

Introduction

Around noon on 3 June 1919, nine schoolboys aged eight to seventeen walked westwards along Queen's Road in the Central District of Hong Kong clad in their school uniforms and holding open oil-paper umbrellas made in mainland China. The umbrellas featured Chinese characters reading 'Chinese people should buy native goods'. The boys attracted the attention of passers-by, with more than 100 joining them to form an impromptu parade. They also attracted the attention of a police inspector surnamed Brazil, who stopped the crowd and asked one of the students whether he had obtained a permit. The student said no, but that one of their teachers had instructed them to march. Inspector Brazil arrested the nine students on the spot and then went to the teacher's residence to arrest him as well. All of those arrested were charged with participating in a procession without the necessary permit under the Regulation of Chinese Ordinance, and the teacher was also charged with aiding and abetting the organisation of an illegal procession. After a four-day trial, Magistrate Lindsell sentenced Wu, the student who had headed up the procession, to pay HK\$10, an amount equivalent to several months' wages for a workman.

In his concluding submission, the prosecutor, a man named Wolfe, who was also the police chief superintendent, made explicit the political motive behind the trial. It was not the prosecution's aim to impose a heavy penalty on the students, he said, but rather for the court to deliver a punishment sufficiently severe to deter further similar activities. Wolfe cited the recent wave of student anti-Japanese protests that had spiralled out of control in many mainland Chinese cities, including Beijing and Tianjin, noting that Hong Kong had to adopt preventive measures to avoid activists using the colony as a launchpad to wreak mayhem on the mainland. Finally, he averred, students should focus on their studies rather than become involved in social movements.¹

Almost 100 years later, umbrellas were once again unfurled in protest on the streets of Hong Kong. On 28 September 2014, tens of thousands of

¹ For an analysis of the case, see Michael Ng, 'Rule of Law in Hong Kong History Demythologised: Student Umbrella Movement of 1919', *Hong Kong Law Journal* 46.3 (2016): 829–47.

demonstrators, many of them secondary school and university students, occupied major roads in the Central District of Hong Kong to protest against the electoral reform package imposed on the city by the Central People's Government in Beijing. The protesters opened their umbrellas to deflect the pepper spray fired on them by the Hong Kong police attempting to disperse them. The Occupy Central Movement, which thus became popularly known internationally as the Umbrella Movement, lasted for seventy-nine days. Large numbers of protestors, including the students who had led and participated in the movement, were subsequently arrested, prosecuted and convicted. Less than five years later, in 2019, millions of citizens took to the streets to protest against an amendment of the extradition law that purported to allow the extradition of fugitives arrested in Hong Kong to mainland China for trial. The subsequent Anti-Extradition Law Amendment Bill Movement led to some of the most violent riots and demonstrations in recent Hong Kong history. More than 10,200 people were arrested, with over 2,500 prosecuted to date, including students, teachers and legislative councillors, amongst others. Some of these cases are still undergoing judicial proceedings as this book goes to press.²

Conventionally regarded as one of the most politically stable cities in Asia, Hong Kong has in fact witnessed numerous protests, social movements and even civil unrest over the past hundred years, with its citizens taking to the streets to demand rights, freedoms and better governance from both the colonial and post-colonial governments. The Umbrella Movement and Anti-Extradition Law Amendment Bill Movement not only showcased another fight for freedom and democracy by the Hong Kong people following the reversion of sovereignty to China but also triggered an unexpected – and rather nostalgic – movement in favour of the laws and governance of the colonial era, a movement perhaps unique among former British colonies. The movement's supporters claimed that individual liberties, including freedom of expression, and the rule of law had been better protected under British colonial rule than they were in post-colonial Hong Kong under China's sovereignty. The flag of colonial Hong Kong was a common sight during demonstrations during and after the 2014 Occupy Central Movement and during the Anti-Extradition Law Amendment Bill Movement (Figure 0.1).³ It is not only nostalgic demonstrators who associate freedom of speech and the rule of law with British rule in Hong Kong, a number

² *New York Times*, 28 May 2020.

