

# 'One country, two systems', 'one city, two systems': Citizenship as a stage for politics of mobility and bordering practices in Hong Kong

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## Abstract

Drawing on the notion of 'politics of mobility' and conceptualization of borders, this paper illustrates the peculiar, controversial and discriminatory citizenship policy, practice and discourse in Hong Kong. Under the 'One Country, Two Systems' constitutional principle, Hong Kong is separated from the China Mainland by an administrative border and exercises a separate residence rights regime. This paper highlights the tension produced by Hong Kong's citizenship politics pursued by the state in turning the metropolitan into 'Asia's world city' in this 'One Country, Two Systems' context. The world-city project entails offering right of abode (quasi citizenship) to highly-skilled migrants, 'outstanding talents' and investors while discriminating against those considered inappropriately-skilled such as poor family reunion migrants from mainland China.

**Keywords:** Hong Kong; right of abode; migration; politics of mobility; border.

## Introduction

There are no other contexts where politics of mobility play out as forcefully as at the national border, where immigration policies regulate the entry of individuals. Borders remind us of the pitfalls of imaginaries such as the flat (Friedman, 2006) or borderless world (Ohmae, 1999) propagated by some. Flows and circulations of people, goods, capital, ideas etc. that characterize our globalizing world are uneven and do not produce a levelled playing field. Underlining the power geometry in mobility, Massey (1993) introduced the notion of 'politics of mobility' to capture the fact that: *Some are more in charge of it than others; some initiate flows and movement, others don't; some are more on the receiving end of it than others; some are effectively imprisoned by it* (p. 6).

Borders are the execution sites of the politics of mobility. Borders carry contrasting meanings – from liberation to life threat – to different individuals, depending on their positionality in the migration regime and broader political, social and economic structure. As scholars in contemporary border studies have

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emphasized in the past two decades, borders should not be conceptualized only as physical lines of separation between countries or other administrative units; rather, the social dimension of borders – as axes of diverse forms of inclusion and exclusion - deserve examination and critical reflections (Newman, 2006; van Houtum, H. and van Naerssen, 2002). In addition to recognizing the multidimensional and situated nature of borders, Bauder (2011) recently emphasizes the need to ‘engage in the dialectic of the border concept’, by which he underlines the dialectic relations between and among the multiple material practices and meanings or discursive constructedness of the border. Everyday border practices (or ‘bordering’ as a process), therefore, are also performed by actors and institutions other than those engaged directly in border controls and the immigration regime. In the context of migration, for instance, material and discursive borders are erected and contested, regulating inclusion and exclusion in a whole array of social fields ranging from education, job and housing markets.

Through the lenses of politics of mobility and the border (as multidimensional and situated), this paper analyses the peculiar, controversial and discriminatory immigration regime in Hong Kong Special Administrative Region (SAR) of the People’s Republic of China (hereafter, PRC or Mainland China). While being a part of China, Hong Kong is separated from the Mainland with an administrative border. This paper maps out the discriminatory power of this quasi-national border in regulating immigration between Hong Kong and China Mainland. A critical analysis of the bordering practices illustrates the power geometry of mobility as governed by the citizenship policies, practices and discourse in Hong Kong. A comparison of the positions held by Mainland Chinese migrants with skills and/or capital and those from lower economic background trying to join their families in Hong Kong will be provided for illustration.

Hong Kong is one of the world’s major finance and trading centres. It has historically been a hub for migrants with constant, at times massive, outflow and inflow of people. By far, the largest source of in-migrants is Mainland China, followed by the Philippines, Indonesia (both of which the origins of the majority of domestic workers in Hong Kong) and India (Hong Kong SAR Government, 2014 – ‘Immigration’). Despite its relative ethnic homogeneity (almost 97% ethnic Chinese according to the 2011 census (Census and Statistics Department, 2015)) - but justified by the city’s key position in the global economy, the Hong Kong SAR Government has branded the territory ‘Asia’s world city’. In this narrative, Hong Kong is described as ‘an open, tolerant and pluralistic community, and a city rich in culture and tradition’, ‘China and Asia’s most cosmopolitan city’, ‘a melting pot of nations and a place where you will find the best of East and West’.<sup>1</sup> However, behind this government’s self-image

