propose to delve more into the political-economic basis of the UM. My argument does not question UM participants’ political priorities but rather reveals the economic background and how it interplays with them.

### How Capitalism Shapes Protests

HK is a global city that hosts the headquarters of large financial, logistics, and property markets (Chu 2008, Li et al. 2016). The territory was a British colony from 1842 to 1997. Under colonial rule, especially in the post-World War II period, laissez-faire policies and low corporate taxation were implemented as a pioneering neoliberal experiment which is still well in place (Jessop & Sum 2000). Despite enjoying one of the highest per capita wealth rates worldwide, income inequality is also extremely high (Chiu & Liu 2004, Leung & Tang 2015).<sup>6</sup> The handover of sovereignty to the PRC took place in accordance with the formula “one country, two systems,” in which “one system” means explicitly a capitalist economy: “The socialist system and policies shall not be practiced in the HKSAR, and the previous capitalist system and way of life shall remain unchanged for 50 years.”<sup>7</sup>

The colonial enclave, especially after its rapid industrialization in the 1960s and 1970s, was an essential channel for goods and investments between the Western world and mainland China once the economic reforms took off in 1978. Accordingly, the HK business sector became a convenient ally of the Chinese Communist Party. Reciprocal bonds based on industrial, commercial, real estate, and financial interests were already established and continued to grow after the 1997 handover. Indeed, both the first and the third chief executives of the HKSAR were rich businessmen. The second one, Donald Tsang, coming from a career in the civil service, was judicially investigated and punished because of illegal benefits obtained from wealthy tycoons. Mutual trust and close cooperation between corporate firms and the HKSAR government were guaranteed under the sacred principle of a free market society or, more appropriately named, crony capitalism (J. Ng 2016, 76–81). Even formerly communist workers’ unions participate in the pro-Beijing alliance so they rarely challenge the key drivers of the system, such as taxation, redistribution, minimum wage, pensions, and workers’ rights. This framework remained steady due to the legacies of the late colonial times, such as solid anticorruption policies and a basic welfare provision for housing, health, and education (Ortmann 2015, 37–38).

The UM threatened the heart of this symbiosis between government and corporations because it questioned two pivotal arrangements of the Basic Law: the Election Committee and the Legislative Council (LegCo). The business sector is overwhelmingly represented in both, which grants a voting majority to the pro-Beijing camp (J. Ng 2016, 38–49). In particular, the so-called functional constituencies, which account for half of the seats in the

LegCo, are elected only by members of companies, unions, professions, and specific social organizations. The other half of LegCo seats (the geographical constituencies) represent the whole citizenry as electorate. Although international media did not equally reflect UM activists' refusal of the functional constituencies and the Election Committee, this combined refusal better expresses the criticism of corporate capitalism in HK. For instance, in response to the question, "Do you think that the functional constituencies in the Legislative Council should be abolished?," one interviewee responded:

Absolutely. The society becomes so bad because of the collusion between the government and the business sector; the support of the government for monopoly; and inflation. To share the benefits with the business sector, the government keeps the Functional Constituencies. The Functional Constituencies are influencing all the decisions. [It's] a system that connects with China. (Interview #3)

Another participant answered the same question as follows:

Yes, it is because the Functional Constituencies represent the privileged class. Many agendas that severely influence people's living cannot pass in the Legislative Council because of the existence of Functional Constituencies. (Interview #10)

This parliamentary configuration is quite convenient for the stability and prosperity plans for HK envisioned by the Chinese Communist Party. The main economic powerholders are represented in the LegCo due to the shortcut established by the functional constituencies. As a reward to the Chinese central authorities in return, the entire pro-Beijing block averts any further democratization and redistributive measures at the same time (Ortmann 2015, 38, 47). Students and young people, in particular, comprise the social faction that is most concerned about the economic implications of those political arrangements. Despite the low unemployment rate, due to the prevailing workfare system that offers plenty of low-paying jobs, students' prospects for earning a satisfactory income are dubious. The UM helped them question the political-economic interdependency of the system. The following quote from one participant captures the deep worries about capitalist rule in HK:

There are many kinds of jobs to choose from but some people do not respect or treasure some specific kinds of jobs like cleaning. Hong Kongers do not have their own places. Property prices remain high;

people need to live in subdivided units. People can hardly live. The government sells the land to tycoons and mainlanders. It makes the Hong Kongers remain poor and weak. (Interview #3)

Another participant concurred, stating,

The economy should not be dominated by property and finance sectors because the teens cannot have or achieve their dreams. If not, their only way out is to join the property and finance sectors. Government's policy should not be in favor of the rich. The elderly, the poor should not be isolated. (Interview #10)