³ The phenomenon has been widely reported in the press; for example, 'Colonial nostalgia drives the young to reject Beijing', *The Times*, 15 June 2019; 'Hong Kong's frustration with Beijing is no excuse for nostalgia for the British Empire', SCMP, 28 September 2018; 'Chen Zuo-er aims another salvo at Hong Kong, but what's the target?', SCMP, 22 September 2015; 'Chris Patten "flattered" by nostalgic Hongkongers who miss colonial days', SCMP, 22 March 2014. For a recent academic study of colonial nostalgia in post-colonial Hong Kong, see John Lowe and Eileen Yuk-Ha Tsang, 'Securing Hong Kong's Identity in the Colonial Past: Strategic Essentialism and the Umbrella Movement', *Critical Asian Studies* 50.4 (2018): 556–71.



Figure 0.1 A colonial Hong Kong flag being waved by a protester during the 2019 Anti-Extradition Law Amendment Bill Movement.
Source: Courtesy of Keith Tsuji.

of senior legal practitioners, law academics and politicians have also helped to reinforce such nostalgic fantasies of a former golden age.

Sir Anthony Mason, former chief justice of the High Court of Australia and later a non-permanent judge of the Hong Kong Court of Final Appeal, expressed the following views on Hong Kong's history of law in the 2005 Common Law Lecture, a prestigious annual seminar in which distinguished jurists address lawyers and law teachers in Hong Kong:

The common law also stands for a set of concepts, interests and values which it has protected during the course of its *long history*. They include the rule of law, the independence of the judiciary, access to the courts, the separation of the powers of government, liberty of the individual, *freedom of expression*, freedom of association. . . . These values have both generated and informed legal principles, including the rules of statutory interpretation. . . . The common law stands both as a symbol and as a *link between Hong Kong's past, its present and its future*. [Emphasis added.]⁴

⁴ Anthony Mason, 'The Role of the Common Law in Hong Kong', in *The Common Law Lectures Series 2005*, ed. Jessica Young and Rebecca Lee (Hong Kong: Faculty of Law, Hong Kong University, 2005), 1–2.

These views were echoed in a recently published, and widely used, law textbook introducing the legal system of Hong Kong, which states that ‘Hong Kong’s legal system has remained firmly embedded in the common law tradition’; that is:

The common law, in short, embodies the inherent social order of a free, just and reasonable community that constantly evolves.⁵

Renowned constitutional law scholar Albert Venn Dicey (whose works remain orthodox starting texts for common-law students in the UK and former British colonies) wrote in the late nineteenth century about the notion of freedom of the press as a distinct characteristic of English rule of law:

For about two centuries the relation between the government and the press has in England been marked by all those characteristics which make up what we have termed the ‘rule’ or ‘supremacy’ of law, and . . . just because of this, . . . the press, and especially the newspaper press, has practically enjoyed with us a freedom which till recent years was unknown in continental states . . . This contrast [with continental law] is not only striking in itself, but also affords the strongest illustration that can be found of English conceptions of the rule of law⁶

Mason is not the only person to have mistaken such doctrinal teaching for the law in practice in Hong Kong history. The website of Hong Kong’s current Department of Justice also describes the present legal system by connecting it to the venerable common-law tradition:

In historical terms . . . the rights relating to freedom of speech, freedom of assembly, and freedom from arbitrary arrest or imprisonment have been spelt out in cases which were decided more than three centuries ago. As we have seen, these have now been underpinned by provisions in the Basic Law.⁷

Such a narrative fits very well into what the twenty-eighth and last British governor of Hong Kong, Chris Patten, said at the Hong Kong handover ceremony:

As British administration ends, we are, I believe, entitled to say that our nation’s contribution here was to provide the scaffolding that enabled the people of Hong Kong to ascend. The rule of law. . . The values of a free society. . . This is a Chinese city, a very Chinese city with British characteristics. No dependent territory has been left more prosperous, none with such a rich texture and fabric of civil society.⁸

⁵ Eric Ip, *Law and Justice in Hong Kong* (Hong Kong: Sweet & Maxwell, 2014), 7–9.

⁶ A. V. Dicey, *An Introduction to the Study of the Law of the Constitution*, 10th ed. (London: Macmillan, 1959), 247 and 269.

⁷ ‘Our Legal System’, Department of Justice, as on 23 June 2021, www.doj.gov.hk/en/our_legal_system/the_common_law.html

⁸ SCMP, 1 July 1997.

