

**WHEN A WIFE IS A VISITOR:  
MAINLAND CHINESE MARRIAGE MIGRATION,  
CITIZENSHIP, AND ACTIVISM IN HONG KONG**

by

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# **WHEN A WIFE IS A VISITOR: MAINLAND CHINESE MARRIAGE MIGRATION, CITIZENSHIP, AND ACTIVISM IN HONG KONG**

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This dissertation investigates contemporary Hong Kong-China cross-border marriages. In particular, it focuses on the family life and the complexity of politics, power, and agency in mainland Chinese migrant wives' individual and collective experiences of rights and belonging in Hong Kong. The women in question are allowed to live temporarily in Hong Kong as "visitors" by utilizing family visit permits which must be periodically renewed in mainland China. These women are denied -- or have highly restricted -- social rights and public resources during their transitional stay in Hong Kong while awaiting formal immigration approval.

Based on anthropological participant observation-based research in Hong Kong and Guangdong Province, China, in 2011-2012 and in the summers of 2008, 2009, and 2010, this dissertation examines the migrant wives' cross-border living conditions, the difficulties they face during the periodic permit renewal process, the impact of a visitor immigration status on their experience of living in Hong Kong, and how this situation prompts them and their Hong Kong husbands and families to engage in political organizing to claim rights. Against the backdrop of Hong Kong's expanded public space for activism, migrant wives develop political consciousness and transform themselves into "citizen-like" subjects by learning to express the idea of claiming

rights and gaining a positive sense of political subjectivity in relation to the state despite their “visitor” status. In contrast to the state’s formalistic definitions of local vs. non-local/visitor, migrant wives and their families strive to redefine such meanings in their own terms. They emphasize the wives’ familial relationships and their participation in social activities through which their “local” status and ties to Hong Kong are substantively expressed.

Migrant wives’ political and subjective experiences suggest that citizenship is best understood as a process that is negotiated through the efforts of individuals and collective groups to redefine its terms and conditions, but this process is shaped by larger sociopolitical conditions. This dissertation illustrates productive ways to bring together questions of non-citizens’ political organizing and intimate domestic life relationships to illuminate a practice-oriented perspective of citizenship, and to enrich analyses of subjective and cultural aspects of citizenship.

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## **1.0 INTRODUCTION**

### **1.1 A “MINI” PROTEST**

One morning in the early summer of 2010, 200 participants from the government of Hong Kong, non-governmental organizations (NGOs), and academics from Hong Kong, mainland China, and overseas, cheerfully checked in at the registration counter for a conference on “Strengthening Hong Kong’s Families.”<sup>1</sup> Apart from the conference participants, a dozen of media reporters went around taking pictures and interviewing the participants, thus crowding the lobby of the conference building.

Close to 9:15 a.m., a group of eight individuals carrying two bulky nylon bags and a baby trolley appeared at the entrance of the building. A watchful security guard noticed their arrival. They were not dressed like the other conference participants, and he promptly rushed over to ask if they needed assistance. Without a response, Rick and Tom, organizers of the activist group, Mainland-Hong Kong Families Rights Association (MHKFRA),<sup>2</sup> speedily opened the nylon bags and took out placards, banners, microphones, and amplifiers. Realizing that an unexpected protest was on the brink of being staged, several security guards attempted to block their way into the lobby, followed by a flock of reporters rushing to take photos of the very first

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<sup>1</sup> The one-day conference “Strengthening Hong Kong’s Families: Obligations and Care across Generations” was co-organized by the Central Policy Unit and Family Council of the Hong Kong government and academic centers of three local universities. It took place at the Rayson Huang Theater of the University of Hong Kong, Pok Fu Lam, Hong Kong on June 9, 2010.

<sup>2</sup> Unless otherwise indicated, all names of interviewees and individuals in this dissertation are given pseudonyms to guarantee the confidentiality of the people, while the real name of MHKFRA is used with permission from the group.

contentious moments. Rick and Tom quickly distributed the placards and banners to other protestors while leading them to chant the slogan: “The big deserter of the population policy! China-Hong Kong families are discriminated [against]!” (Cantonese original: *Jan hau zing caak daai tou bing! Zung gong gaa ting sau kei si!*).<sup>3</sup> Wielding placards and banners, protestors followed Rick and Tom chanting the slogan while trying to work their way through the barrier of security guards toward the entrance. In front of a row of guards, Rick used a microphone to speak about the cause and claims of their protest so that the people inside the lobby could hear him clearly. Targeting the honorable guest speaker for the conference’s opening remarks—Henry Tang Ying-yen, then Chief Secretary of Administration for the Hong Kong Special Administrative Region (HKSAR or Hong Kong) of the People’s Republic of China (PRC or mainland China)—and labeling him “the big deserter of the population policy,” Rick condemned Tang—as the highest-ranking government official responsible for Hong Kong’s population policy—for “abandoning” the improvement work and review of the policy, ignoring the needs and rights of Hong Kong-China families,<sup>4</sup> and persistently refusing to communicate with civil organizations and listen to their demands on behalf of many suffering cross-border and

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<sup>3</sup> In this dissertation, the romanization of the Cantonese dialect (the vernacular in Hong Kong) is drawn from the syllabic database developed by the Research Center for the Humanities Computing at the Chinese University of Hong Kong (<http://humanum.arts.cuhk.edu.hk/Lexis/lexi-can/>).

<sup>4</sup> In Hong Kong, the term “China-Hong Kong families” (*zung gong gaa ting* in Cantonese) is used to generically refer to the families comprising a mixture of residents from Hong Kong and mainland China, regardless of the geographical location of the household (e.g. a single household is established in Hong Kong or in the mainland, or two or more separate households are established across the Hong Kong-China border). Comparatively, the terms “Mainland-Hong Kong families” (*noi dei jyu hoeng gong gaa ting*) and “Mainland-HKSAR families” (*noi dei jyu hoeng gong dak keoi gaa ting*) are adopted by the government to reflect a politically correct attitude toward the reunification of Hong Kong with the PRC since July 1, 1997. More specifically, the terms “split families” (*fan gaak gaa ting*) and “cross-border families” (*kwaa ging gaa ting*) are used when family members are separated across the Hong Kong-China border, usually with the Hong Kong resident family members living in the Hong Kong side while the mainland resident family members are living in the PRC side of the border. In this dissertation, unless otherwise indicated, the term “Hong Kong-China families” is used to emphasize the facts that the families which are the subject of this dissertation comprise residents from Hong Kong and mainland China, and that they choose and actively strive to reunite their family members and to base their households in Hong Kong.

immigrant families whose different aspects of family life have long been adversely impacted by the population policy since its introduction in 2003.

After a little while Tang's official limousine arrived. Without a glance at the protestors, Tang speedily walked into the lobby behind the shield of guards and conference staff members. Protestors attempted to chase him but were blocked and the entrance door was abruptly closed on them. Rick yelled, "I am exercising my right to express my opinions! What rule are you drawing on to stop me?" A moment later security guards opened the door and let him go through. Protestors followed him into the lobby. Tang waited in another room until the time for his speech. In the lobby Rick continued to express the protestors' discontent about the government's discriminatory policies regarding Hong Kong-China families, and urged Tang to have a dialogue with them and to receive their petition letter. A while later Tang came out and stopped briefly in front of media reporters. He told them that the government has a system to receive public opinions and to handle public demands, and that every year tens of thousands of residents from mainland China reunite with their families in Hong Kong. Then Tang continued on his way to the conference hall. "Please wait, Mr. Tang! We have a petition letter for you!" Rick quickly caught Tang's attention back. Originating from southeastern Guangdong Province in China and now living in Hong Kong to take care of her three sons, Yuk, a widow of a Hong Kong man in her mid forties, had previously agreed to represent the group to present the letter to Tang. After receiving the letter, Tang went straight into the hall. Protestors continued to wait in the lobby for one more chance to talk to Tang after he finished his speech.

As they waited, two women protestors—a mainland Chinese wife of a Hong Kong man and a widow of a Hong Kong man, both living temporarily in Hong Kong as "visitors" by utilizing family visit permits issued by the PRC authorities—were asked to be interviewed by the

media about the purpose of the protest. Lai-wan, a wife in her early thirties from Hainan Province, carrying her two-year-old son, tried her best to articulate her background and the protestors' demands in accented Cantonese to a television broadcast reporter. Standing in front of a microphone and a video camera, Lai-wan asserted, "The Hong Kong government discriminates against us, the Hong Kong-China families, very much! [Just] because we [the mainland migrant wives] don't have Hong Kong Identity Cards yet!" She stressed her marital ties to a Hong Kong man and her long periods of presence in Hong Kong to take care of their Hong Kong-born son, while awaiting approval of her permanent visa permit by the PRC in order to "formally" settle in Hong Kong as a "local" resident. Lai-wan stated that it is wrong for the Hong Kong government to discriminate against her and many other mainland wives who live in Hong Kong as "visitors" without holding Hong Kong Identity Cards, merely because their legal "local" status in Hong Kong is yet to be formally recognized.

Inside the conference hall, Tang expressively spoke about the core value of "family" in the Chinese tradition and its importance for social harmony and stability. He referred to "the increasing numbers of single-parent and cross-border families" in Hong Kong due to social change. "How to maintain the relationships between family members who do not live together [i.e. split across the Hong Kong-China border], and sustain the traditional Chinese value of close familial relationships among these families are challenges facing the Hong Kong society,"<sup>5</sup> Tang stressed. "The Government," he continued, "has actively provided assistance for families in Hong Kong to face challenges, helping them solve problems in daily life... However, in the face of rapid social change, there is still much work to be done and improvements for the Government to make so that policies and services better fit with the needs for social development."