Housing unaffordability is, as shown in the above quotes, at the core of young people's grievances. According to one survey, a household of four must pay 13 times their annual income to purchase a 37 square meter (400 square feet) flat.<sup>8</sup> Casual and poorly paid jobs provide insufficient income to pay for a living space. Local discontent also addressed the high numbers of tourists (around 50 million per year in 2014) that drove the restructuring of many downtown areas, fueling the creation of luxury shops and hotels that offered precarious jobs and "a low value-added service sector, unsuited to Hong Kong's highly educated population" (Veg 2015, 68). Trying to imitate the success of former generations, particularly during the expansive cycles of industrialization in HK first and in neighboring China later, the population has always had an expectation of endless upward mobility based on hard work and college diplomas. These expectations are now over, and the UM occurred at the peak of this new social awareness. Furthermore, activists singled out property investments by wealthy Chinese individuals during the economic recovery after the 2003 crisis in HK as responsible for making housing less affordable for locals. Therefore, although political liberties and a defense of liberal democracy are allegedly the main motivations of the UM activists, a critique "of capitalism and productivism, environmental pollution and economic alienation" (Veg 2015, 71) permeated the discourses coming from the occupations. Not surprisingly, according to a survey of young people aged 16–30, "six out of 10 youngsters think Hong Kong's future will be worse by 2030, even though most are willing to make the city a better place" (N. Ng 2016).

Neoliberal capitalism enjoys a very favorable environment in HK. In addition to low corporate taxes, the government has strongly intervened in the land market as both a source of abundant public revenue and as a quick means to fuel the private real estate market in the aftermath of industrial

restructuring (i.e., the massive migration of manufacturing companies to neighboring Chinese provinces with lower wages and more opportunities to bribe officers) (Cartier 2012, Poon 2011). Large amounts of land were reclaimed from the sea and added to the market, for example. This did not help to lower property prices. In addition, statutory minimum wage was not in place until very recently (2011), and it remains at a very low rate (HKD 34.5 per hour as of 2017, less than USD 5 per hour).

Although there is public coverage of health and education, there are insufficient public subsidies related to poverty, unemployment, and retirement. The most striking case is the Mandatory Provident Fund, which has required compulsory contributions to private pensions by all employees since its implementation in 2000. Due to its speculative nature in financial markets, this policy has been subject to wide controversy. Many from the grassroots and the pan-democratic political spectrum campaigned for a universal pension funded by the fiscal surplus of HK. However, successive HK governments have continuously recommended austerity, prudence, and cuts in social benefits (Chen & Ngai 2007). For decades, economic, political, and media elites have acclaimed private charities as role models for welfare provision. However, over a third of society lives below the official poverty line (Lau et al. 2015). The city hosts some of the greatest fortunes of the world, which makes the gap and the social polarization even more remarkable. Finally, there are also around 300,000 domestic workers (mostly Indonesians and Filipinos) subject to draconian conditions of exploitation and abuse.<sup>9</sup>

### **The Youth as a Discontented Labor Force**

Secondary school and university students formed the driving force behind the UM (Ortmann 2015, 34, 45–46). Their principal organizations, Scholarism and the HK Federation of Students (HKFS), called for class boycotts, alternative lectures next to the government headquarters, and sit-ins the week before the UM erupted (Veg 2015, 58). They also broke into Civic Square (a public space in front of the government headquarters that, ironically, had been cordoned off a long time ago), which triggered some arrests, followed by thousands more protesters joining in solidarity and the use of pepper spray and tear gas by the police in retaliation. Students led the UM to the extent that their main representatives were the usual spokespersons for the mass media. Five members of the HKFS met with government officials on October 21, 2014, and they also exerted control over the main stage of the occupation in Admiralty where speeches were regularly given. In addition,

Scholarism and HKFS had participated in Occupy Central with Love and Peace (OCLP) since its inception in 2013. Nevertheless, the young people participating in the protest camps were also divided into many factions and political tendencies, and some questioned the leadership of Scholarism, HKFS, and OCLP (Cheng & Chan 2017, 223–25).

An opinion poll measuring public support for the ongoing UM showed that 62.1 percent of respondents aged 15–24 backed the movement, compared to only 28.4 percent among people aged 40–59 (Lim & Ping 2015, 78). Cheng and Chan's (2017, 225) on-site survey questioned the assumption that the UM was mainly composed of students, stating "students accounted for only roughly one-fourth of the protesters; the others were mainly workers and professionals.... protesters were generally younger and [more] highly-educated than the Hong Kong population." Notwithstanding, 60.6 percent of the respondents were less than 29 years old, and 24 percent were between 30 and 39 years old. More interestingly, 68 percent of the respondents were classified as "lower middle class" (39 percent) or "grassroots" (29 percent) (*ibid.*, 226).