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<sup>1</sup> For instance, on the website of The Hong Kong Economic and Trade Office: [http://www.hketoberlin.gov.hk/en/hk\\_glance.htm](http://www.hketoberlin.gov.hk/en/hk_glance.htm) (accessed on 24 August 2015)

of diversity, inclusion and tolerance lie fierce contestations among individuals, families, communities and institutions who/that define and defend the notion and practices of citizenship in the territory. This paper maps out the complex, uneven and highly controversial immigration/citizenship terrain, and highlights the stark contradictions and injustice traversing this policy and politics field. It will first describe the political architecture of the official 'One Country, Two Systems', under which Hong Kong was given semi-sovereignty for 50 years after the handover to the PRC in 1997. Shielded by this constitutional principle, the SAR can *de jure* continue its own capitalist economic and political systems, manage its legal, economic and financial affairs, including external relations with foreign countries. Hong Kong also has its own immigration and customs, public finance, currencies and extradition legislations. This has opened up golden opportunities for Hong Kong to compete in the 'war of talents' (as coined by consultants of McKinsey & Company in 1997), which is perceived as key to the building and resilience of the 'Asia's world city'.

The paper then proceeds to a critique of what I label as 'one city, two systems', a formulation denoting the highly discriminative immigration regime in Hong Kong. While immigration regimes all over the world are selective, the Hong Kong one is peculiar because of this unified-but-separated relation with Mainland China.

The rationale for the differential treatments against certain (would be) migrant group is rooted in Hong Kong political-economic history. Having been crafted by the colonial and post-colonial states and the elites as an 'economy', a capitalist machine - rather than a society or community, Hong Kong's policies governing all realms of life, including immigration, have always prioritized economic growth over other social values, such as the right for family reunion in immigration policy area (Ku, 2001) and social justice more broadly. Citizenship has hence been used much more as a tool to engineer an economically productive population than conceived as a social contract that binds citizens with a defined set of social and political rights and duties. This has given rise to a discriminative immigration/citizenship politics and policy system that gives special privileges to the 'desired' individuals while restricting the rights of others who are framed as unskilled, disposable and a burden. This will be made explicit by a detailed comparison and critique of the drastically different fate of the two (would be) migrant groups, namely the skilled or rich vis-à-vis the mostly less-skilled and lower-class family reunion migrants from the Mainland.

Obviously, migration and mobility dynamics in Hong Kong are more diversified and complex than the two migrant categories to be elaborated in this paper. Non-residents, Chinese or not, can enter Hong Kong as tourists and for longer periods for education, training, work (with foreign domestic workers as the largest sub-group) and investment. Through some of these channels, individuals can also acquire permanent residency – requirements to be provided in the next section. It is also important to note that the 'Dependant' migrant

group is diverse in skill and class background. The discussion below focuses, however, on the majority, i.e. dependants from the lower socio-economic background. By concentrating on the two ends of the spectrum among Mainland Chinese migrants, however, the discussion seeks to reveal the most contentious disjuncture of the Hong Kong immigration/citizenship regime, which affects the vast majority of the (would be) migrant population in Hong Kong.

### **‘One Country, Two Systems’ – A source of power in the ‘war for talents’**

Situated on the southeast coast of China, Hong Kong’s strategic location on the Pearl River Delta and South China Sea has accounted for colonial interests and its development into one of the world’s most vibrant financial and trading metropolitan areas. Hong Kong, the territorial construct as known today, was formed when China’s Qing dynasty government ceded Hong Kong Island to Britain upon her defeat in the First Opium War in 1842. Within 60 years, Kowloon, the so-called New Territories and 235 outlying islands were also successively ceded or leased to Britain. The New Territories were leased in 1898 for 99 years in the Second Convention of Peking. Upon the expiration of the lease, sovereignty of the whole Hong Kong territory was transferred back to the PRC on 1 July, 1997.