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<sup>5</sup> Opening remarks delivered by Henry Tang Ying-yen during the conference "Strengthening Hong Kong's Families: Obligations and Care across Generations" at the University of Hong Kong on June 9, 2010. <http://www.info.gov.hk/gia/general/201006/09/P201006090105.htm> [in Chinese], accessed June 10, 2010.



As applause from the conference hall gradually diminished, Tang appeared in the lobby again. He did not stop for the protestors this time and quickly left the venue. Protestors tried to chase him in vain. They chanted slogans for a little while before leaving. On the way out Rick asked the women protestors how they felt about the event. Yuk, the mainland widow who had recently joined the activist group, said frankly that she was frightened by such a “big scene” and that her hands were shaking when she presented the petition to Tang. Rick smiled and said, “You will get used to [this situation] as you participate more! You can do it as you trust in yourself that what you do is right!”<sup>6</sup>

## 1.2 RESEARCH QUESTIONS

Despite the small scale of the protest depicted above—with only eight protestors (including me and a two-year-old boy), this does not reduce its significance or its ability to reveal the larger social and political contexts and theoretical questions that this dissertation sets out to address. Taking place against the setting of a government-led conference aiming to strengthen Hong Kong’s families, the process of the protest and protestors’ claims uncovered the hypocrisy of the Hong Kong state. Although it explicitly embraces the value of family as the normative principle of Chinese tradition and the need of family reunion as a citizen right, the definitions of “who has the right to form a family” (Constable 2012:23) and more fundamentally, “who constitutes the family,” however, are largely “determined by the state and [are] generally interpreted in highly restrictive terms” (Kofman 2004:243).

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<sup>6</sup> At least three local Cantonese radio news channels, including Radio Television Hong Kong (RTHK) and Commercial Radio Hong Kong, reported the protest on the same day. Also, at least eight local Chinese-language newspapers, including Oriental Daily and Sun Daily, reported the protest the next day (June 10, 2010). In particular, it appeared on the front page of Oriental Daily. [http://orientaldaily.on.cc/cnt/news/20100610/00176\\_004.html](http://orientaldaily.on.cc/cnt/news/20100610/00176_004.html) [in Chinese]. However, Lai-wan’s interview did not appear on television.

Between 1983 and 2006 over 960,000 individuals from mainland China immigrated to Hong Kong for “family reunion” through the One-way Permit (OWP) scheme (Bacon-Shone, Lam, and Yip 2008).<sup>7</sup> By 2008 nearly all (98 percent) of the mainland immigrants were wives and non-adult children of Hong Kong permanent resident men (ibid.). Hong Kong-China marriages, the majority (83 percent) of which involve Hong Kong men and mainland women, have increased significantly since the 1980s and constituted over one-third of all marriages (16,887 out of 57,926) in Hong Kong in 2010 (Census and Statistics Department 2011a). Despite the massive numbers of these marriages, Hong Kong-China couples have long faced state and societal obstacles to their conjugal and familial lives. These include state immigration and reproductive restrictions in addition to social stigma associated with these marriages. Geopolitically, Hong Kong-China marriages take place across an internal, rather than a transnational, border. Hong Kong became one of the two Special Administrative Regions (SAR) of the PRC on July 1, 1997, ending the colonial rule of Britain since 1842.<sup>8</sup> However, due to a political duality known as “One Country, Two Systems,” Hong Kong, the self-proclaimed “Asia’s World City,” retains its established free-market capitalist system and ways of life and a high degree of autonomy as a SAR despite the reunification with the PRC, the world’s biggest developing Communist nation, in 1997.<sup>9</sup> Hong Kong’s special regional identity means that its residents enjoy “special” sociopolitical rights vis-à-vis its mainland counterparts, including the right of mobility to cross the Hong Kong-China border.

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<sup>7</sup> The OWP is officially called Permit for Proceeding to Hong Kong and Macau. Since the 1950s, the OWP scheme has been the primary way for mainland residents to have their household registration (*hukou* in Mandarin) legally and permanently cancelled in China and to formally settle in Hong Kong for family reunion purposes. See section 2.2.3 in Chapter 2.

<sup>8</sup> Hong Kong is situated on China’s south coast. The north part of Hong Kong is adjacent to Shenzhen in Guangdong Province in China. Macau is the other SAR of the PRC.

<sup>9</sup> Under the constitutional principle of “One Country, Two Systems,” Hong Kong retains its own capitalist economic and political systems while the rest of China uses the socialist system. Hong Kong’s political system is governed by its constitutional document called The Basic Law, which stipulates that Hong Kong enjoys a “high degree of autonomy” in all matters except foreign relations and military defense.

With ethnic Chinese making up over 95 percent of its population, Hong Kong is conventionally viewed as a “Chinese society” despite long periods of western influence. For centuries, residents of Hong Kong have been historically, culturally, ethnically, and linguistically “very closely related to” residents of mainland China, especially those living in the neighboring province of Guangdong (Newendorp 2008). Despite some 150 years of British rule in Hong Kong, border-crossing activities among residents of Hong Kong and China for a variety of purposes such as work, family visits, and trade occurred. Yet, since 1950 immigration control was introduced by both governments across the border, and until 2014—seventeen years after Hong Kong’s handover to the PRC’s sovereignty, the majority of mainland residents are still subject to certain exit limits and restrictive conditions to enter Hong Kong.<sup>10</sup> By contrast, even before the handover, Hong Kong residents were relatively free to cross the border to enter China.<sup>11</sup> On the one hand, unequal border controls have contributed to the stigmatization of mainlanders in Hong Kong society (Law and Lee 2006). On the other hand, the history of different social, economic, and political developments between the former British colony and the communist party-led Chinese state, coupled with the emergence of a locally rooted identity of Hong Kong *yan* (Cantonese, literally means people)<sup>12</sup> since the 1970s, have had direct implications for Hong Kong *yan*’s perception of mainland *yan*, including mainland immigrants, “as a distinct social category” with pejorative images (ibid.).

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<sup>10</sup> Unlike most immigration practices in the world, mainland Chinese residents who wish to enter and/or settle in Hong Kong must obtain approval of their permit applications from the PRC (the sending state) rather than from Hong Kong (the receiving state). See Chapter 2.

<sup>11</sup> Hong Kong residents can enter China as and when they wish by carrying a travel document, officially called Mainland Travel Permit for Hong Kong and Macau Residents, also commonly known as Home Return Permit. Unlike their mainland counterparts, Hong Kong travelers to China face no entry limits or restrictive conditions for their Home Return Permit application. The only eligibility criterion for the travel document is for the applicant to be a Chinese national who is a Hong Kong permanent resident.

<sup>12</sup> According to the syllabic database developed by the Research Center for the Humanities Computing at the Chinese University of Hong Kong, the romanization of the Chinese character for “people” is *jan*. However, in view of the wider usage of *yan* or *yahn* among scholars, I use *yan* instead of *jan* in this dissertation.

As scholars have observed, for some Hong Kong people the 1997 handover was their chance to reclaim their long-lost Chinese roots (Salaff, Wong, and Greve 2010). Yet for many others, political anxieties over the PRC's authoritarian rule have alerted them of the uncertain future of the city, and triggered massive emigration before the handover "as a form of cultural resistance to protect a way of life" (ibid.:11). In the post-1997 era, the former British colony is said to have experienced an identity crisis that is characterized by its socio-cultural and political-economic ambivalence toward China. In the past, Hong Kong's local identity vis-à-vis China was constructed upon a sense of superiority over the latter in different social, economic, and political domains. Since the handover, many Hong Kong people still hold a sense of socio-cultural superiority relative to China that is articulated in terms of the city's colonial legacy of establishing modern and orderly social, economic, and political structures. However, Hong Kong has experienced a series of economic downturns in the wake of the 1997 Asian Financial Crisis, the 2003 SARS epidemic, and the 2008-9 Global Financial Tsunami. By contrast, China's nearly 30-year-long economic reforms have turned the country into an emerging world power house. Hong Kong is now not only losing its past free-market economic superiority relative to China but facing an increasing dependence on the latter for its own economic survival amid a new era of global economic crisis. Experiencing an inversion in the past asymmetric Hong Kong-China economic relations as well as increasing influences from Beijing on local affairs, many Hong Kong people are alarmed at the demise of the city's political autonomy, which was supposed to be guaranteed under the aegis of the so-called "One Country, Two Systems" and "Hong Kong people ruling Hong Kong" constitutional principles. At the turn of the second millennium, merely a few years after the handover, Lui and Chiu (2000) had observed a rising number of protests in the city that stemmed from people's concerns about China's intervention in local

political matters and also in their social life. As of 2014 Hong Kong's reunification with the PRC at the state level has not given rise to an amicable Hong Kong-China integration at the societal level (see Tsoi 2012).