Most of the young participants and supporters of the UM were newcomers to the prodemocracy movement and to street politics, although Scholarism had mobilized thousands in 2012 when they halted the introduction of a "patriotic" curriculum in schools (Chan 2016). The UM was a noninstitutional political experience separate from the major pan-democratic political parties. Although many pan-democratic legislators took part in the occupations, their parties were considered moderate, inefficient, and tied to the established institutions due to, among other things, their high wages as political representatives. Compared to older generations and to institutionalized politicians, most young people were more worried about their future and uncertain prospects under the post-2047 regime.

I argue that the UM represents an unprecedented escalation of anticapitalist dimensions compared to previous social movements in the territory. These dimensions are hardly noted in the literature (Chiu & Lui 2000, Kuah-Pearce & Guiheux 2009). The youth and students, backed by their weak position in the labor force, were for the first time the main component of mobilizations to advance democracy. The street occupations were also a very contentious and noninstitutional response to Chinese authorities, compared to the more institutional drift of the pan-democratic camp. Previous forms of resistance to neoliberalization in HK (Chen & Ngai 2007, 86) were neither so sustained nor so internationally covered by mass media. Cheng and Chan (2017, 229) find a positive relationship between participation in

the UM and participation in previous struggles, especially the annual July 1 demonstrations, the June 4 vigil, and the antinational education movement in 2012. This accounts for clear movement continuity, but it does not note the increasing anticapitalist and anti-institutional dimensions of the protests' development.

The 2003 half-million-person demonstration against the government-led bill on national security is widely considered a watershed in the evolution of the prodemocracy protests. Subsequent demonstrations every July 1 were animated with a similar spirit, although increasingly deemed as ritualized and inefficient to advance democracy, let alone to appeal to young generations. A similar fate befell the yearly June 4 memorial of the 1989 Tiananmen massacre. The major anticapitalist struggles occurred in 2006–2007 when activists failed to prevent the demolition of Queen's and Star Ferry Piers. Activists were again defeated in 2009–2010 when trying to halt the construction of the high-speed train infrastructure intended to ameliorate connections between HK and mainland China. As Ortmann (2015, 44) describes, "While the activists could not prevent the resettlement [of a village affected by the high-speed train] in 2010, the anti-capitalist movement revealed growing dissent against business interests among young social activists" (see also Chen & Szeto 2015). These previous movements can be interpreted as rehearsals for the main repertoire of action during the UM—the occupation of public spaces with no hierarchical direction (E. Cheng 2016, 401). Similar concerns to protect heritage sites and environmental treasures against so-called white elephants (huge and expensive infrastructure projects that transfer public money to powerful companies from HK, China, and elsewhere) combined antineoliberal insight with the revival of an HK localist identity.

On the other hand, the successful protests of students in 2012 against the government's attempts to introduce patriotic education into the curriculum did not directly target the economic configuration of the HK regime. Their biggest achievement, rather, was empowering students' move away from the pan-democratic political parties. The leading organization of that campaign, Scholarism, was also at the center of the UM. Their resort to hunger strikes and massive rallies next to governmental buildings also continued and amplified prior protests, including the 2013–2015 opposition against a massive real estate development in the New Territories East, next to the boundary with mainland China (E. Cheng 2016). Partially coming from this breeding ground, OCLP represents an innovative civil disobedience campaign that also appeals to young people and the main students' organizations.

Interestingly, OCLP aimed at occupying the central business district of HK Island in order to interrupt economic activity in the financial heart of the city. OCLP focused exclusively on the topic of universal suffrage and did not question neoliberal policies and capitalism as such. However, their criticism of the political promises of universal suffrage made by the central government in 2010 led them to bypass once again the institutional politics of the pan-democratic camp.

OCLP was led by two university scholars and a Baptist minister. In early 2013, they launched their campaign to force the central government to fulfill its promises for universal suffrage by 2017. Their direct action did not enjoy a great number of supporters, so they were reluctant to announce the date of the occupation. After the two statements made by the Chinese central government in 2014 about its absolute power in the interpretation of the Basic Law (which undermined the effective independence of the judiciary in HK) and their unilateral ruling about the nomination of the chief executive (which undermined the process of consultation and negotiations on political reform), OCLP decided to call their supporters to action on October 1 (Chinese National Day) (Ortmann 2015, 33). However, once the students entered Civic Square on September 26, OCLP joined the crowds and declared the start of their own planned, but postponed, occupation. Some argued that OCLP only saw occupations of public space as a “last resort” (Chan 2014, 575). Students and young people thus took charge of the occupations, set up their tents, and developed a massive display of civil disobedience far beyond the OCLP’s plans.