At mid-2014, the population of Hong Kong was 7.24 million, including 7.03 million ‘Usual Residents’ and 0.22 million ‘Mobile Residents’. Hong Kong is one of the most densely populated places in the world and housing is a chronic challenge. With a total land area of 1,100 km<sup>2</sup>, the average land population density at mid-2014 was 6,690 persons/km<sup>2</sup> – but with figures as high as 57,250 persons km<sup>2</sup> in the most densely populated district (Hong Kong SAR Government, 2014 – ‘Population’). Due to its location and political-economic condition, Hong Kong has always been a node where flows and mobilities of capital, people, goods, ideas etc. converge. The political instability in the early 20th century in China and the region (such as from Vietnam and Indonesia) accounted for the large inflow of refugees and other migrants to Hong Kong. The arrival of migrants in large numbers, many of whom well-endowed with economic, human and social capital, contributed to Hong Kong’s development into a major manufacturing hub in the 1960s and 1970s, exporting high volume of toys, plastic products, artificial flowers and garments. Since the implementation of the Open Door Policy in the PRC in 1978, Hong Kong has lost its function as a manufacturing centre, and has since transformed into a service-based economy and a gateway to the Mainland China.

When Hong Kong was reunified with the Mainland in 1997, it was given a special status, namely a Special Administrative Region of the PRC – same as Macau that was returned to the PRC by the Portuguese in 1999. The return of sovereignty was arranged with the principle of ‘One Country, Two Systems’. Under this framework, Hong Kong was given semi-sovereignty for 50 years after the handover and granted a high degree of autonomy, including retaining

its capitalist system, independent judiciary and rule of law, free trade and freedom of speech. The ways this political and legal principle has operated have been documented in a wide range of academic studies and policy review (e.g. by the pro-Beijing think tank One Country Two Systems Research Institute), mostly published within the first decade after Hong Kong's handover. The peculiar and innovative legal construct has captured the attention of scholars and professionals in legal studies, (e.g. Chen, 2007; Fu and Cullen, 2006; Rao, 2006). The wider impact of the policy has, however, also been evaluated. Academic (esp. in the social sciences) studies have generally been critical, underlining the inherent contradictions embedded in the rather incompatible 'One Country' and 'Two Systems' sides of the coin. Political scientists Wong (2004), for instance, presents the contradictions in six political and legal cases that took place soon after the handover, revealing the tension between 'One Country' and 'Two Systems' in his edited volume entitled *One Country, Two Systems" in Crisis: Hong Kong's Transformation since the Handover* – noting his judgement that the framework was 'in crisis'. Taking a longer time and more holistic perspective, So (2011) recently contributed his analysis using 'a crisis-transformation perspective', tracing its manifestations and how it has been contested and modified as the pendulum shifted from 'One Country' to 'Two Systems' and vice versa during the various crises over the past three decades. Other studies examine the economic (e.g. Wong (2012) on cross-border crime between Hong Kong and China, Yeh (2006) on the prospect of developing a competitive Pearl River Delta in the new political-economic context), social (e.g. Koo et al. (2003) on education, Wong et al. (2008) on occupational health and safety hazards among female migrant sex workers), urban planning (e.g. Ng and Tang, 1999) and environmental (e.g. Hui, 2008; Lee, 2004) impact of the 'One Country, Two Systems'.

'One Country, Two Systems' functions by maintaining but also transforming the border between Hong Kong and the Mainland. While regional integration is the ultimate goal from the state perspective, populations on both sides of the border were not given freedom of choice in residence after the reunification. This paper draws upon a series of critical analyses that laments the discriminatory nature of Hong Kong immigration regime (Ku, 2001; Ku and Pun, 2004; Law and Lee, 2006; Leung, 2004; Newendorp, 2008; Ornellas, 2014; So, 2003), and connects it to a broader scholarly debate in mobility, border and citizenship studies. Before we analyse the situation with the notions of politics of mobility and the border, it is useful to provide some background information on the Hong Kong immigration regime under the 'One Country, Two Systems' framework.