Hong Kong's socio-cultural and political-economic ambivalence toward China can be reflected in the government policies and social perceptions of the influx of different groups of mainland Chinese to Hong Kong. Since the 1990s the Hong Kong government has increasingly created new opportunities for the privileged groups of mainland investors, professionals, and overseas Chinese originating from the mainland to immigrate to Hong Kong relatively easily (Law and Lee 2006:222-223), as a means for the government to acquire new capital and human resources so as to maintain the city's competitiveness in the global economy. By contrast, the larger numbers of ordinary and less privileged mainland residents who wish to settle in Hong Kong for family reunion have continued to face the lengthy and bureaucratic OWP process after the 1997 handover. While Hong Kong people in general are not hostile toward high-tech talent and professional immigrants, they have long regarded family and marriage immigrants as "locusts" or "parasites" who are seen as depleting the city's resources. Furthermore, the PRC government's policies since 2003 that aimed to stimulate Hong Kong's weakening economy by encouraging mainland residents' tourism in Hong Kong have intensified many Hong Kong people's resentment of the perceived mainland "invasion" and consumption of limited local resources. Even more recently, the massive influx of mainland expectant mothers who came to Hong Kong to give birth so as to obtain a Hong Kong birthright permanent residency for their offspring has stirred up many social tensions. For some, the controversial cross-border childbirth phenomenon was viewed as a state-led conspiracy to "dilute" the Hong Kong local population by allowing large numbers of babies born to mainlanders to become Hong Kong permanent

residents (see section 5.1 in Chapter 5). In a nutshell, against the sociopolitical contexts of: 1) differentiated immigration and border policies; 2) social perceptions of different groups of mainland Chinese inflows to Hong Kong; 3) the escalating fear of the loss of Hong Kong's autonomy and the disappearance of the unique Hong Kong *yan* identity and culture; and 4) the prolonged marginalization and exclusion of mainland family and marriage immigrants from mainstream Hong Kong society, tens of thousands of men and women are still, paradoxically, marrying across the Hong Kong-China border every year.

The protest depicted in the beginning of this chapter was one of some 80 campaign activities that I attended in the course of my fieldwork as a participant-observer extensively engaged with Hong Kong-China couples' activism in Hong Kong between 2008 and 2012. This dissertation investigates contemporary Hong Kong-China marriages, family life, and the complexity of politics, power, and agency involved in mainland migrant wives' individual and collective experiences in negotiating their immigration, citizenship, and adaptation to life in the host society of Hong Kong. Globally, marriages that transcend national borders have grown in number. Yet scholarly analyses of marriage migrants' struggles in everyday lives are often limited to examples of individual migrants as opposed to wider collective actions among migrants and their families. The case of cross-border marriages between residents from Hong Kong and mainland China presents an opportunity to address this concern of public politics. The expanding space for activism in Hong Kong in the past decade (Kuah-Pearce and Guiheux 2009) has allowed mainland migrant wives and their Hong Kong husbands to emerge as a new social force to claim rights and rework obstacles related to their marginalization and exclusion from mainstream society.

Specifically, I focused on the migrant wives who are only allowed to live temporarily in Hong Kong by utilizing a family visit permit, commonly known as Two-way Permit (TWP),<sup>13</sup> which must be periodically renewed in the mainland. Although these women are physically present in Hong Kong for long periods of time in order to perform their roles as wives and/or mothers while awaiting approval of their formal immigration application, they are officially regarded as “visitors” and “non-locals” by Hong Kong authorities, and are denied—or have highly restricted—social rights and public resources, ranging from reproductive rights and care, other health care, public housing, and social security allowance, to education and job opportunities. As of 2014, after a mainland woman marries a Hong Kong man, she will need to wait for at least four and up to ten years to receive a PRC-issued OWP in order to “formally” settle in Hong Kong for family reunion. During the long waiting time for a permanent OWP, a mainland wife is allowed to apply for a TWP from the PRC, with a renewable, short-term exit endorsement to visit her husband in Hong Kong for 90 days. When the exit endorsement expires, however, she is required to return to her legal place of residence in China to apply for endorsement renewal to re-enter Hong Kong. After a mainland wife “formally” immigrates to Hong Kong by utilizing an OWP and starts to enjoy some rights bestowed by the Hong Kong government due to her legal “local” status, she is required to live in the territory for seven consecutive years to be eligible to apply for Hong Kong permanent residency.<sup>14</sup> Therefore, for a mainland wife to become a fully-fledged Hong Kong permanent resident—a legal status that is commonly viewed and called as “citizen” among Hong Kong locals,<sup>15</sup> and to enjoy the full range

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<sup>13</sup> The TWP is officially called People’s Republic of China Exit-Entry Permit for Travelling to and from Hong Kong and Macau.

<sup>14</sup> Within these seven years, a non-permanent resident is entitled to fewer rights and public benefits than Hong Kong permanent residents.

<sup>15</sup> It is important to note that Hong Kong is now part of the PRC and both Hong Kong and mainland residents are ruled by the same Chinese Nationality Act of the PRC since July 1, 1997. However, the peculiar sociopolitical contexts of “One Country, Two Systems” in Hong Kong, among other factors, contribute to a convention among

of rights, including the right of abode, and public benefits, she will need to wait for at least eleven years after she marries a Hong Kong man.

Due to a differentiated immigration system, while PRC wives must go through the lengthy OWP process which is largely controlled by mainland authorities,<sup>16</sup> non-PRC foreign wives of Hong Kong men can apply for a dependant visa from the Hong Kong Immigration Department that takes merely six weeks on average to process. Therefore, non-PRC foreign wives can settle in Hong Kong and can be entitled to rights and benefits bestowed by the Hong Kong government much faster than wives who come from the mainland. Almost all Hong Kong-China couples I met during fieldwork complained about being treated unfairly by their own governments, even though the men and women are ethnic Chinese of the same flesh and blood and technically live within the same country. Bacon-Shone, Lam, and Yip argue that the unequal treatment faced by mainland marriage migrants “is justified by the government in the context of the government’s agreed human rights obligations as facilitating family reunification *at a rate that Hong Kong’s economic and social infrastructure can absorb without excessive strain*” (2008:3; emphasis added). However, as I will discuss in Chapters 2 and 4, Hong Kong’s immigration restrictions and recent social welfare reforms imposed on the large numbers of ordinary mainland marriage migrants have particular roots in the negative historical and cultural baggage of several massive illegal influxes of mainland Chinese to Hong Kong between the 1940s and 1980s, and of Hong Kong-China marriages since the 1980s.

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Hong Kong permanent residents to view themselves as “citizens” of the HKSAR vis-à-vis mainland residents in the rest of the PRC.

<sup>16</sup> According to Article 22(4), Chapter II of the Hong Kong Basic Law, “For entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People’s Government after consulting the government of the Region” ([http://www.basiclaw.gov.hk/en/basiclawtext/chapter\\_2.html](http://www.basiclaw.gov.hk/en/basiclawtext/chapter_2.html)), accessed May 23, 2012.



My research also considered mainland divorced, deserted, and widowed wives, women who were once married to Hong Kong men,<sup>17</sup> but still remain in Hong Kong as visitors to take care of their Hong Kong citizen children.<sup>18</sup> Returning to live in the mainland with their Hong Kong children is not an option for ex-wives and widows because their children do not have any household registration in the PRC. Without a household registration and thus with no legal identity, the children would face difficulties in almost every aspect of life in the mainland, including education, health care, and employment. By contrast, Hong Kong citizen children are entitled to social welfare provided by the Hong Kong government. If they remain in Hong Kong, they can apply for social security allowance and subsidized education to secure a basic livelihood in Hong Kong, even though their mainland TWP mothers are not eligible for Hong Kong's social welfare.

As of 2012 the mainland authorities rarely exercised discretion to approve OWP applications for mainlanders to immigrate to Hong Kong beyond the following five exclusive grounds: 1) children holding a Certificate of Entitlement who were born to Hong Kong permanent residents and enjoy the right of abode in Hong Kong (see footnote 18 in this chapter); 2) spousal reunion; 3) elderly dependence (i.e. for mainland adult children to take care of Hong Kong aging parents, or for mainland aging parents to be taken care of by Hong Kong adult children or to join relatives in Hong Kong); 4) children dependence (i.e. for mainland dependent children to join relatives in Hong Kong); and 5) others (e.g. inheritance) (Ho 2004; Tong 2004). It is important to stress that the need for Hong Kong young children to be taken care of by their

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<sup>17</sup> The TWP migrant women who are the subject of this research have different marital statuses, but I loosely refer to all of them as “wives” unless otherwise indicated.

<sup>18</sup> Article 24 of The Basic Law of the HKSAR prescribes the categories of individuals who are Hong Kong permanent residents and confers on them the right of abode ([http://www.basiclaw.gov.hk/en/basiclawtext/chapter\\_3.html](http://www.basiclaw.gov.hk/en/basiclawtext/chapter_3.html)). The children born to the former Hong Kong-China couples became Hong Kong permanent residents either by birthright (i.e. being born in Hong Kong), or for those who were born in the mainland, they claimed the Hong Kong right of abode by holding a Certificate of Entitlement and then moved to Hong Kong on the strength of OWP (see also footnote 39 in Chapter 2).

mainland parents does not currently fall into the category of “dependent children.” In this regard, mainland ex-wives and widows arguably fall into a “blind spot” of the current OWP policy: they can no longer be granted OWPs based on spousal reunion and, simultaneously, their need to take care of young children in Hong Kong is not considered a state-sanctioned ground for OWP approval. Legally, the only way out for these women is to wait until they reach the age of 60, and then apply for OWP based on elderly dependence to reunite with their Hong Kong children. Sadly, this would translate into an incredibly long waiting period, in some cases up to 30 years or more. Compared to the women who are in a valid marital relationship with Hong Kong men, ex-wives and widows are more vulnerable and marginalized in society and encounter greater hardships living in Hong Kong due to their triple identity constraints: they are simultaneously single mothers, temporary TWP holders, and often poor people who rely on meager social security allowance provided primarily for their Hong Kong citizen children. According to Narayan (1997), there are different social groups who are *additionally marginalized* due to different personal, social, political, and economic factors, such that we need to pay attention to the *additional marginalization* of underprivileged non-citizen women in society.