As Sally Merry and Peter Fitzpatrick point out, the law has often been conceptualised as a gift from the colonisers to the colonised.⁹ English law remains central to the history of former British colonies and is still widely acknowledged by both Hong Kong citizens and colonial historians today as a core contributing factor to the city's development and economic success. The traditional scholarly narrative is that English rule of law, which offers such safeguards of individual liberty as freedom of expression, freedom of assembly, equality before the law and judicial independence, is the most important legacy of British rule in Hong Kong, a legacy that is very often used to distinguish the legal and societal development of Hong Kong from that of mainland China.¹⁰ These confident claims are made despite the fact that no monographic archival work on Hong Kong's colonial legal history exists.

Drawing on previously unexplored archival materials, this book challenges the widely accepted narrative – or myth – that freedom of expression is a legacy of British rule of law in Hong Kong, arguing that it simply does not stand up to scrutiny of the archival record. The book poses this research question: How has Hong Kong society evolved over its 155-year history from a colony of gelded freedom of expression into a city whose free press and freedom of speech were highly praised globally at the time of Hong Kong's return to China in 1997? By unfolding the history of how the media and schools were consistently and pervasively censored during most of the colonial period and how they were liberated at a very late stage of colonial rule, the book argues that the free press, freedom of speech and even judicial independence that so many people in Hong Kong are eager to preserve today are the result of the larger China strategy that Britain employed in preparing Hong Kong for China. It thus also raises the provocative question of whether the colonial government would ever have granted the freedoms so valued by the people of Hong Kong today if no agreement had been struck to decolonise Hong Kong and return it to China. Any discussion of freedoms and the rule of law in Hong Kong needs to be situated in an informed understanding of this history. This book, however, is not solely concerned with repeating the claims of scholarship showing imperial-era colonial law and legal systems to have been characterised by racism, inequality and oppression of the colonised. Rather, it explains these and other features of colonial rule in Hong Kong in light of the historical context, thereby revealing the

⁹ Peter Fitzpatrick, 'Custom as Imperialism', in *Law and Identity in Africa*, ed. Jamil Abun-Nasr, Ulrich Spellenbert and Ulrike Wanitzek (Hamburg: Buske, 1990); for how English law is conceptualised in colonial narratives, see Sally E. Merry, 'Law and Colonialism', *Law and Society Review* 25.4 (1991): 889–90.

¹⁰ For acknowledgement of rule of law in Hong Kong as an important colonial legacy, see, for example, Steve Tsang, 'Commitment to the Rule of Law and Judicial Independence', in *Judicial Independence and the Rule of Law in Hong Kong*, ed. Steve Tsang (Hong Kong: Hong Kong University Press, 2001), 1; also Ming Chan, 'The Legacy of the British Administration of Hong Kong: A View from Hong Kong', *China Quarterly* 151 (1997): 567.

complex factors, both local and global, that drove and constrained the ‘legal imperial’ in running its silencing regime in the British Empire’s most important trading post in East Asia.¹¹ What has defined and confined the Hong Kong people’s right to speak has not, unfortunately, been how dearly held the values of common law are or how hard the Hong Kong people have fought to secure that right. What has mattered more, I argue, has been the bigger picture of global and regional politics: the political–economic situation of China, China’s relations with the major world powers and those powers’ China strategies over time, as we shall see in this book’s archival discovery. As the book will show, such China strategies render the colonial legal history of Hong Kong a unique case among former British colonies, as well as an important geopolitical episode in both world and Chinese history of the late nineteenth and twentieth centuries, an episode whose impacts can still be felt in the global geopolitics being played by China, Hong Kong, Britain and the United States today. Hence, well-rehearsed narratives that attribute the freedoms enjoyed in Hong Kong to common-law traditions without situating them in the global history this book tells are seriously inadequate, if not misleading.