As Hong Kong is not a nation-state, it does not claim an exclusive national citizenship of its own.<sup>2</sup> However, it operates its own 'citizenship' regime -

<sup>2</sup> Foreigners can, however, apply to become *Chinese* citizens in Hong Kong. The requirements are listed under: [http://www.immd.gov.hk/eng/services/chinese\\_nationality/Application\\_for\\_Naturalization\\_as\\_a\\_Chinese\\_National.html](http://www.immd.gov.hk/eng/services/chinese_nationality/Application_for_Naturalization_as_a_Chinese_National.html) (accessed on 24 August 2015). Between July 1997

echoing in an interesting way, the discussion on the importance of the city as the arena of citizenship (e.g. Holston & Appadurai, 1996). With its own Basic Law - a *de facto* mini-constitution, the Hong Kong SAR Government defines people with the 'right of abode' in the territory with a distinct status of 'Hong Kong permanent resident'. As a legal category, permanent residency in effect bears the status of local citizenship, which guarantees one's right to unconditional stay in the territory and freedom from deportation, as well as entitlements to social benefits such as public housing and assistance payments (e.g. Comprehensive Social Security Assistance).

The legal status of permanent residents of Hong Kong may be acquired by any person, regardless of whether they have Chinese nationality. Eligibility criteria are laid out in the Immigration Ordinance, which states that the following persons are the permanent residents of Hong Kong:

1. Chinese nationals who were born in Hong Kong.
2. Chinese nationals who were born outside Hong Kong but who are lawfully permitted to live in Hong Kong and have done so for seven years.
3. Chinese nationals who were born outside Hong Kong to a parent (father or mother) who, at the time of birth, was already a Hong Kong permanent resident.
4. Foreigners (persons not of Chinese nationality) who have lived in Hong Kong lawfully for seven years and have taken Hong Kong as their permanent place of residence.
5. Foreigners under the age of 21 who were born in Hong Kong to a parent who is a permanent resident as defined in category (iv). On reaching the age of 21, these persons must establish their own permanent resident status under one of the above categories; otherwise they will cease to be permanent residents of Hong Kong. Persons who had no right of abode anywhere other than Hong Kong before the establishment of the Hong Kong SAR.

Of particular relevance to our discussion is point (3), which delineates the right of abode to children who were born outside Hong Kong to a Hong Kong permanent resident parent. The reality, as to be discussed in the next section, reveals high level of restriction that can be analysed through the 'one city, two systems' lens.

The restrictions for children born on the Mainland in exercising their automatic rights to live in Hong Kong contrasts starkly to the preferential treatments given to the 'talent' migrants. Similar to the economic, neoliberal discourse and policy practices in many parts of the world (e.g. Canada, Australia, UK, Germany, The Netherlands, and Singapore etc.) (Ruhs, 2011), skilled, professional and rich (investors) migrants are framed as necessary to

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and mid-2014, 12,658 individuals (out of 15,518 applicants) acquired Chinese nationality in Hong Kong (Jiang, 2014). Foreigners are required to renounce their original nationality on acquiring Chinese citizenship.

enhance Hong Kong's economic competitiveness and resilience in the global market. Skills and financial capital became more important than ever before *the* factor that determines the right to settle in Hong Kong.

While dual nationality or citizenship is not recognized in the PRC; it is in Hong Kong. The Chinese Nationality Law has been given additional 'explanations' made by the Standing Committee of the National People's Congress under the 'One Country, Two Systems' framework. The 'explanations' state that a Hong Kong Chinese person may still be considered to be a Chinese citizen even after obtaining foreign citizenship. The possibility to hold dual citizenship, together with other perks such as a very simple, low-rate tax system, provides Hong Kong tremendous advantages in its drive to attract Mainland Chinese and foreign professionals and investors. Hence, in a peculiar way, Mainland Chinese are able to attain other nationalities and yet remain Chinese nationals by migrating to Hong Kong.