Literature on cross-border marriage migration has hitherto been confined to the traditional dualistic approach of migration, focusing on marriage migrants’ pre-migration motives and post-migration experiences (Kim 2010) while the time spent in-between somehow goes unnoticed. My research on mainland TWP migrant wives focused on how a state-defined “visitor” immigration status impacts the individual, familial, and social lives of TWP wives during their long periods of transitional stay in Hong Kong. The situation in which TWP wives lack legal recognition, despite their long periods of physical presence in Hong Kong and substantive participation in the family and community, is similar to what Coutin (2003a) has

termed “legal nonexistence,” in which migrants with an ambiguous legal status are “invisible” and “unrecognized” before state institutions. Although TWP wives are officially regarded as “visitors/non-locals,” this formalistic definition should not be taken for granted. I place “visitor/non-local” in double quotes in order to raise questions about what constructs and reconstructs these women’s identity as “visitor/non-local” vs. “local” in relation to citizenship. My field data suggest that citizenship is best understood as a negotiated process. Contrary to the state’s formalistic definitions of local vs. visitor/non-local, TWP migrant wives and their Hong Kong husbands struggle to redefine such meanings in their own terms. Their everyday struggles in both private and public realms demonstrate the complexity and possibility of the meaning of citizenship, calling us to rethink this concept from a more fluid and dynamic perspective.

My fieldwork data collection focused on trying to understand the paradoxical increase of Hong Kong-China marriages despite the persistent state and societal structural constraints; the cross-border living conditions of TWP wives; the impact of a “visitor/non-local” status on their experience of living in Hong Kong; and how this situation prompted them and their husbands and other family members to engage in political organizing to claim rights and negotiate citizenship from the margins. I also investigated the many difficulties and struggles that TWP wives encountered in periodic permit renewal trips back home to China, or in an attempt to obtain an extension of their temporary stay from the Hong Kong immigration authorities. My in-depth conversations with couples reflected that they were well aware of the constraints they faced but nonetheless considered it worthwhile to pursue cross-border romance and marriage, and they utilized individual and collective agency in navigating the challenges. My observations of and conversations with TWP wives demonstrated that on the one hand, their marital life, parent-child relations, and sense of belonging to Hong Kong were shaped by disruption,

movement, and distance due to permit requirements. On the other hand, they employed tactics and strategies, however limited, to cope with immigration policy constraints and a range of bureaucratic procedures during the process of permit renewal.

Apart from examining the intensifying antagonism against mainlanders including mainland immigrants in mainstream Hong Kong society in recent years, my extensive involvement with people in Hong Kong-China couples' activism directed me to explore the trajectories of TWP wives to become rights-bearing individuals and citizen-like subjects. Hall and Held (1991) discussed the changing face of citizenship politics in the 1990s. They viewed the emergence of marginalized groups as "new citizens" who not only demand existing rights but also create new ones, altering social relations during the negotiated process. Through countless conversations, observations, and interactions with mainland TWP wives, I was able to witness the process of "personal political transformation" (Coll 2010)<sup>19</sup> among a number of wives during my research. Despite lacking political membership, TWP wives transformed themselves into "citizen-like" subjects by developing political consciousness and gaining a positive sense of political subjectivity in the course of activism. They learned about the idea of claiming rights and "enacted" (Nyers and Rygiel 2012) their personal and collective agency to negotiate rights and belonging in Hong Kong, transforming themselves into "visible" political subjects and reworking their "legal nonexistent" (Coutin 2003a) situation. These women had done this not only by expressing their voices in governmental institutions and meetings, but also through media interviews (e.g. Lai-wan's interview at the June 9, 2010 protest), exchange programs with local students, and promotional activities in the streets.

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<sup>19</sup> In her ethnographic study on a group of undocumented Latina immigrants' political activism for citizenship in the U.S., Coll (2010) analyzed how these women gained the strength to speak for themselves both in and outside of the home, to their oppressive husbands and in-laws, and also to other people with whom they interacted in daily life, through sharing personal experiences and collective struggle on behalf of one another and the broader community of immigrants.

Over the past decade Hong Kong people have become increasingly politically active, expressing a variety of concerns and defending their rights and interests. Regarded as “a city of protests” (J. Ng 2008), the Hong Kong Police Force (2014) recorded a total of 7,529 public meetings and public processions in 2012, averaging 20 protests a day, almost four times the 2004 figures. Prior to the recent changing political environment, Hong Kong society was actually characterized by “a low social participation rate” and “a lack of civic-mindedness” (E. W. Y. Lee 2003:7) during most of its colonial time despite the prevalence and influence of western ideas such as freedom of speech. As Eliza W. Y. Lee argues, “The essence of [colonial] modernity for Hong Kong is the development of a market economy in the context of a colonial-bureaucratic state apparatus,” which resulted in producing “individualistic colonial subjects who have subjectively internalized the rationalistic market norms and lack a sense of political community” (ibid.:8). A number of factors explain the emergence of a heated “protesting culture” (J. Ng 2008) in Hong Kong, in which “politics [has moved] from the margins to the center of the stage” (Salaff, Wong, and Greve 2010:25). These include but are not limited to: Hong Kong people’s political anxieties about China’s intervention, a sense of urgency for political reform, concerns about the local economy and social issues, discontent about the Chief Executive leadership, the expansion of an educated middle-class, and the emergence of a politicized populace (ibid.; Kuah-Pearce and Guiheux 2009; Lui and Chiu 2000). As the political aspect of Hong Kong *yan* subjectivity has continued to change over time, “the right to hold political demonstrations” (Salaff, Wong, and Greve 2010:28) has become an integral part of this subjectivity under the recent changing political environment.

The new political dynamics have encouraged different social actors, including mainland TWP wives and their Hong Kong husbands, to participate in political organizing. Against the

backdrop of expanded public space for political actions, mainland TWP wives, despite their “visitor” status, have been able to learn and act to empower themselves, and also get to know about and inculcate themselves with qualities for being contemporary Hong Kong “citizens”—being interested in politics, having the “desire for rights” (Newendorp 2008), and taking actions to claim rights and push for policy change. They have done this by learning and acting to “step out” (*hang ceot lai* in their own words in Cantonese) from their individual, isolated private life and marginalized position; “speak out” (*ceot seng*) their problems, needs, and rights in front of the Hong Kong public, media, government officials, and legislators; demonstrate their bravery, determination, and power in a range of protests; and more importantly, “trust in [themselves] that what [they] do is right” (as Rick told Yuk after the protest on June 9, 2010).

As of 2014 in China, mainland citizens’ freedom of speech is still largely restricted but for a few exceptional cases, they are prohibited from expressive struggles for rights and resistance toward the authorities. Within that context, what these TWP migrant wives have done in Hong Kong is extraordinary, especially given that they have lived most of their lives in a largely restrictive political environment before moving to Hong Kong. By contrast, western values associated with civil and political rights have long sprouted across the border in Hong Kong. Mainland migrant wives’ experience of living in Hong Kong, far from their place of origin in mainland China, as Newendorp has forcefully analyzed, involves such “a move across political difference” (2008:8). “Political difference,” as she explains, refers to the fact that “both mainland immigrants and Hong Kong people, as individuals but also as members of larger social groups, have been socialized with different expectations of privileges and goals for relating both to the state and also to society around them” (ibid.). Newendorp has previously examined the role of Hong Kong social workers and government in fashioning mainland immigrant wives who

have formally settled in Hong Kong via OWPs to become “orderly” and “law-abiding” citizens, “open” and “empathetic” parents, and “self-responsible” individuals in Hong Kong society. Although Newendorp has referred to the issue of growing social activism in Hong Kong (ibid.:21), she leaves open whether and how this situation would create political opportunities for mainland migrant women to rework their social marginalization, and more importantly, would provide them with new avenues to gain a different kind of lived experience *in the public and political realms*, arguably by the fact that they are allowed, despite particular conditions, to live in Hong Kong where the “protest space” (Kuah-Pearce and Guiheux 2009) is arguably larger and more socially and politically tolerant than in China. The matter of growing activism on the part of TWP wives should also be considered an integral part of the “political difference” as Newendorp originally theorized, and this void is yet to be properly filled and ethnographically addressed.

I refrain from over-romanticizing and over-generalizing the images of TWP wives and their Hong Kong husbands as heroines and heroes, and the possibility of their “success” in achieving what they have long struggled for in their activism. The state continues to intervene in different aspects of their lives and they are still largely living on the margins of society. I sought, however, an analytical balance between sociopolitical factors that shape conditions of citizenship, and efforts of individuals and collective groups in confronting these conditions. By studying collective struggles of a group of mainland TWP migrant wives and their Hong Kong husbands, this dissertation seeks to contribute to a rethinking of alternative form(s) of citizenship as these marginalized people are incorporated in complex interactions with the state and civil society, developing positive senses of sociopolitical subjectivities and agency to negotiate a legitimate

position and recognition for themselves in the society from which they have long been marginalized and excluded.