### **Contention Meets Repression**

The UM was sparked by an almost unprecedented police attack on demonstrators with pepper spray and tear gas on the first day of the protests—pepper spray had only been used once before during a confrontation with South Korean trade unionists attending the 2005 antiglobalization protests in HK (Kuah-Pearce & Guiheux 2009). Three different locations of the city hosted the tent camps until their removal by the police in accordance with judicial instructions after a lawsuit issued by a taxi drivers’ organization. Police officers thus dismantled the camps without making the HK government directly responsible for the operation. In addition to assailing participants with pepper spray and tear gas, police charged demonstrators with batons during clashes or attempts of eviction, removed barricades and tents, cordoned off access to determined roads and public spaces, occasionally harassed and insulted

activists, threatened and surveilled participants, hacked online communication and websites supporting the protests (Hung 2016, 722, 726; J. Ng 2016, 230), and detained around 1,000 activists.<sup>10</sup> In particular, Cheng and Chan (2017, 228–30) argue that the opposition to this initial police violence served as the main trigger for the subsequent crowded concentrations of protest, followed by the occupations. This public outrage or moral shock was certainly significant because the HK citizenry is not used to seeing the police beating and hurting young people. Therefore, rather than reflecting the participants' full accordance with the civil disobedience campaign promoted by OCLP, street occupations and protest camps could be interpreted as an unintended effect of the excessive use of police force, which, in turn, was a reaction to the improvised students' occupation of Civic Square. However, we should not overlook the government's strategic approach underlying the police actions over the two-month period of demonstrations.

First, memory of the Tiananmen crackdown in 1989 is stronger in HK than in any other place in the world—in addition to the annual June 4 vigil, there are activist-led museums, exhibitions, and occasional talks at local universities. This time, the eyes of world mass and social media were even more present than in 1989. This would explain the government's apparent inaction in adopting a “no compromise, no concession, no bloodshed” policy (Cheng & Chan 2017, 235; J. Ng 2016, 121–24). In addition, previous intense protests with certain anticapitalist dimensions (i.e., the ferry piers, high-speed train, and New Territories demonstrations) and the confrontations that followed were still very fresh in the local political context, so there were concerns that the UM demonstrations could escalate out of the government's control. As a consequence, apart from very specific confrontations and arrests, HK police adopted a soft repressive approach that allowed the camps to remain for a long and unexpected period, especially when compared to other Occupy movements in 2011 and 2012 (Egypt is a more exceptional and complex case in that protest wave). Second, the HK government had no intention of damaging the international image of the city as a global financial and commercial hub. Keeping economic growth moving and business interests safe were the main priorities for both the HK and the central Chinese authorities (Chen & Ngai 2007, Yuen 2014). Third, the HK government made strategic moves by letting the police implement a hands-off approach every time pro-Beijing groups, such as the taxi drivers' associations, triad thugs, and other aggressive individuals, provoked and attacked UM participants (J. Ng 2016, 105–10).

In my on-site observations, I noticed that the urban areas occupied with tents only accounted for a small part of all the areas where motorized traffic was restricted due to the security concerns of the police force. Activists erected many barricades made of fences, trash bins, and other furniture, but others were guarded by the police. Even public double-decker buses were stranded in the occupied areas initially, and citizens attached all kinds of messages and slogans on their sides until their removal some days later. Most participants did not reside in tents. Many people simply gathered at the camp sites, standing, sitting on the pavement, or sleeping outdoors for many hours every day. Numbers decreased in the morning and during working hours but increased again in the afternoon and evening. This unwritten pattern indicated that the occupations needed a minimum critical mass of participants in order to face the police and maintain the continuity of the protest. Stalls to distribute information about various political and social affairs, food, beverages, medicine, furniture, and other supplies also became important infrastructure of the occupations. In Admiralty, many sculptures and artistic compositions signaled the exceptionality of the event. In addition, a well-served working area with tables, chairs, and electronics helped many students keep up with their homework. The usual quiet and normality of the occupations surrounded by police officers day and night was interrupted by regular peaks of intensity with the numerous speeches, lectures, open-mic interventions, and discussions held at the sites. The longer these scenes lasted and expanded, the more acute and worrisome the deliberations about the next steps to be taken by either the protesters or the authorities became.