More specifically, the book seeks answers to the following questions. What drove the colonial Hong Kong government to enact laws and regulations aimed at censoring the media and schools? How were its political censorship measures carried out, and how did they evolve over time? What kinds of media and schools were targeted for censorship? How was the notion of freedom of expression understood by the colonisers and the colonised? How was that notion negotiated and compromised in practice? How was such compromise and negotiation justified by colonial officers, judges and legislators in Hong Kong, as well as by government officials in London, in light of the domestic governance, national interest and international relations issues faced by the Hong Kong and London governments? How did the political, social and economic situation of China and China’s relationship with the major world powers, especially Britain, Japan and the United States, influence the evolution of the law and practice of political censorship in Hong Kong? How and why were such law and practice phased out, and the notions of the rule of law and freedom of speech awakened, as a pressing political agenda in the last decade of colonial rule in the 1980s?

This book constitutes the first in-depth empirical study of the practice and experience of the political censorship of mass media and schools in British Hong Kong in a broader historical context connecting the history of Hong Kong with the histories of China, Britain and global geopolitics in Asia

¹¹ The phrase ‘legal imperial’ is borrowed from John McLaren, ‘Afterword: Looking from the Past into the Future’, in *The Grand Experiment: Law and Legal Culture in British Settler Societies*, ed. Hamar Foster, Benjamin L. Berger, and A. R. Buck (Vancouver: University of British Columbia Press, 2008), 276.

in the nineteenth and twentieth centuries. It aims to demythologise the well-rehearsed history of the rule of law in Hong Kong and to unfold the history of freedoms in colonial Hong Kong that was unrelated to the ideal of the rule of law told by Sir Anthony Mason and likeminded jurists or historians. The book adds the legal history of this important former colony in East Asia to the emerging body of scholarship on the global and comparative study of law and colonialism. Its significance also lies in the richness of the unexplored archival data on censorship practice of which it makes ample use. The history of freedom of expression and the law in Hong Kong also informs us that regardless of how the rule of law is idealised as transcending the governing authority, its operation has seldom taken place in isolation from politics, global geopolitics and power structures in the modern era, particularly when the government is not democratically elected.

Colonial Version of English Common Law

The common-law system practised in former British colonies as diverse as India, North America, the West Indies, Africa and Australia has been subjected to a critical review in the past decade in the flourishing scholarship on the practice of English law and its impact on indigenous communities.¹² Martin Chanock, for example, demonstrates how administrative control and the demand for obedience dominated court rulings against the indigenous populations of African colonies in the early to mid-twentieth century,¹³ and Julie Evans highlights the large gap between the idealised rule of law and its practice in mid-eighteenth-century Australia.¹⁴ Elizabeth Kolsky argues that racism and violence were central to the practice of British law in nineteenth- to early twentieth-century India.¹⁵ Nick Cheesman's recent study shows that the oppressive law and order practised in colonial Burma's courts contributed to the lack of a rule of law in the country's contemporary legal regime.¹⁶ In his 1,100-page archival study *Human Rights and the End of Empire*, Brian Simpson powerfully argues that the British government was uninterested in,

¹² A very useful summary of literatures on the history of British colonies can be found in John McLaren, 'Chasing the Chimera: The Rule of Law in the British Empire and the Comparative Turn in Legal History', *Law in Context* 33.1 (2015): 21–36.

¹³ Martin Chanock, *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia* (Cambridge: Cambridge University Press, 1985).

¹⁴ Julie Evans, 'Colonialism and the Rule of Law: The Case of South Australia', in *Crime and Empire 1840–1940*, ed. Barry Godfrey and Graeme Dunstall (Portland, OR: Willan Publishing, 2005), 57–75.

¹⁵ Elizabeth Kolsky, *Colonial Justice in British India* (New York: Cambridge University Press, 2010).

¹⁶ Nick Cheesman, *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order* (Cambridge: Cambridge University Press, 2015).

and even immune to international pressure for, any guarantee of human rights or freedom of speech or the press in its colonies until as late as the 1960s.¹⁷