### **1.3 LITERATURE REVIEW**

#### **1.3.1 Anthropological Approaches to Citizenship**

“Citizenship,” as noted by Shafir, “has been a central axis of Western political philosophy” (1998:2).<sup>20</sup> Prevailing in political science and political philosophy literature (e.g. Oldfield 1998; Pocock 1998; Rawls 1998), the “formalist” (termed by Holston and Appadurai 1999) or “normative” (termed by Bellamy 2008) approach analyzes citizenship in its narrowest, ideal sense, succinctly defining it as a political and juridico-legal term. In this approach, citizenship points to, for instance, the civic status or legal membership in a political community, “a mechanism for allocating rights and claims through political membership” (Brysk and Shafir 2004), and “a condition of civic equality” (Bellamy 2008). Although the nature and substance of citizenship have changed over time and across space throughout the Western history, scholars have identified two dominant discourses defining the concept of citizenship, namely the “civic republican” tradition and the “liberal” tradition (Bellamy 2008; Heater 1999; Shafir 1998).<sup>21</sup> In general, the evolution of different Western definitions of citizenship has led to the concept that

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<sup>20</sup> Due to space limitations, discussions of citizenship in this review are based on Western English-language scholarship and focus on Western models of citizenship. The rationale for primarily discussing Western models of citizenship is based on hitherto “widespread aspiration” around the world “to move towards the western model of citizenship” (Castles and Davidson 2000:1-2).

<sup>21</sup> The civic republican model of citizenship is based on the premise of “a symbiotic relationship” between citizens and the state, stressing citizens’ duty of active political participation for public good and disinterest in private pursuits, so as to maintain the proper functioning of the state and foster a sense of community and “concord” among fellow citizens (Heater 1999). The “liberal” tradition, on the other hand, focuses on citizens’ rights and the pursuit of one’s private life. In particular, it is the liberal model which reached its most developed form with the rise of the nation-states in late-eighteenth century Western Europe and North America, making it eventually dominant worldwide (ibid.).



includes four different dimensions: (political) participation, legal status, rights, and a sense of belonging (Bloemraad 2000; Bosniak 2000).

Citizenship and citizenship law are almost inseparable, as law defines the legitimacy and nature of people's legal status in a political community. However, the operation of law in everyday life is constructed and reconstructed over time according to the circumstance and the time in which it is used (Hayden, personal conversations, April 4, 2014). Furthermore, as Constable argues, "laws, policies, and practices are not always consistent" (2013:1019). This is largely because "although law often serves as a tool of the state" to protect local citizens' and class interests, "it can also provide some protection to others," such as non-citizens and migrants, as a result of their "effective use of legal tactics" (ibid.:1020). Indeed, since the 1980s, closely tied to the development of more practice-based theoretical and analytical approaches in anthropology (Ortner 1984), scholars of legal anthropology have stressed the role of humans as actors in "go[ing] about with [the] law" (de Hart, van Rossum, and Sportel 2013) and negotiating law. Law is seen as a "process" (Moore 1978), in which laws are enforced to control social behavior, but such control is only partial and subject to negotiation. Other scholars further argue that people's negotiation with law "is necessarily couched in terms of, and significantly shaped by, the normative order" (Abel 1983:135). Likewise, Hayden argues that "normative rules may set the parameters of social action and at the same time be subject to negotiation, such that the rule set itself changes" (1984:475). Thus, "rules" and "processes" must be considered together; an approach that gives priority to one or the other is inherently problematic (ibid.; Comaroff and Roberts 1981). Taken together, a more appropriate approach to citizenship is one that considers citizenship as governed by laws yet is highly negotiable.

Diverse global and transnational processes, the decline of social welfare states, and the rise of human rights ideology in recent decades have increasingly altered the state-centered and state-controlled conditions for traditional Western citizenship definitions (Ong 2006b; Sassen 2005). Ong argues that the different traditional elements of citizenship (such as the state, territoriality, rights, and entitlements), “once assumed to go together, are becoming disarticulated from one another, and re-articulated” with “diverse universalizing norms defined by markets, neoliberal values, or human rights” (2006b:499-500). Scholars increasingly argue against the narrow, formal treatment of citizenship that confines the concept to a conventional, political relationship between individuals and the state. Instead, they argue for more encompassing, holistic approaches to understand citizenship (Dobrowolsky and Tastsoglou 2006; Werbner and Yuval-Davis 2005). Sociologists and anthropologists employ a “substantive” (termed by Holston and Appadurai 1999) or “empirical” (termed by Bellamy 2008) approach to conceptualize citizenship as a set of integrative political, economic, social, and cultural *processes* (Dobrowolsky and Tastsoglou 2006; B. Turner 2001, 2008), *practices* (Heyman 2002; B. Turner 1993), and *relationships* (Werbner and Yuval-Davis 2005). In this more process- and practice-oriented approach, citizenship is conceived of as a sociological as well as a cultural concept. Citizenship is not only a “social construct” as a result of complicated interactions between “individuals and groups in the state, market, family and community” (Dobrowolsky and Tastsoglou 2006:11-12), but it also is understood “as a more total relationship, inflected by identity, social positioning, cultural assumptions, institutional practices and a sense of belonging” (Werbner and Yuval-Davis 2005:4). In particular, anthropologists emphasize people’s experiences and interpretations of their own political, cultural, and economic positions “as critical for reformulating citizenship, suggesting that the framework of cultural studies of

citizenship holds great promise for new approaches to studying immigrant lives and the politics of diversity in contemporary societies” (Coll 2010:8). In general, two broad anthropological approaches to citizenship exist.

The first approach focuses on identity politics of heterogeneous marginalized groups who emerge as “new citizens” (Hall and Held 1991) to struggle and demand their right to retain and realize unique qualities, needs, interests, and histories (Biolsi 2005; Castle 2008; Petryna 2003; Rosaldo 1994, 1997). In particular, writing on Latino minority groups’ struggles for full membership and belonging in the U.S. while retaining their own cultural identities, Rosaldo uses the term “cultural citizenship” to refer to “the right to be different and to belong in a participatory democratic sense” (1994:402). For Rosaldo, “the right to be different” does not mean ethnic groups’ separation or detachment from the mainstream society. As Flores elaborates:

[Cultural citizenship] can be thought of as a broad range of activities of everyday life through which Latinos and other groups claim space in society, define their communities, and claim rights. It involves the right to retain difference, while also attaining membership in society. It also involves self-definition, affirmation, and empowerment. (1997:262)

The second approach concerns the diffuse nature of state power in the process of citizen-subject formation, in which individuals internalize the power of the state to regulate their attitudes and behavior in relation to belonging to a particular state. Differing from other disciplinary vantage points on the state as it is associated with “governmental sites” and “national institutions,” anthropologists view the power of the state as a social process, penetrating the lives of citizens in diverse ways and also relying on multiple institutions and individuals for the exercise of its power over citizens (Trouillot 2001). Works by Coutin (2003a and b, 2007), Heyman (2002, 2004), and Ong (1996, 2003) show (im)migrants’ experiences of citizenship in everyday life not only in relation to nation-states and the transnational processes,

but also through diverse social practices beyond the state that in myriad ways define racial relationships and norms of belonging. Diffuse control is evident in direct state governance (Feldman 2005), civic institutions (Chalfin 2008; Horton 2004), and in practices such as the issuance of identification documents (Gordillo 2006).

Comparing the different experiences of normalization between rich and poor Asian immigrants in the United States, Ong (1996) examines the concept of “cultural citizenship.” Like Rosaldo, Ong examines complex interactions that take place between immigrants and the American citizens with whom they interact in everyday life. Nonetheless, Ong argues that Rosaldo’s theorizing “attends to only one side of a set of unequal relationship,” giving “an erroneous impression” that social actors are free from state power and other forms of regulation (1996:738). In contrast to Rosaldo, Ong regards cultural citizenship as “a cultural process of ‘subject-ification,’ in the Foucauldian sense of self-making and being-made by power relations that produce consent through schemes of surveillance, discipline, control, and administration” (ibid.:737).

While the two broad anthropological approaches to citizenship—i.e. identity politics as well as the diffuse nature of state power in producing citizen-subjects—are seemingly contradictory, I argue that they reflect two different aspects (or processes) of citizenship which are inextricably tied to complex power relations. When taking into consideration the notion of law as determinative yet negotiable, citizenship should be best understood as a process that is negotiated through efforts of individuals and collective groups to redefine its terms and conditions, but such negotiation is shaped by larger socio-political conditions. The institution and practices of Hong Kong citizenship have evolved historically according to the specific social, political, economic, and cultural conditions of Hong Kong and China. While the government,

constituted largely by people from the elite class, remains the sole institution to formally administer citizenship, my research on political practices and subjective experiences of TWP migrant wives and their marginalized citizen husbands shows that activism is a key arena that demonstrates people's individual and collective agency in developing their own definitions of citizenship, belonging, duties, and entitlement to rights, and trying to push the state to accommodate their demands. A dynamic notion of citizenship with an emphasis on agency and subjectivity reflects that citizenship *in practice* is an emergent and contested process far more complex than a narrow, juridico-legal definition.