After the first night of police attacks, it seemed that the government had given instructions to tolerate several kilometers of occupations and blocked streets. To restore their damaged image in the eyes of the world because of their opposition to universal suffrage, authorities decided to threaten immediate eviction without sending in the police. In those days and nights, one could feel an unusually festive atmosphere of enthusiasm, creativity, and efficient self-organization. The pacifist strategy gained followers and positive media coverage. Although some nearby shops and taxi drivers claimed to have suffered losses, overall life continued normally in the rest of the city.

As mentioned before, the closest political trauma in the memory of HK people are the killings, arrests, and torture of Tiananmen demonstrators in 1989. HK and Taiwan were the preferred destinations of those who could escape the crackdown. Solidarity with the Tiananmen victims represented more a movement to claim effective democracy and human rights in China than a struggle for autonomy or anticapitalist alternatives in HK (Cheng

& Chan 2017, 239). Another significant episode of violence at a more local scale dates back to 1967, although it is still widely debated by activists and the press. Between May and December of that year, there were strikes, armed clashes, domestic bombings, and a Chinese military incursion leaving 45 people dead and resulting in hundreds of arrests. The revolt of 1967 was inspired by the Cultural Revolution and was explicitly supported, and then ended, by the Chinese authorities. In that context, it could be interpreted as an anticapitalist and anticolonial uprising (Ortmann 2015, 35; Yep 2012). During the UM, none expected the same police violence that had been exercised under British colonial rule, but fears of increasing police repression were ongoing partially due to the memory of these events.

The most notorious repressive incident during the occupations occurred on October 15, when a local TV station showed footage of seven policemen kicking a young man, Ken Tsang, lying on the ground after having been arrested. The man was a member of the Civic Party, from the pan-democratic camp. He claimed that the beatings continued in the police van. The authorities announced the suspension of the police officers, and they were later found guilty and sentenced to two years' prison in February 2017, which was considered lenient by many UM activists but still a "small victory for civil society" according to Tsang.<sup>11</sup> Tsang was also sentenced to five weeks in prison for splashing liquid on the agents on the same night he was beaten. The episode represented a severe blow to the public's trust in police, which until then still enjoyed a good reputation. The prestige of the police had already suffered the week before when hundreds of anti-UM militants verbally and physically attacked protesters, destroying everything in their path using trucks, cranes, and dozens of taxis, which had been summoned by a professional organization that supported them. Other groups blocked the distribution of the *Apple Daily* newspaper for several days because of its support for the UM. The police were accused of collusion with these groups because they left them untouched and did not make any arrests. These outbreaks of countermovement activity continued and were suspected to be linked to secret agents of the Chinese Communist Party and local mafias, which reminded UM participants of the widespread repressive forms of policing protests in mainland China that they most abhorred.

It was the emergence of anti-UM countermovement that paved the way for stronger police intervention, hand in hand with the editorial guidelines of the *People's Daily*, the mouthpiece of the Chinese central authorities. This English-language outlet never ceased accusing the protesters of being subversive, disobedient, infiltrated by foreign interests, and destructive of

economic prosperity. Chinese authorities also canceled organized tours from mainland China to HK, censored the diffusion of news about the protests, arrested those who disseminated stories about the protests in China, and were accused of launching cyberattacks on critical news media in HK, according to UM supporters' online communications.

### **Postponed and Selective Prosecution**

During the sixth elections for the legislative body, LegCo, of the HKSAR in September 2016, some so-called localist candidates, those who advocate greater autonomy or even independence for HK, were screened out by administrative officers. As a consequence, some localists were banned from running for office, although some were allowed to participate in the race. These localists represented an emerging nationalist or proindependence movement that gained many sympathizers during the UM and in the years that followed. Different local groups had increasingly encouraged the recreation of an HK identity in opposition to a mainland Chinese "other" since the establishment of the HKSAR in 1997 (Chen & Szeto 2015, Kwong 2016). The UM was the ideal breeding ground for turning this idea into specific political parties. Although there were various incidents in the weeks leading up to the elections, such as death threats against a candidate from the Liberal Party who withdrew his candidacy, the pan-democratic camp garnered enough votes to enable them to veto some bills in the LegCo, despite the strong executive-led dynamics of government in HK (Ng 2016, 46–49).