As Wang (2013) concludes from his research about Mainland Chinese professional migrants in Hong Kong, 'Hong Kong was the place where they could engage with worldliness without physically leaving China or being too distanced from their families (p. 394).' For Chinese professionals migrating to Hong Kong from overseas, including those who have foreign residence or nationalities, Hong Kong is a place where these migrants can return to China without losing foreign citizenship and external linkages. Hong Kong, therefore, is commonly considered by Mainland Chinese professional migrants as an ideal place where they can enjoy career opportunities, cultural familiarity and transnationality at the same time (Wang 2013, p. 394). The 'second citizenship' allowed in Hong Kong and the higher level of autonomy has been a pulling force among Mainland Chinese professionals who have the liberty to look for a better place for their career, family life and their children's future. The exceptional right for dual nationality for Hong Kong residents has also provided confidence to many locals who might have opted for emigration if the citizenship policies were more restrictive like that on the Mainland.

The Hong Kong government began to pay attention to admit Mainland professionals before the reunification. A pilot scheme was introduced in 1993 to bring 1,000 Mainlander professionals into Hong Kong to fill technical positions in local companies. These migrants were also expected to enable a smooth transition of Hong Kong integration to the motherland, through their understanding of both Hong Kong and China (Skeldon, 1994). From 1997 onward, the Hong Kong government has implemented a series of immigration schemes to open the border for professionals from China Mainland. The earliest schemes include the Admission of Talent Scheme incepted end of 1999 and the Admission of the Mainland Professional Scheme launched in 2001. These two sets of schemes were rather unpopular as they set rigid restrictions on the qualifications and fields of occupations of the applicants and did not allow successful applicants to bring their dependents to Hong Kong. These two schemes were replaced by the Admission Scheme for Mainland Talents and

Professionals in 2003. This renewed scheme has no sectoral restrictions and allows intra-company transfer of senior managers and professionals.

A paradigm shift in Hong Kong's immigration policy took place in 2006, when the Quality Migrant Admission Scheme was implemented to encourage permanent settlement of talent migrants – while the previous programs enable temporary stay to fill skilled labour shortage (Wang, 2006). This pioneer scheme allows permanent residency for qualified applicants. It is a quota-based migration scheme and operated on a points-based system, under which applicants would be awarded points based on their education, age, working experience, language abilities, and family background. In addition, there is also an achievement-based test for people such as Olympic medallists, Nobel laureates, or scientists and professionals with significant recognition in their professional field. As opposed to previous talent admissions schemes, successful applicants are not required to have secured an offer of local employment before taking up residence in Hong Kong.

Big investors are also in the radar. The Capital Investment Entrant Scheme was also implemented in 2003. The scheme aims to facilitate the entry for residence by capital investment entrants, i.e. persons who make capital investment in Hong Kong but would not be engaged in the running of any business there. The investment threshold under this scheme, initially set at HKD 6.5 million (approx. USD 83,300), was raised HKD 10 million in 2010.

56

Last but not least, the Immigration Arrangements for Non-local Graduates was launched in 2008. Non-local graduates who have obtained a degree or higher qualification in a full-time and locally-accredited program in Hong Kong may apply to stay and work in Hong Kong under the arrangement. Successful applicants may be granted 12 months' stay on time limitation without other conditions of stay. They are free to take up and change employment during their permitted stay without the need to seek prior approval from the Immigration Department.