### **1.3.2 The Politics of Migration: Immigration Controls and Migrants' Liminality**

Throughout human history, migrations have largely occurred in response to changing living conditions, demographic growth, warfare, and labor employment (Castles and Davidson 2000; Lewellen 2002). Since the end of World War II, as globalization began to accelerate, patterns of migration have diversified into different types, motives, and networks (ibid.). In parallel with this phenomenon, theoretical approaches to international migration have also transformed. The early dominant model of migration centered on the analysis of "push and pull factors" to understand migrants' rural-urban movement (Lewellen 2002:131). Later, the "push-pull" model was replaced by neo-Marxist structural models, emphasizing the flows of people from less developed to more developed regions in search of jobs (ibid.). The emergence of postmodernism during the 1990s led to the development of the "emergent approach" to migration, considering the movement of people as extremely complex as are the motives, experiences, and identities of migrants (ibid.). In particular, recent anthropological studies of migration have paid a greater attention to gender (Benhabib and Resnik 2009; Dobrowolsky and Tastsoglou 2006) and

concepts such as diaspora and transnationalism (Basch, Schiller, and Blanc 1994; Inda and Rosaldo 2008).

Despite our modern times being labeled “the age of migration” (Castles and Miller 1993), anthropological studies have highlighted the renewed role of the state in “the policing of physical borders” (Fassin 2011) and restricting people’s migratory flows and their claims for citizenship in receiving states (Andreas and Snyder eds. 2000; Inda 2006). According to Brochmann (1999), immigration controls comprise a mixture of external and internal measures. External measures are exercised to control the flow of immigrants to enter a receiving state, such as visa restrictions and legislation against illegal trafficking. Internal measures are undertaken to limit immigrants’ eligibility for rights claims after entering the state, such as the requirements of residence and work permits, and use of identity cards. On the whole, “immigration,” as Leung and Lee argue, “is not just a matter of gaining physical access to a place. It is integrally tied to the securing of social rights and opportunities” (2005:504). Therefore, external and internal immigration control measures can be viewed together as a series of “steps” constituting what Carling terms as “immigration interface,” which “encompasses all the steps from living in the country of origin as a potential migrant to having secured the right to live and work legally for an extended period of time in the destination country” (2002:26). At any given time migrants seemingly fall into one of these “steps” in a sequence leading to full social membership in a host society (provided this is their final goal). On the one hand, each migrant is differently equipped to overcome barriers and constraints involved in these steps (ibid.). On the other hand, these steps amount to a hierarchy of rights and privileges endowed to migrants based on their different immigration statuses. A hierarchy of rights and privileges in turn creates a stratification of migrants’ lived experience in a

host society, affecting anything from their adaptation or assimilation, social network and participation, to their sense of belonging to the host state (Menjívar 2006; Morris 2003).

Among the studies of migrant citizenship and life course (Benson and O'Reilly eds. 2009; Brettell 2006), research on those who have ambiguous legal statuses in a host society—i.e. those who are “not fully documented or undocumented but often straddling both”—remains underexplored (Menjívar 2006:1001). Menjívar (2006) uses the term “liminal legality” to conceptualize migrants’ vulnerability due to their uncertain legal status that shapes different aspects of their lives in the host society. In her study of Salvadoran and Guatemalan migrants in the United States, Menjívar drew on Victor Turner’s (1967) concept of liminality, which points to the “betwixt-and-between” period of “two relatively fixed or stable conditions” (2006:93), in order to understand the migrants’ everyday experiences as their “uncertain legality transforms them into ‘transitional beings,’ who are ‘neither one thing or another, or maybe both; or neither here nor there; or maybe nowhere... and are at the very least betwixt and between all the recognized fixed points in space-time of structural classification’” (V. Turner 1967:96 cited in Menjívar 2006:1007). Menjívar also borrowed from Coutin’s (2003a) notion of “legal nonexistence” to understand the Salvadoran and Guatemalan migrants’ vulnerable social position due to their ambiguous legal status. As Menjívar explains, legal nonexistence “is characterized by being physically present and socially active, but lacking legal recognition” (2006:1007). Menjívar’s work is particularly useful for my conceptualization of mainland TWP migrant wives’ “visitor” status in Hong Kong. Similar to the migrants in Menjívar’s study, TWP wives are also “betwixt and between,” neither citizens nor non-citizens during their long-term transitional period of formal settlement in Hong Kong. At different moments in their everyday lives, TWP wives’ narratives and actions revealed how these women bent to, and simultaneously,

attempted to redefine and reclaim the power to define themselves as a certain type of “visitor.” In line with Coutin’s notion of “legal nonexistence,” TWP wives must continue going on with their lives in the family and community, planning out their own and their families’ lives, and making a host of short- and long-term decisions. However, lacking a legal recognition as formal, “local” residents for their ongoing physical presence and substantive activities in Hong Kong, many aspects of TWP wives’ lives and decisions are constrained and affected (see Chapters 4 and 5).

The long-term conditions inherent in migrants’ liminality require attention. According to Menjívar, although V. Turner views liminal stages as “empowering and positive moments in social transformation” (2006:1007), her study of Salvadoran and Guatemalan migrants demonstrated that when the stage of liminality is “extended indefinitely,” it “can breed uncertainty and lose empowering potential” (ibid.). In line with Menjívar’s argument, my study shows that while TWP women with a valid marital status must wait for at least four years for an OWP, ex-wives and widows face an incredibly extended period of liminality, until they reach age 60 when they become eligible for OWP applications under the elderly dependant category. When they finally reach eligibility, they then can expect to wait another several years until the OWP is approved. Using Bailey et al.’s term, these women are arguably living in “permanent temporariness”—a condition that “the static experience of being temporary (i.e. in suspended legal, geographic, and social animation, and so on)” (2002:139) seems to last indefinitely. The substantial prolongation of TWP ex-wives’ and widows’ liminal status has created more deleterious effects on their already vulnerable situation.

Although Menjívar points to the centrality of state power in migrants’ lives, she leaves open the issue of people’s agency in collective actions and thus fails to consider citizenship as a dynamic and contentious process. Recent studies on migration have increasingly paid attention to



the role of migrants as social actors, highlighting their collective agency in shaping their social and political environments (Nyers and Rygiel 2012; McNevin 2013). In particular, Coll's (2010) study of a group of undocumented Latin American women's citizenship struggles in the United States demonstrates an analytical balance between the impact of immigration restrictions and welfare reform on these women's lives, and their engagement in political activism. Coll's insights into the study of marginalized people's struggles as "not a view from the margins of citizenship, but rather a challenge of the co-construction of political margin and center that marginalizes groups based on gender, class, race, or language" (ibid.:19) leads to a rethinking of broader forms of citizenship as marginalized people are incorporated into complex interactions with the state and civil society to (re)construct the meanings of citizenship in a particular host state and society.

### **1.3.3 Cross-Border Marriages and the Case of Hong Kong-China Marriages**

Largely since the arrival of second wave feminism, scholars have increasingly been attracted to a new field of inquiry that connects the public social world to the private personal life (Giddens 1992; B. Turner 2001, 2008). Nonetheless, as B. Turner (2008) argues, the relationship between the "public sphere" of citizenship and the "private spheres" such as family, marriage, and reproduction, has often been overlooked in the social and political theory of citizenship. B. Turner attempts to capture the absence of any systematic thinking about familial relations, reproduction, and citizenship by arguing that "the state has a very clear public interest in these private decisions [e.g. to marry and to reproduce], because the future of the population and the society depends on them" (ibid.:45).

Today, cross-border marriages have become increasingly common as advanced communication and transportation technologies have facilitated flows of image and information

as well as interconnectedness of people around the world. Literature on cross-border marriages reveals the enormity of state power in regulating the immigration and citizenship status of marriage migrants (Charsley 2009; Hsia 2009; H. K. Lee 2008; Newendorp 2008; Tan 2008; Wang and Bélanger 2008). This literature reflects that to what extent cross-border marriages are legally and socially recognized largely depends on the personal, social, and racial characteristics of married couples, particularly the marriage migrants. Contributors to the special issue of *Citizenship Studies* on intra-Asia cross-border marriages also examine the legal, social, and cultural politics of cross-border marriages (vol. 12, no. 1, February 2008). Amongst other scholars, contributors to this volume argue that the reasons for state regulation in cross-border marriages and the very common popular misconception and suspicion of these marriages, are largely attributed to concerns about the “authenticity” of these love bonds (Charsley 2009; Constable 2003; Hsia 2009; H. K. Lee 2008; Newendorp 2008), and about the human quality of marriage migrants to be able to produce a good-quality next generation for the host societies (Hsia 2009; Tan 2008; Wang and Bélanger 2008). The latter concern particularly reflects the link between marriage and reproduction in the process of nation-building (Heng and Devan 1995; Jolly 2001; B. Turner 2008). Hsia (2009) examines that marriage migration from Southeast Asia and mainland China to Taiwan is often seen as a “social problem” by Taiwanese government agencies, the media, and the general public. Marriages between foreign brides and Taiwanese men are stigmatized as “fake marriages, real prostitution,” and the foreign brides are accused of causing “the deteriorating quality of the next generation” (2009:29). Hsia argues that “these claims are based on the assumption that since the mothers are from developing countries, they must lack the skills necessary to educate their own children—an argument which clearly has sexist, racist and classist overtones” (ibid.).