The most remarkable outcomes of the parliamentary elections were the eight new seats won by candidates who were well known UM supporters, core activists, or leaders. One of them, Eddie Chu, also a prominent environmental activist, had to ask for police protection a few days after the elections and moved to a secret location because he had disclosed a real estate operation involving the chief executive of HKSAR, C.Y. Leung. After weeks of media attention, C.Y. Leung was forced to admit that he had scaled down a public housing development in that operation due to a compromise with influential owners, politicians, and even criminal triads of the area. Immediately afterwards, the conservative pro-Beijing political forces initiated a campaign to undermine the so-called UM legislators. By November 2016, two young localists (Sixtus "Baggio" Leung and Yau Wai-ching) were disqualified from their seats because both the Chinese (in particular, the National People's Congress Standing Committee) and the HKSAR governments urged the courts to nullify their oaths in the parliamentary

chamber. Ad hoc regulations about the solemnity and content of the oath were passed after the localists used the oath-taking ritual to give voice to their independentist aspirations, wave a “Hong Kong is not China” banner, and use aggressive words targeting China. Their party, Youngspiration, was one of the various localist parties created in the months after the tents were cleared off the streets in December 2014 (Kwong 2016). In September 2017, the Court of Final Appeal rejected Yau and Leung’s application for appeal.<sup>12</sup>

Prosecution of other supportive pan-democrats and UM legislators followed suit. By mid-July 2017, four more legislators were disqualified for similar transgressions in their oath taking. Eddie Chu, for example, added “fight for genuine universal suffrage” to his oath; Lau Siu-lai read her oath in slow motion; Leung Kwok-hung (also known as “Long Hair,” a self-identified socialist legislator who had been continuously reelected since 2004) brought to the stage a yellow umbrella, the main symbol of the UM; and Nathan Law, the youngest legislator ever (23 years old), quoted Mahatma Gandhi, stating “you can never imprison my mind.” Nathan Law was one of the student leaders during the UM and a key figure of the political party Demosisto, also established after the street protests.<sup>13</sup>

Also in 2017, Nathan Law and two other former student leaders of the UM, Alex Chow (27 years old) and Joshua Wong (20 years old), were sentenced to prison terms of six to eight months for unlawful assembly. In particular, the three leaders were convicted based on the evidence that they occupied and incited hundreds to trespass on Civic Square the day before the UM ignited. Law and Wong had previously been sentenced to community service and Chow to a suspended three-week custodial term, but the HK government appealed and successfully sought harsher penalties. Due to this criminal record, none of them will be eligible to stand for public office for a five-year period.<sup>14</sup> Joshua Wong, also a founding member of Demosisto, has been an even bigger rising star of young political activism in HK since 2012 (at the age of 16 years old), when he led Scholarism, a secondary school movement that forced the government to postpone the implementation of the new patriotic curriculum. By March 2017, nine UM leaders, according to the authorities, were charged with public nuisance during the street occupations. Two of them were lawmakers from the pan-democratic camp.<sup>15</sup> Three were the most visible faces of OCLP, who, compared to the students, were not that young. Following their civil disobedience beliefs, they voluntarily reported to the police some days after the occupied sites were removed, and they were released unconditionally. The pro-Beijing camp is currently

demanding the University of Hong Kong to fire one of them, Benny Tai, as a law lecturer based on his overt advocacy of civil disobedience.

### Conclusion

Literature on the UM has rarely highlighted the anticapitalist roots of some of its prodemocracy claims. Neoliberalism in HK had been contested by prior struggles in HK, so I argue that the UM represented an escalation in the same trend, despite the claims for universal suffrage and self-government that appeared at the forefront of the activists' discourse. My analysis has pointed to the conditions that capitalism and neoliberal policies created to exacerbate political discontent, in particular that led by students and young people who are a key class faction marginalized by those forces. Movement continuity (E. Cheng 2016, Cheng & Chan 2017, Ortmann 2015) is rooted in the UM outburst, but increasing grievances with the prevailing neoliberal regime made the UM a more progressive and challenging movement in both the political and the economic sense (Chen & Szeto 2015).

Social movement scholars are not prone to link the political-economic context with contentious and repressive dynamics (Barker et al. 2013, della Porta 2015). The evidence I have provided accounts for two stages of response to the protests—one of limited toleration and the other of postponed judicial prosecution. Police failure to suppress the initial crowds was followed by soft repression and collusion with countermovement initiatives (J. Ng 2016, 105). Once the central business district had continued working as usual and the image of HK as a global financial and commercial hub was safe, media attention focused mostly on the legal and procedural issues around the demand of universal suffrage. Mainstream news rarely noted the economic background and implications of the protests, especially the activists' criticisms of the control of the LegCo by corporate elites. Initial tolerance followed by an incremental erosion of the sustainability of the camps helped the HK government to save face and eventually show an exemplary application of the rule of law by removing the camps.