Justified by the need of talents and investment to sustain the city's economy, the schemes mentioned above offer generous conditions to those eligible. Before we move on to the contrasting treatments received by (would be) migrants of lower social-economic class to be discussed in the following, it is important to note that persons admitted under the above-mentioned policy schemes or arrangement may apply to bring in their spouse and unmarried dependent children below the age of 18. Though seemingly logical and basic, the right for migrants to settle with their immediate family members is not a given in Hong Kong. The following section will demonstrate how the right of family (re)union remains an entitlement to be fought for among others, whose talents, skills and knowledge are framed as marginal and disposable. The power of border and contentious politics of mobility in the Hong Kong immigration regime will in turn be made clear.



## **‘One city, two systems’ – Sacrificing One Country, Two Systems sovereignty for the sake of selective immigration**

While the One Country, Two Systems principle has given Hong Kong an edge in the competitive global economy, the reunification with the Mainland has also brought recurrent contention, among others also surrounding the mobility of Mainland Chinese across the border. One of the most controversial struggles surrounding residency rights arose practically immediately after the return of Hong Kong to China on 1 July 1997. The Basic Law, which came into effect on the handover date, warrants right of abode to all persons born to Hong Kong residents regardless of their place of birth. On the first working date of the Hong Kong SAR after the ‘handover ceremony’, hundreds of children born on the Mainland to Hong Kong residents made a claim to their right of abode at the Immigration Department. These ‘undocumented’ children were predominantly, if not all, children of lower-income men, many of whom migrants from earlier periods who found it difficult to find a partner in Hong Kong and hence had married a Mainland woman and maintained a ‘cross-border family’ (So, 2003). The Hong Kong Government managed the ‘crisis’ by tying the right to stay in Hong Kong with the issue of a certificate that maintains in effect a quota system that had been in place to control the inflow of migrants from China during the British colonial era.<sup>3</sup> The constitutionality of the legislation was questioned and challenged by critics in the civil society. After two years of intense debates, legal and political battle between the state and civil society, the Court of Final Appeal in Hong Kong affirmed the constitutional right of abode of all mainland-born children of Hong Kong residents (Chan, 1999; Holliday et al., 2002; Ku, 2001; So, 2003; Xiao, 2000). Instead of conceding defeat, however, the Hong Kong Government resorted to the National People’s Congress to provide an interpretation of the Basic Law to override the rulings of the court. This resulted in some important modifications of the Court of Final Appeal ruling that works to curtail the rights of these ‘undocumented children’. Not surprisingly, the government’s move to break the judicial, legislative and executive border between the SAR and the Mainland ignited heavy criticisms among lawyers, students, legislators, social and political activists, religious groups, pro-right groups and individuals from all walks of life. These opponents lamented that this procedure would undermine the highly-praised rule of law, judiciary independence and the

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<sup>3</sup> In May 1950, soon after the establishment of the PRC, the colonial Hong Kong government implemented a quota system to restrict the entry of Chinese citizens. The Chinese government would decide on the number of entrants to be allowed to enter Hong Kong from China and would examine and approve the applications for entry into Hong Kong with a ‘One Way Permit’. With the exception of two brief periods of suspension in 1955 and 1956, this quota system has continued until today (Lam & Liu, 1998). In 1980, the quote was restricted to 150 a day. This daily quota was subsequently revised downwards to 75 in 1983 and remained the same for ten years. It was gradually increased to 105 in 1994 and then 150 in 1995. For a more thorough account, see Law & Lee (2006).

autonomy of the SAR under the ‘One Country, Two Systems’ framework.<sup>4</sup> These critical voices and actions, however, were relative short-lived, while opinion polls showed substantial public support for the government, which implemented various tactics to spread the fear of massive immigration of people with the ‘wrong’ quality.