State power notwithstanding, scholars of cross-border marriages also pay attention to the agency of marriage migrants to resist state intervention in their marital lives (Constable 2003, ed. 2005; Chao 2005; Faier 2008; Hsia 2009; Piper and Roces eds. 2003; Roces 2003). Recent studies have moved beyond the early feminist critiques of gender inequality and women's oppression, to examine a complex picture of women's experiences and agency in negotiating their marriage and migration choices. Although women marriage migrants are often depicted as "passive followers" to their husbands (S. J. Cheng 1999; DeLaet 1999), scholars increasingly argue that women express agency in their marriage and migration choices, even though their social positioning is structured by global hierarchies and gendered inequalities (Constable 2003, ed. 2005; Piper and Roces eds. 2003). However, scholarly discussions of agency in cross-border marriages are often limited to examples of individual women as opposed to wider, collective actions. Notable exceptions include Bonifacio's (2009) and Roces' (2003) studies of Filipina wives' group negotiations in Australia, as well as Lu's (2011) and Hsia's (2009) studies of the foreign brides' movement for citizenship rights in Taiwan. My research on Hong Kong-China couples' activism sought to contribute to this growing yet still limited body of scholarship on this political aspect of cross-border marriages.

Research on Hong Kong-China marriages and family life has identified three common types of conjugal arrangements among Hong Kong-China couples (So 2003; Wong 2000). Drawing on two dimensions of mainland wives' physical locations and citizenship statuses vis-à-vis the Hong Kong legal framework, Wong (2000) calls these arrangements "legal, reunited conjugal arrangement," "split conjugal arrangement," and "bi-national conjugal arrangement."<sup>22</sup>

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<sup>22</sup> The "reunited conjugal arrangement" denotes that a mainland wife reunites with her Hong Kong husband and has a legal resident status in Hong Kong by utilizing an OWP. The "split conjugal arrangement" refers to the situation in which a couple physically lives separately across the Hong Kong-China border. In the "bi-national conjugal arrangement," a husband is a legal resident in Hong Kong while his mainland wife lives in Hong Kong either as a

Yet ethnographic studies on the impact of different conjugal arrangements on cross-border couples' marital and familial lives have been largely focused on the first two types of conjugal arrangement. In particular, Lau (2008), Newendorp (2008), and P. Ng (2004) have examined the lives of mainland immigrant wives in Hong Kong after they formally settle in the city by utilizing a permanent OWP. Less well explored is the "bi-national conjugal arrangement" in which husbands, and in most cases their children as well, are Hong Kong "local" residents whereas mainland migrant wives are "visitors" who stay temporarily and move back and forth across the border. The mainland wives and their Hong Kong families, who are the subject of my research, belong to this "bi-national" group. "Immigrant wives," who have already become Hong Kong "local" residents, are entitled to some or even all social rights and public benefits by virtue of holding a Hong Kong Identity Card or having Hong Kong permanent residency. By contrast, their "visitor" migrant wife counterparts are not only subject to circular permit renewal trips to China that cause periodic separation from their Hong Kong families, but also face denial or restrictions from social rights and benefits despite being "regular residents" in Hong Kong. Studying the latter group of families is important and pressing because the numbers of these families are growing rapidly in Hong Kong (personal conversations with social workers and activists 2011). It is also pressing because an investigation of these families can lead to a better understanding of how hierarchical systems operate in relation to immigration and citizenship, or in other words how the "immigration interface" (Carling 2002) operates in Hong Kong, and whether and how these systems impact TWP migrant wives and their Hong Kong families.

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visitor with a valid exit permit, as an illegal resident with an expired permit, or simply without any valid document (Wong 2000:65-66).

## **1.4 RESEARCH METHODS**

Most of the data for this dissertation were collected through participant observation-based fieldwork in Hong Kong and Guangdong Province in China spanning from March 2011 to March 2012, supplemented by shorter preliminary research trips in the summers of 2008, 2009, and 2010. Throughout the main research phase in Hong Kong, the bulk of my participant observation was conducted during campaign activities organized by a grassroots activist group called Mainland-Hong Kong Families Rights Association (MHKFRA) in which I served as a part-time volunteer.

MHKFRA is led by two full-time social workers employed by one of the largest non-governmental organizations (NGOs) for social service provision in Hong Kong. Its group members largely consist of mainland TWP migrant wives and their Hong Kong husbands. Since its establishment in mid 2006, MHKFRA has worked to advocate for Hong Kong-China family rights in Hong Kong, specifically challenging the 2007 obstetric policy which discriminates against non-local mainland migrant wives' right to give birth in Hong Kong. Since 2009 MHKFRA has also advocated for the formal settlement of mainland ex-wives and widows, who were once married to Hong Kong men but still remain in Hong Kong as non-locals to take care of their Hong Kong citizen children. In view of a lack of general support services and assistance for TWP marriage migrants in Hong Kong, MHKFRA was among the first concern groups to provide multi-dimensional—preventive, supportive, and remedial—services, such as inquiry services, mutual help groups, and counseling and referral services, for the individuals concerned. Over the years MHKFRA is still among a handful of civil organizations to provide relatively integrated services for mainland marriage migrants living in Hong Kong with TWPs. One of the main reasons why MHKFRA was the ideal focus of this research was because it puts significant

weight on political organizing and expressively advocates for the rights of TWP wives by pushing for policy change in relation to Hong Kong-China families. Therefore, my in-depth and sustained involvement with the work and members of MHKFRA over time allowed me to directly gain a well-informed picture of the problems faced by TWP wives and their families, and the multifaceted strategies and tactics that they employed to deal with policy constraints on their individual daily life, in addition to collective actions they took to enhance social networks, promote public awareness, and strive for social rights and stronger political support in Hong Kong.

Between 2008 and 2012 MHKFRA did not have its own independent office but its administrative work was done by two full-time social workers who worked in a community center located in the Tsuen Wan district of Hong Kong. The premises were formerly a primary school. Many of the former classrooms were used for different purposes, such as office space for staff members, a small public library, a computer room, and rooms providing different kinds of interest group activities for individuals whom the community center served. Therefore, MHKFRA could make effective use of different size rooms available on the premises, such as a classroom, a conference room, and a grand hall, which could hold 50, 100, and over 500 people respectively, to organize meetings and different kinds of activities for its members.

While many NGOs provide services for those who live “locally” in the same or nearby districts (like the mainland immigrants living in the Sham Shui Po district in Newendorp’s 2008 ethnography), members of MHKFRA live spread out around Hong Kong. Given that social services available for TWP marriage migrants are very limited in the city, it becomes necessary for the women to go far from where they live to seek support services and assistance. However, for a number of TWP wives, especially ex-wives and widows, who have difficult financial

situations, MHKFRA reimburses transportation costs for them to attend internal meetings and activities at the center and to other locations for campaign activities. As a social worker of MHKFRA told me, the group “doesn’t want to see these women lose the opportunity to engage [in the community and activism] just because they can’t afford transportation costs.”

Between 2008 and 2012 I observed and participated in a total of 155 events organized by MHKFRA and other relevant civil organizations based in Hong Kong. These events included 66 member meetings and 67 campaign activities organized by MHKFRA, in addition to nine group meetings and 13 campaign activities organized by other relevant NGOs, activist groups, and grassroots networks, ranging from rallies, protest marches, sit-in protests, petitions, candlelight vigils, lobbying activities with government officials and legislators, to street mobilization and promotion activities, seminars at local colleges, radio and TV interviews, and press conferences. In addition, I attended 11 meeting sessions at the Hong Kong Legislative Council discussing issues related to Hong Kong-China families,<sup>23</sup> and three hearings at the High Court and the Court of Final Appeal related to judicial reviews initiated by a Hong Kong citizen father-in-law of a TWP migrant wife to challenge the 2007 obstetric policy imposed on non-local expectant mothers who wish to give birth in Hong Kong. Further, in order to better understand the intensifying antagonism of Hong Kong people against mainlanders, I attended and observed two protest marches organized by an online community against the influx of non-local mainland expectant mothers who go to Hong Kong to give birth.

During the events, which took place either inside the center of MHKFRA or outside in various locations around Hong Kong, I interacted with hundreds of TWP wives and their Hong

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<sup>23</sup> The Home Committee of the Hong Kong Legislative Council established the Subcommittee to Study Issues Relating to Mainland-HKSAR Families in late 2008. Between early 2009 and mid 2012 the Subcommittee held a series of meetings to study the population policy and measures relating to Hong Kong-China families, and to make recommendations in this regard ([http://www.legco.gov.hk/yr08-09/english/hc/sub\\_com/hs52/general/hs52.htm](http://www.legco.gov.hk/yr08-09/english/hc/sub_com/hs52/general/hs52.htm)).

Kong husbands and family members, along with several dozen social workers, activists, and other concerned individuals. In addition to countless informal conversations with women and men I met on different occasions in Hong Kong and Guangdong Province, I conducted open-ended interviews with 86 individuals.<sup>24</sup> The majority of the interviews were taped, ranging in length from a half to four hours, and a few were conducted on multiple occasions. All of the interviews were conducted in Cantonese in the community center, parks, restaurants, or at the wives' homes where and when they felt comfortable.

While most of the fieldwork took place in Hong Kong, I also conducted two separate week-long fieldtrips to two different cities in Guangdong Province in China in July and November 2011, accompanying two TWP wives who returned to their PRC homes to renew their TWP endorsements and for family visit. During these fieldtrips, I observed the conditions of their cross-border lives and the subtle ways in which they dealt with a range of bureaucratic procedures and local authorities during the process of permit renewal. In addition, I spent time over a period of days, weeks, or months with many TWP wives observing and participating in their daily family activities. In the end, I was able to gather a large amount of material not only from the formal contexts of participant observation in protests, meetings, and interviews, but also from more casual, everyday life interactions with TWP wives by accompanying them to government offices, healthcare centers, and schools, and by shopping, chatting, sharing meals, and visiting local attractions with them. These experiences helped establish rapport and provided insight into their general living conditions and the broader geographical and social lives in which members of Hong Kong-China couples are embedded.