At the same time, efforts have also been made to rebalance this revisionist historiography of colonial justice. David Murray contends that case records provide no evidence of widespread corruption and partiality in the administration of justice in mid-nineteenth-century British Niagara,¹⁸ for example, and Martin Wiener argues that the rule of law practised by the British colonisers improved in India in the late nineteenth to early twentieth century.¹⁹ Other scholars explain the colonial legal system in its historical context, arguing that the colonial version of British common law was bound to differ from the original for good reason. Carol Tan regards the departure from due process in the semi-colony of Weihaiwei of Shandong province in China in the late nineteenth to early twentieth century as a sympathetic integration of Chinese customs,²⁰ echoing Lauren Benton's view that the culture and religion of indigenous subjects in British colonies were factors in the making, alteration and interpretation of English law as applied on the ground.²¹ Hamar Foster, Benjamin Berger and A. R. Buck demonstrate how local life and culture in select colonies influenced, and were influenced by, the ideology of the rule of law that accompanied the British colonial project.²²

The debates among the celebratory and the accusatory, and those in between, about the nature of colonial justice and the role played by the rule of law in colonial governance are flourishing, judging from the numerous monographs published in the past decade. These scholarly works cover a wide spectrum of former British colonies, encompassing those in North America, the West Indies, Africa, Australia and India. However, Hong Kong, the last major colony returned and still one of the most important global cities in international trade and finance, is missing from these narratives.

With the exception of James William Norton-Kyshe's chronological work published in 1898 on the history of the laws and courts of nineteenth-century Hong Kong, no monographic work on Hong Kong's colonial legal history

¹⁷ Brian Simpson, *Human Rights and the End of Empire: Britain and the Genesis of the European Convention* (Oxford: Oxford University Press, 2001).

¹⁸ David Murray, *Colonial Justice: Justice, Morality, and Crime in the Niagara District, 1791–1849* (Toronto: University of Toronto Press, 2002).

¹⁹ Martin Wiener, *An Empire on Trial: Race, Murder, and Justice under British Rule, 1870–1935* (Cambridge: Cambridge University Press, 2009).

²⁰ Carol Tan, *British Rule in China: Law and Justice in Weihaiwei 1898–1930* (London: Wildy, Simmonds & Hill, 2008).

²¹ Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (Cambridge: Cambridge University Press, 2002).

²² Hamar Foster, Benjamin L. Berger, and A. R. Buck, eds., *The Grand Experiment: Law and Legal Culture in British Settler Societies* (Vancouver: University of British Columbia Press, 2009).

exists.²³ Norton-Kyshe viewed the export to Hong Kong of the British notion of the rule of law as a civilising gift to China. That view persisted in the histories of Hong Kong written from the viewpoint of the colonisers to memorialise the colony's growth and development under British rule, as notably seen in the works of G. B. Endacott and Frank Welsh.²⁴ A later generation of historians, including but not limited to Elizabeth Sinn, Tsai Jung-fang and John Carroll, broke away from this colonial narrative and adopted the perspective of the Chinese population but did not treat legal history as a crucial part of the story.²⁵ It took a century for the colonial narrative of the rule of law to be contested by Christopher Munn in his well-researched book on the early colonial history of Hong Kong (1840s–1870s).²⁶ His three chapters on crime and justice rewrite the legal history of the colony in this period by highlighting the discriminatory nature of the justice system and the discrepancies between the representation and practice of the rule of law. Criminologist Carol Jones, in her work on crime and the criminal justice system in Hong Kong, also alerts us that geopolitics, rather than crime rates, often drove the practice of the criminal justice system in colonial Hong Kong.²⁷ Poshek Fu's and Kenny Ng's works on post-war film censorship and Lu Yan's book on the government's repressive measures against labour activism are important recent studies that begin to examine how freedoms in Hong Kong were affected by geopolitics.²⁸ These works serve as important references in constructing the historical context of the present book.

²³ James William Norton-Kyshe. *The History of the Laws and Courts of Hong Kong from the Earliest Period to 1898* (Hong Kong: Vetch and Lee, c. 1971; originally published by London: T. Fisher Unwin, 1898).

²⁴ G. B. Endacott, *A History of Hong Kong* (London: Oxford University Press, 1958); Frank Welsh, *A History of Hong Kong* (London: HarperCollins, 1993).

²⁵ Elizabeth Sinn, *Power and Charity: The Early History of the Tung Wah Hospital, Hong Kong* (Hong Kong: Oxford University Press, 1989); Tsai Jung-fang, 香港人之香港史 1841–1945 [Hong Kong people's history of Hong Kong 1841–1945] (Hong Kong: Oxford University Press, 2001); John M. Carroll, *Edge of Empires: Chinese Elites and British Colonials in Hong Kong* (Hong Kong: Hong Kong University Press, 2007).

