

Hong Kong's disaffected youths – Is the criticism warranted?

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Jacinta Keast

Sixtus 'Baggio' Leung and Yau Wai-ching, two young legislators from the localist Youngspiration party, have been barred from Hong Kong's legislative council (LegCo).

Never has China's National People's Congress (NPC) jumped to an interpretation on a matter in Hong Kong without a prior request from the local government or courts. This comes after the pair modified their oaths, including enunciating the word 'China' as 'Cheena' (支那), a derogatory term used by the Japanese in World War II, using expletives to refer to the People's Republic of China, and waving around blue 'Hong Kong is not China' banners at their swearing in. Commentators, including those from the pan-democratic side of the legislature, have called their behaviour [infantile, ignorant and thuggish](#), and have demanded ['that the hooligans be locked up'](#). But is this criticism warranted?

A growing tide of anti-Mainlander vitriol has been building in Hong Kong since it was handed back to the People's Republic of China in 1997 under a special constitution termed The Basic Law. In theory, the constitution gave Hong Kong special privileges the Mainland did not enjoy—a policy called 'One Country, Two Systems'. But in practice, more and more Hong Kong residents feel that the long arm of Beijing's soft power is extending over the territory. The Occupy movement and later the 2014 Umbrella Revolution began once it was revealed that the Chinese government would be pre-screening candidates for the 2017 Hong Kong Chief Executive election, the election for Hong Kong's top official.

Youngspiration was one of a score of youth-led political parties that evolved out of the ashes of the Umbrella Revolution. A whole generation of Hong Kong youth became politically active, rejecting the ethno-national identity propagated by Beijing and instead advocating for the Hong Kong nation. Their ideal Hong Kong would be one ruled by principles of self-determination, freedom of speech and democracy, and above all, a nation devoid of all ties with Beijing. Almost half of Hong Kong residents aged 15 to 24 support an independent Hong Kong, with almost three

quarters supportive or ambivalent, according to a [conservative estimate by the Chinese University of Hong Kong](#).

[Despite numerous appeals](#), the two 'troublemakers' have lost their democratically elected office. But is the way they went about promoting their ideals necessarily wrong? The failure to achieve any real electoral reform from the Umbrella Revolution led to a widespread disillusionment with peaceful political process as a means of agenda-setting. The youths are also, understandably, concerned about the slippery slope of Chinese politics—limits on who could be elected could lead to no direct elections at all. A growing number of loyalist-dominated fundamental constituencies and heavily Mainland financed loyalist council seats further point to the imminent threat the youth feel over the loss of their Hong Kong.

Notwithstanding criticism of their behaviour, Beijing's intervention has largely been seen as a blow to democracy, and a critical undermining of Hong Kong's supposedly independent judiciary and legislature, setting a dangerous precedent.

Previously, it was possible for a lawmaker to take an [oath bearing allegiance](#) to the People's Republic of China and promise to uphold the Basic Law, while still advocating self-determination. However, as the NPC's interpretation equates Hong Kong's right to self-determination with its independence from China, it theoretically now gives the government the ability to retrospectively discredit an oath from a member who exhibits pro-self-determination behaviour. The interpretation also suggests that lawmakers will face legal action for any conduct in breach of their oath, which would include speeches in the legislature on self-determination and democracy. This directly nullifies the current Legislative Council (Powers and Privileges) Ordinance.

This has provided the precedent for Chief Executive Leung Chun-ying and Secretary for Justice Rimsky Yuen to file a civil suit and judicial review against four lawmakers: Lau Siu-lai, Dr Edward Yiu Chung-yim, Nathan Law and 'Long Hair' Leung Kwok-hung.

It would also mean that members of other 'radical' youth parties, such as Edward Leung Tin-Kei's Hong Kong Indigenous Party, Joshua Wong's Demosisto and the Hong Kong National Party would, at best, not be able to take office due to the content of their oaths, and at worst, not even be able to contest elections.

If in addition to Lau and Yeung, another member of the pan-democratic coalition is expelled, this would significantly affect the balance of power in LegCo. The coalition would lose their majority in the geographical constituency of the council, and thus lose their ability to filibuster and block pro-Beijing bills.

The People's Republic of China craves order more than the average state. It recognises that continued unmet demands could trigger mass violent protests in the plucky territory. Remembering the lessons of Tiananmen, and how a televised revolution affected the Party's legitimacy, it's careful in allowing history to repeat itself.

As Taisu Zhang of Yale Law School [pointed out in Foreign Policy](#), when Youngspiration's calls for independence and democracy are transposed into anti-Mainland xenophobia, it's all too easy for the Chinese government to use the protests to stir up reactionary nationalism on the Mainland.

It may be acceptable to criticise Lau and Yeung's naiveté, outlandishness or their brash anti-Mainland sentiment. Yet insofar as the Youngspiration duo valiantly defended the principles of democracy to which today's Hong Kong seemingly clings dear, their outbursts were justified and sorely needed.

Jacinta Keast is a current Bachelor of Commerce and Bachelor of Arts student at the University of Sydney, majoring in Chinese Studies and International Business.