For instance, the Hong Kong Government released a set of statistics in 1999 to show how admitting Mainland-born children of Hong Kong parents could lead to a huge influx of (poorer and ‘low quality’) people from the Mainland and a tremendous burden on public resources.<sup>5</sup> The discourse was also strongly shaped by speeches by key political and business figures. In his opening speech before the debate over the issue of right of abode in the Legislative Council in 1999, Tung Chee-hwa, then Chief Executive of the SAR, repeated the threat that that influx of Mainland migrants would pose grave burden to the quality of life in Hong Kong. He also emphasized that the society needed to care for the ‘composition of society’. As Hong Kong was to become a knowledge-based, service- and technology-oriented society, it needed to import elite talents and could no longer absorb people with quality to become ‘cheap labour’ from the Mainland – indeed many of the fathers of these children had come to Hong Kong as ‘cheap labour’ - as it had done before (Leung, 2004: 96). Tung’s stance was echoed among the elites, such as top business leader Peter Wong, the then Executive Director of the Chinese General Chamber of Commerce. He warned that the daily quota of 150 Mainland Chinese arrivals would impose a ‘huge burden’ on Hong Kong as they would have limited potential to contribute to economic development in Hong Kong and yet have access to welfare. Mike Rowse, Director of Invest Hong Kong, described the Hong Kong SAR’s immigration policy as ‘madness’ as the government had no control over the selection of migrants.

The elites’ demand for selection goes beyond closing the border for the children born in the Mainland. The ‘undesired’ also include other members of these cross-border families, in particular the children’s’ mothers. In general, the spouse of a Hong Kong permanent resident cannot obtain the right of abode in Hong Kong by virtue of marriage, but can apply for a Dependant Residence Permit, when eligibility requirements are met. The Hong Kong SAR’s Immigration Ordinance, as amended after its enactment after the reunification, categorizes permanent residents into Chinese citizens and non-Chinese citizens, and provides different conditions for their spouses and children to be eligible for Hong Kong SAR permanent residence. Spouses (almost always wives of Hong Kong lower-income men who have married in China) and children of Chinese citizens are subjected to the quota system, or the One Way Permit (OWP) scheme, as described before. The scheme is administered by the exit

<sup>4</sup> For a more detailed description and analysis, see Ku (2001).

<sup>5</sup> The SAR Government claimed that relaxation of restrictions as decided by the Court of Final Appeals would lead to the influx of 1.67 million mainland Chinese into Hong Kong, with about 6.5 million residents then (Leung, 2004: 99).

and entry administration offices of the Mainland Chinese Public Security Bureau – meaning that the Hong Kong administration has no power in its implementation.<sup>6</sup> The scheme is to allow families to reunite in an ‘orderly’ fashion, ‘at a rate that Hong Kong’s economic and social infrastructure can absorb without excessive strain’. Family reunion applicants may need to wait more than ten years to be granted the OWP to go to Hong Kong. Furthermore, family members often do not receive these OWPs all at the same time. It is not rare that a complete family reunion would take a few years. This causes tremendous challenges for the split families, who belong mostly to a less privileged socio-economic class, to manage work and care needs on both sides of the border (Newendorp, 2008; So, 2003), not to mention other social, emotional and psychological impact of such long-term separation (see Newendorp, 2008; Ornellas, 2014). Mainland Chinese professionals, full-time undergraduate and post-graduate students and investors, however, are allowed to apply, without delay, to bring in their spouse and unmarried dependent children below the age of 18. These desired migrants are farmed as rare and essential to Hong Kong’s survival and resilience as opposed to the lower-income would-be migrants who are represented to be excessive and of their ‘low’ or even ‘wrong’ quality. By doing so, the state justifies its discriminatory immigration regime that rules the city with two systems characterised by a highly uneven and discriminatory politics of mobility. One system applies to desired talents, professionals and entrepreneurs. These people are lured and given much privilege, as signified with the slogan of the Admission Scheme targeting them: ‘Hong Kong Welcomes You!’. The other system is used to control those framed to be marginal and hence disposable. This illustrates crassly how the border implies very different meanings – a threat to some and an opportunity to others - to (potential) migrants from the same national origin and ethnicity but with different socio-economic backgrounds. This politics of mobility underlines how the economic logic trumps the traditional, social quality of citizenship rights (of family reunion and associated entitlements).