In the second phase, during the three years following the end of the street occupations, the government became more actively repressive of the UM. First, only outspoken leaders of the movement were selectively prosecuted. This would prevent future prodemocracy participants from promoting similar direct actions. Second, the HK government, backed by Chinese authorities' statements and ad hoc regulations, took an active role in this protracted prosecution. Soft police handling of the protests was thus replaced by

more aggressive media, political, and judicial responses. Economic growth and policies were not damaged by the UM, and the central authorities in China and the pro-Beijing camp were widely satisfied with the economic regional integration and neoliberal performance of HK. Therefore, the seeds of political unrest that remained in HK society could only put that development at risk (Chen & Szeto 2015, Kuah-Pearce & Guiheux 2009). Two years later, the UM was still portrayed as the main source of instability and, in the authorities' eyes, required additional neutralization. Third, the major outcomes of the UM did not manifest in the achievement of their universal suffrage demands but in the growth of localism–independentism, the creation of new political parties (Kwong 2016), and strong electoral support for legislators who became tightly associated with the UM. This radical wing reinforced the moderate pan-democratic political parties who could disrupt the parliamentary balance and, especially, the influence of the economic powers within the LegCo (via their representation in the functional constituencies). In consequence, both central and local authorities firmly targeted the belated institutional branches of the UM.

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### **NOTES**

1. The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, Chapter IV, Section 1, Article 45 and Section 3, Article 68, at [www.basiclaw.gov.hk/en/basiclawtext/chapter\\_4.html](http://www.basiclaw.gov.hk/en/basiclawtext/chapter_4.html).

2. The Election Committee is defined in Annex I of the Basic Law as a body formed by 1,200 members appointed by the Central People's Government. They elect the chief executive of Hong Kong. The chief executive functions simultaneously as a prime minister

and a president but is also considered a “liaison between Hong Kong and Beijing. Put less diplomatically, he is the buffer between a regime that craves control and a population that resists it” (Ng 2016, 38). The members of the Election Committee are chosen from among various economic sectors and interest groups, which grants a comfortable majority for Beijing loyalists and corporate elites.

3. See [www.eldiario.es/zonacritica/Occupy-Hong-Kong-comun\\_6\\_309779053.html](http://www.eldiario.es/zonacritica/Occupy-Hong-Kong-comun_6_309779053.html), [www.diagonalperiodico.net/global/24358-movimiento-paraguas-y-la-violencia.html](http://www.diagonalperiodico.net/global/24358-movimiento-paraguas-y-la-violencia.html), [www.diagonalperiodico.net/global/24113-occupy-hong-kong-y-contradicciones-del-neoliberalismo-china.html](http://www.diagonalperiodico.net/global/24113-occupy-hong-kong-y-contradicciones-del-neoliberalismo-china.html).

4. See Survey 1114 published by the Hong Kong Policy Research Institute at [www.hkpri.org.hk](http://www.hkpri.org.hk).

5. A regular and very crowded prodemocracy march has been held every July 1 since 2003, when more than half a million people protested against the government’s intention to pass an antsubversion law aiming to protect China’s national security. The mobilization forced the government to shelve this legislation, but the marches continued year after year. Estimated numbers of participation according to different sources are registered by Hung (2016, 709). For example, according to the organization Frontier, there were 530,000 participants in 2004; 52,000 in 2010; and 510,000 in 2014, which offers a quick glimpse into the ups and downs of this march in terms of attendance.

6. Between 1991 and 2001, “for the whole working population, the rate of growth in income for those at the top [55.64%] was much faster than for those at the bottom [4.30]. The ratio of the median of the lower income-group declined significantly relative to the highest income-group” (Chiu & Lui 2004, 1872). According to the Census and Statistics Department of Hong Kong, the Gini coefficient, based on original monthly household income, soared from 0.43 in 1971 to 0.476 in 1996, 0.525 in 2001, 0.537 in 2011, and 0.539 in 2016 (see [www.censtatd.gov.hk/press\\_release/pressReleaseDetail.jsp?pressRID=4180&charsetID=1](http://www.censtatd.gov.hk/press_release/pressReleaseDetail.jsp?pressRID=4180&charsetID=1)). A Gini coefficient of 1 expresses maximal inequality among values, whereas zero represents perfect equality. This places Hong Kong among the 20 most unequal countries in the world as of 2013, although it still ranks very high (15th) in terms of human development (see <http://hdr.undp.org/en/content/income-gini-coefficient>).