²⁶ Christopher Munn, *Anglo-China: Chinese People and British Rule in Hong Kong 1841–1880* (Hong Kong: Hong Kong University Press, 2009). For discriminatory legislation, see Peter Wesley-Smith, 'Anti-Chinese Legislation in Hong Kong', in *Precarious Balance: Hong Kong between China and Britain, 1842–1992*, ed. Ming K. Chan and John D. Young (Hong Kong: Hong Kong University Press, 1994), 91–106.

²⁷ Carol Jones, *Criminal Justice in Hong Kong* (London: Routledge-Cavendish, 2007).

²⁸ Poshek Fu, 'More Than Just Entertaining: Cinematic Containment and Asia's Cold War in Hong Kong, 1949–1959', *Modern Chinese Literature and Culture* 30.2 (2018): 1–55; Kenny K. K. Ng, 'Inhibition vs. Exhibition: Political Censorship of Chinese and Foreign Cinemas in Postwar Hong Kong', *Journal of Chinese Cinemas* 2.1 (2008): 23–35; Yan Lu, *Crossed Paths: Labor Activism and Colonial Governance in Hong Kong, 1938–1958* (New York: Cornell University Press, 2019).

Organisation of the Book

The book opens with Chapter 1, ‘Punitive Censorship and Libel Lawsuits against the Press’, which examines the imperial silencing regime in Hong Kong from the early colonial years to the turn of the nineteenth century, a regime I call ‘punitive censorship’. The chapter details how for the first fifty years of British rule in Hong Kong, following its inception in 1841, criminal prosecutions under libel law were wielded by the colonial government as the major tool against newspaper editors who criticised government officials and/or policies. Libel prosecutions aimed not only to suppress criticism of the colonial government but also to manage Britain’s geopolitical interests in East Asia, particularly its relationship with China. In addition to suppressing the Hong Kong press through judicial proceedings, the colony’s censorship regime also featured legislative measures that, for example, forbade the import of anti-imperial China and anti-colonial materials into Hong Kong.

Chapter 2, “‘Reading Every Line’: Era of the Daily Vetting of Newspaper Proofs”, uncovers how the political censorship regime in Hong Kong evolved from punitive censorship to what I call ‘pre-emptive censorship’, a measure that imposed the mandatory daily vetting of newspaper proofs by government censors. During the China-backed large-scale strikes that occurred in 1922–6, the colonial government faced the most serious challenge to its legitimacy to date. In response to the resulting anxiety over its continued rule in Hong Kong, particularly in the face of the united front presented by the Nationalists, also known as the Kuomintang (KMT), and the Chinese Communist Party (CCP) during the anti-imperialist movement of 1924, the colonial government further stretched its control of the press by enacting newspaper regulations. Press control was expanded from punishing editors for what they had already published to day-to-day political vetting of the content of Chinese newspaper proofs before they were printed for sale to the public. The operations of the censors’ office produced newspapers with weird dots and crosses concealing censored material. News manuscripts banned from publication featured a big chop from the government’s Press Censorship Office, as shown on the cover of this book. The daily operation of this mysterious office, hitherto unknown to scholarship, will be described in detail in this chapter.

Chapter 3, “‘Communist China Now Contiguous to Hong Kong’: Censorship Imposed by the ‘Free World’”, shows how the civil war in China after the Second World War and then the takeover of China by the CCP contributed to the further expansion and strategic modification of Hong Kong’s political censorship regime. The loss of China to communism, mass influx of Chinese refugees into Hong Kong, outbreak of the Korean War, global Cold War geopolitics, and ongoing ideological warfare between KMT and CCP in Hong Kong through their respective newspapers and schools

hugely increased the complexity of operating effective media censorship while maintaining a free flow of information for trading and business purposes. The colonial government could no longer rely solely on pre-emptive daily vetting to contain undesirable content and comments. During the second half of the twentieth century, political censorship of the media and education sector was facilitated and supplemented by large-scale surveillance operations carried out through a collaborative network of local departments informed by global intelligence collected through London and British embassies around the world. Intelligence collected by this network allowed the colonial government to nip trouble in the bud and resulted in a number of ‘troublemakers’ (including journalists, editors, publishers, teachers, students and principals) being arrested, detained and even deported without trial without any due regard to whether such actions were lawful. Chapter 3 provides a comprehensive account of such surveillance and censorship operations targeting the media and education sector from the late 1940s to the late 1950s against the backdrop of rising Cold War tensions and the new Communist China’s relations with the world.