Comparable selection, or discrimination, based on skills – categorized and valued in a particular, politicized way – is also apparent in the immigration policies toward foreign domestic workers (FDWs), mainly women from Indonesia and the Philippines. As of August 2015, over 340,000 registered (Association of Hong Kong Agencies for Migrant Workers Limited, 2015) and many informal FDWs contribute their labour to maintain hundreds of thousands of families in Hong Kong. Nevertheless, immigration policies explicitly exclude them from the possibility to acquire permanent residency (and hence the rights for family reunion). This official exclusion serves also as a basis for other forms of social exclusion against these non-disposable workers

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<sup>6</sup> The OWP scheme has been criticised for its poorly-managed processing procedure of applications by the Chinese authorities. The eligibility criteria are not applied consistently; some eligible applicants have to wait for a very long time for approval while others are processed speedily. Corruption has been widely reported (Lam & Liu, 1998).

(Constable, 2013). Both the ‘Mainland mothers/wives’ and the vast majority of FDWs are female, economically and socially marginalized in general, engaged in social reproductive work in private spaces that are conventionally not being considered as productive work in the formal economy.

Bordering politics and practices govern beyond the gate and associated immigration procedure. Discrimination and exclusion are part and partial of the everyday experiences of many ‘new immigrants’ - an ideologically loaded label referring to the poorer, ‘low quality’ migrants from culturally ‘backward’ mainland China (Erni, 2015; Leung, 2004; Newendorp, 2008; Ornellas, 2014; Pun and Wu, 2004; So, 2003). Similar discourse and exclusionary practices are also applied to some ethnic minorities in Hong Kong. Though having legal right of abode, many citizens of South and South-Asian descends face serious economic and social marginalization (Crabtree and Wong, 2013; Erni, 2015; Law and Lee, 2012). Erni (2015) conceptualizes this state of citizenship negotiation with the notion of ‘included-out’, where poor(er) new Chinese migrants and ethnic minorities live with and struggle around ‘insiderly exclusion’ in their ‘home’ Hong Kong. The reality these citizens have to face contradicts deeply the world-open and welcoming qualities the Asia’s World City is supposed to embrace.

## Conclusions

This paper presents and problematizes the contentious immigration and citizenship policies and politics in Hong Kong from the conceptual perspectives of border and politics of mobility. Having a peculiar political-economic position in China and the world economy, the Hong Kong SAR Government manoeuvres for opportunities made available by ‘One Country, Two Systems’ principle. Being part of the Chinese political-economic system and yet allowing dual citizenship, the Hong Kong immigration regime can flex its muscles better to compete with other economies in the global ‘war for talents’. Special privileges given to the fortunate few contrast starkly with the treatment given to many more who struggle to be included legally into the Hong Kong society. The ‘one city, two systems’ migration regime operates quite comfortably in the ever more neo-liberalized ideological political economy in Hong Kong. Citizens, or human in general, are considered first and foremost as economic resource, talent and a production factor, rather than individuals who have rights and entitlements. The border, or bordering practices more generally, and the associated immigration policies are essential parts of this social-demographic selection exercise, which in turn maps out the politics of mobility traversing Hong Kong and Mainland China.

In particular, we have taken a closer look into the challenges faced by children born to at least one Hong Kong parent on the Mainland and the spouses of Hong Kong residents of poorer background who maintain cross-border families. While the discussion in this paper focuses on the legal aspect of citizenship, it should be noted that bordering practices are omnipresent and

other aspects of social citizenship or membership are under on-going contestation. Once we extend the notion of citizenship beyond immigration policy and naturalization, we can also draw linkages between the migration policy regime to other civil and social contestations, especially those share the aim in redefining Hong Kong as home rather than a mere economic machine. These struggles, including the on-going “Yellow Umbrella Movement”, are about challenging the established neo-liberal ideology that gives much more power to the hegemon while exploiting and dispossessing the less endowed. By thinking about citizenship as a holistic notion, more space can be gained for coalitions on the ground, which in turn makes the demanding voices louder and stronger.

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