7. Basic Law, Chapter I, Article 5, at [www.basiclaw.gov.hk/en/basiclawtext/chapter\\_1.html](http://www.basiclaw.gov.hk/en/basiclawtext/chapter_1.html).

8. See summary of this survey at [www.scmp.com/news/hong-kong/article/1318491/hong-kongs-quality-life-index-dips-home-prices-soar?page=all](http://www.scmp.com/news/hong-kong/article/1318491/hong-kongs-quality-life-index-dips-home-prices-soar?page=all).

9. See <http://multimedia.scmp.com/maid-in-hong-kong/>. The Filipino and Indonesian population (337,380 according to the 2016 census) represents almost 5 percent of the HK population (7,336,585 as of 2016).

10. According to Secretary for Security Lai Tung-kwok, “955 people were arrested during the Occupy protests and another 48 were arrested after the event.... Of the 1,003 Occupy-related arrests, judicial proceedings have commenced for 216 of them, while 182 have already undergone the judicial process. Of these, 116 are facing legal consequences, with 74 convicted and 42 given a binding over order. The offences included unlawful assembly, possession of offensive weapon, common assault, assaulting police officer, theft, indecent assault, criminal intimidation and possession of dangerous drugs etc.” See [www.hongkongfp.com/2016/03/02/police-made-over-1000-occupy-related-arrests-new-figures-show-as-lawmaker-urges-harsher-punishments/](http://www.hongkongfp.com/2016/03/02/police-made-over-1000-occupy-related-arrests-new-figures-show-as-lawmaker-urges-harsher-punishments/).

11. See Elson Tong, "Police Assault Case Sentencing: Victim Ken Tsang Hails 'Small Victory' as Pro-Beijing Figures Criticise Judiciary," *Hong Kong Free Press*, February 17, 2017, at [www.hongkongfp.com/2017/02/17/police-assault-case-sentencing-victim-ken-tsang-hails-small-victory-lawmaker-lauds-magnificent-seven/](http://www.hongkongfp.com/2017/02/17/police-assault-case-sentencing-victim-ken-tsang-hails-small-victory-lawmaker-lauds-magnificent-seven/), and Ellie Ng, "Police Officers Jailed for 2 Years for Assault against Occupy Activist Ken Tsang," *Hong Kong Free Press*, February 17, 2017, at [www.hongkongfp.com/2017/02/17/police-officers-jailed-for-assault-against-occupy-activist-ken-tsang/](http://www.hongkongfp.com/2017/02/17/police-officers-jailed-for-assault-against-occupy-activist-ken-tsang/).

12. See Karen Cheung, "Disqualification Was 'Automatic' after Lawmakers 'Declined' to Take Oath, Says Hong Kong's Top Court in Denying Appeal," *Hong Kong Free Press*, September 1, 2017, at [www.hongkongfp.com/2017/09/01/disqualification-automatic-lawmakers-declined-take-oath-says-hong-kongs-top-court-denying-appeal/](http://www.hongkongfp.com/2017/09/01/disqualification-automatic-lawmakers-declined-take-oath-says-hong-kongs-top-court-denying-appeal/).

13. See <https://chinaelectionsblog.net/2017/07/20/independent-judiciary-masters-basic-law-lessons/>.

14. See Suzanne Pepper, "Hong Kong's First Political Prisoners? A Stormy Fortnight for the SAR's Core Values," *Hong Kong Free Press*, August 27, 2017, at [www.hongkongfp.com/2017/08/27/hong-kongs-first-political-prisoners-stormy-fortnight-sars-core-values/](http://www.hongkongfp.com/2017/08/27/hong-kongs-first-political-prisoners-stormy-fortnight-sars-core-values/).

15. See Kris Cheng, "Police Crack Down on Hong Kong Pro-Democracy Leaders, a Day after Leadership Election," *Hong Kong Free Press*, March 27, 2017, at [www.hongkongfp.com/2017/03/27/breaking-pro-democracy-occupy-leaders-charged-police-day-lam-election/](http://www.hongkongfp.com/2017/03/27/breaking-pro-democracy-occupy-leaders-charged-police-day-lam-election/), and Tim Hamlett, "Hong Kong's Occupy Protests as a Public Nuisance... It Took Two Years to Notice This?," *Hong Kong Free Press*, April 5, 2017, at [www.hongkongfp.com/2017/04/05/hong-kongs-occupy-protests-public-nuisance-took-two-years-notice/](http://www.hongkongfp.com/2017/04/05/hong-kongs-occupy-protests-public-nuisance-took-two-years-notice/).

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