Chapter 4, “‘Patriotism to You Can Be Revolutionary Heresy to Us’”: Hardened Control of Media, Schools and Entertainment’, details the encroachment of the government’s silencing machine on Hong Kong citizens’ daily lives at the height of the Cold War. The period from the 1950s to the 1960s saw CCP cultural infiltration into various sectors of Hong Kong in an attempt to propagate anti-colonial patriotic ideas and communist ideologies. The CCP not only published, directly or indirectly, newspapers, books and magazines in Hong Kong but also sponsored schools and film studios and staged theatrical performances. Together with the co-existence of KMT supporters and intelligence agents of other world powers in the colony, Hong Kong became an important ideological battleground of the Cold War in Asia. The colonial government responded by hardening its monitoring of newspapers and schools, suppressing them when necessary. It also monopolised the preparation of news bulletins for radio broadcasting and imposed political censorship on radio entertainment programmes, films and theatrical performances. Radical movements of the KMT and CCP also led to the two most violent riots in colonial Hong Kong history, in 1956 and 1967, respectively, in which a large number of political dissidents were deported, detained without trial and imprisoned for speech offences.

Chapter 5, ‘Preparing to Negotiate with China: Overt Loosening and Covert Control’, reveals how Hong Kong’s freedom of expression was defined and confined by changes in the China strategies of Britain and other world powers. The diplomat Murray MacLehose assumed Hong Kong’s governorship in 1971 with an express mandate from London to build civic pride and raise living standards in Hong Kong to maximise the British bargaining position in negotiations over Hong Kong’s future with a post-Mao regime. In addition to the

well-known expansion of social services and efforts to combat crime and corruption, MacLehose's governorship also featured a hitherto understudied loosening of media control. Yet behind the overt building of a free city were the covert surveillance of political activists and unchanged draconian laws of political censorship that were used to crack down on anti-government dissent whenever it overstepped the government's political red lines.

Chapter 6, 'Liberating Hong Kong for China: De-silencing the City', traces the trajectory of a renewed consciousness of the rule of law and various freedoms in the final decade of colonial rule and unpacks the geopolitical concerns and motivations of the British government in de-silencing Hong Kong before the handover in 1997. The conclusion in 1984 of negotiations between Britain and China on the reversion of Hong Kong's sovereignty marked the opening of an era of liberalistic rule of law and individual freedoms in Hong Kong. Former Chief Justice Denys Roberts, a barrister who had never been a judge but had been both a colonial secretary and attorney general of Hong Kong before being appointed chief justice in 1979, was succeeded in 1988 by Yang Ti-liang, a professional Chinese judge who had served only the judiciary throughout his career, to showcase the colony's judicial independence under a British legal system prior to its return to China. Laws and regulations that had been used to suppress free speech, control publication and prosecute political protesters were loosened or repealed one after another in the late 1980s and early 1990s. Hong Kong's first statute expressly recognising freedom of speech, assembly and association was passed only in 1991, just six years before the colonial era came to an end. Not only were laws and senior judicial appointments liberalised in the last decade of British rule, but the 1980s and 1990s also witnessed unprecedented levels of public discussion of, and official and media narratives on, the importance of free speech and the rule of law to Hong Kong.

Colonial Hong Kong not only brokered trade and culture between China, Britain and the world, it also played an important risk arbitrage function for Britain and its allies in global politics at the Eastern frontier by leveraging the changing economic-political situation of China. Hence, Hong Kong's 155-year legal history offers not only a history of local statutes and court judgments but a very useful lens for visualising global politics and international relations. Hong Kong's legal history was deeply affected by China's relations with world powers, particularly Britain and the United States, and those powers' China strategies from the nineteenth to the twentieth century. Hong Kong's freedoms drifted along on these waves of change in global politics without much of a push from much-vaunted common-law values, as this book is about to show.