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<sup>24</sup> These included ten organizers and/or social workers of different activist groups and NGOs, 27 mainland TWP wives, 16 Hong Kong husbands, 14 mainland TWP ex-wives and widows, four parents of Hong Kong husbands, and 15 interested members of the Hong Kong general public.



Since 2007, I have continued to monitor media reports and a number of public forums on the Internet to get a sense of changing public discourses about the relationship between Hong Kong and China, Hong Kong-China families and marriages, and the increased border-crossing activities of mainland Chinese in Hong Kong. Finally, I conducted archival research in order to map out the development of state policies in relation to Hong Kong-China marriages and families. This history provides important contextual information for understanding the past and current interactions between state hegemony and Hong Kong-China couples' individual and collective subjectivities, and for investigating the ways in which policy constraints imposed on mainland wives have been influenced by ongoing changing social, political, and economic processes in both the PRC and Hong Kong. The effects of these processes, which are directly related to contemporary ideologies of membership and belonging in Hong Kong, have paradoxically become more complicated even after Hong Kong's reunification with the PRC on July 1, 1997 (Newendorp 2008).

## **1.5 CHAPTER OVERVIEW**

This dissertation is organized in a sequence of chapters that recreates a "life history" of Hong Kong-China couples who met, married, experienced different state and societal obstacles to their conjugal and familial lives, and joined MHKFRA to advocate for their rights in Hong Kong.

Chapter 2 examines historical and contemporary social contexts in which Hong Kong-China couples have been marrying and are marginalized in mainstream Hong Kong society since the 1980s. It investigates the emergence and development of these marriages in relation to structural conditions including historical trajectories of mainland Chinese legal and illegal migration to Hong Kong, recent transformations of Hong Kong-China economic and political

relations, and Hong Kong people's perceptions of mainland immigrants and mainlanders in general in mainstream discourses. Furthermore, this chapter examines couples' personal experiences of courtship and marriage, arguing that the changing sociological profiles and the importance of emotional motivations of men and women to marry across the border provide a strategic point of entry to challenge discourses about these marriages that have been built on Hong Kong-China structural asymmetries and gendered inequalities.

Chapter 3 examines TWP migrant wives' experiences of regular border-crossings for permit renewals during their long transitional period of formal settlement in Hong Kong. It raises questions about the relationship between mobility and empowerment, and discusses the significance of women's increased mobility for the understanding of borders, power, and the "cultural process of [citizen vs. non-citizen] subject-ification" (Ong 1996).

Chapter 4 looks at how a state-defined "visitor" immigration status has impacted various aspects of TWP women's transitional lives in Hong Kong. It situates women's everyday personal struggles that result from their visitor status within the post-1997 context of Hong Kong. This context is linked to Hong Kong's political-economic and socio-cultural ambivalence toward China. The chapter explores women's individual and collective agency to reclaim some sort of authority over how their identity should be defined socially and politically. It examines how women's familial ties to Hong Kong citizen men and children, as well as their social participation in MHKFRA, have provided them with meaningful socio-cultural resources to view themselves as more than just "visitors."

Against the backdrop of recent new heights of Hong Kong's social hostility toward mainland pregnant women coming to the city to give birth on visitor permits, Chapter 5 focuses on Hong Kong-China couples' everyday experiences of contesting birth and their collective

struggles for the right to give birth. By examining the complex power relations between individuals, civil society, and the state over the question of who has and who does not have the right to give birth in Hong Kong, this chapter seeks to understand how reproductive issues in post-1997 Hong Kong are becoming less about inherent rights of citizenship, but instead are increasingly tied to market logics, the state engineering of a new citizenry to fit the city's long-term development, and the negative cultural baggage of Hong Kong-China marriages.

Chapter 6 looks at TWP ex-wives' and widows' collective struggles for formal settlement in Hong Kong. While these women are additionally marginalized in society due to their triple identity constraints, their notion of responsible motherhood has provoked them to speak out against state hegemony and social injustice in the political and public spheres of Hong Kong. Building on the discussions of women's agency to redefine their "visitor" status in Chapter 4, this chapter discusses women's "personal political transformation" (Coll 2010) in the course of their activism. Far away from their place of origin in China, marginalized migrant women came to view their individual-state relationship in certain different ways. Their changing view of the individual-state relationship has had positive implications for their sense of political subjectivity and agency vis-à-vis the state.

## **2.0 CONTEXTUALIZING THE DEVELOPMENT AND MARGINALIZATION OF HONG KONG-CHINA MARRIAGES: HISTORICAL AND SOCIAL PERSPECTIVES**

Over the years, large numbers of mainland Chinese immigrants have been the major force for Hong Kong's population growth and a vital solution for the city's pressing demographic problems, such as a progressively aging population and low fertility rates.<sup>25</sup> However, far from being thought of as a "solution," mainland immigrant wives have long been marginalized from mainstream Hong Kong society and stigmatized with pejorative images in public discourse. The Hong Kong state and the media both reinforce negative representations of immigrant wives by routinely accentuating their low-skill and low-education profiles, and their seemingly high dependence on government welfare.<sup>26</sup> The terms "locust" and "parasite" have been used for years (Tsoi 2012) to reify the "lazy, dependent, unproductive, and uncompetitive" (Ku 2004:355) images of immigrants, accusing them of draining the city's finite resources. The stigmatization of immigrant wives in public discourse has in turn sustained the prolonged stereotype of Hong

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<sup>25</sup> Between 1983 and 2006 over 960,000 mainland residents immigrated to Hong Kong through the OWP scheme. These immigrants accounted for over 70 percent of Hong Kong's population growth over that period of time (Bacon-Shone, Lam, and Yip 2008:14).

<sup>26</sup> For instance, the Hong Kong government stated in its 2003 *Report of the Task Force on Population Policy* that "the task of training and upgrading the skills of adult new arrivals to meet the demand of our economy poses a serious challenge for Hong Kong" (Task Force on Population Policy 2003:37). It also said that mainland immigrants' disadvantaged profiles are often understood as causing their own "disproportionally high" unemployment rates after settling in Hong Kong (ibid.:21), and thus "proportionally more [welfare] resources are allocated to new arrivals than to the rest of the population" (ibid.:40). Meanwhile, the Hong Kong media share the state-endorsed stereotype of mainland immigrants. As the Hong Kong Home Affairs Department observed, "It is common for the media to portray new arrivals as poor, lazy, uneducated, and generally less capable than local people" (Home Affairs Department 1997:paragraph 6.4).

Kong-China marriages which usually involve Hong Kong “loser” men and mainland Chinese “gold-digging” women.<sup>27</sup>

Facing prevalent social prejudices and stigmatization, why are tens of thousands of men and women still, paradoxically, marrying across the border every year? This chapter examines historical and contemporary social contexts in which Hong Kong-China couples have been marrying and are marginalized in mainstream Hong Kong society since the 1980s. It investigates how structural conditions for the emergence and development of these marriages are correlated to ongoing social, political, and economic transformations on both sides of the Hong Kong-China border. Throughout the second half of the twentieth century until today, these transforming processes have created different push and pull factors for several massive waves of legal and illegal mainland Chinese migration to Hong Kong. This chapter examines how a long history of resentment against mainland immigrants and mainlanders in general in Hong Kong is reflected in the city’s immigration policy and societal responses during the colonial and post-colonial periods (Ku 2004; H. C. Leung 2006). Over the years, adverse state and societal responses to mainland Chinese influxes have contributed to the stigmatization of mainland immigrants as “unwanted” in Hong Kong society (Law and Lee 2006); this has had direct implications for the marginalization of Hong Kong-China marriages.

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<sup>27</sup> The stereotype of Hong Kong grooms typically points to middle-aged or older, low-income Hong Kong men who are unmarriageable in the local market, but wish to seek more affordable wives in the mainland, whereas the stereotype of mainland brides points to younger, rural mainland women who intentionally seek a better life by marrying into a richer region (Lang and Smart 2002; Lau 2008; Li 2001; Newendorp 2008; So 2003).

## **2.1 THE ERA OF MAINLAND CHINESE ILLEGAL MIGRATION TO HONG KONG (1949 TO 1980)**

This chapter is divided into three parts, corresponding to three periods of mainland Chinese migration to Hong Kong. The first period, between 1949 and 1980, is characterized by several massive waves of illegal migration. The Hong Kong colonial government's first important border control measure in 1949 formally distinguished between mainland Chinese "legal" and "illegal" entry into the city. Over the next three decades, the colonial state's stance on illegal entry began with an "open door" policy from 1949 to 1974 that allowed nearly all illegal immigrants to regularize their status and to stay in Hong Kong. This was followed from 1974 to 1980 with a "semi-closed door" policy in which illegal immigrants who were apprehended in the frontier region while attempting to enter Hong Kong were repatriated, while those who were able to reach the urban area were allowed to stay (this was known as the "touch base" policy). This was followed, after October 1980, by the present "closed door" policy in which all illegal immigrants are arrested and repatriated.<sup>28</sup>

### **2.1.1 The Unrestricted Hong Kong-China Border (Before 1949)**

The colonial history of Hong Kong began when China ceded Victoria Island (modern day Hong Kong Island) and the Kowloon Peninsula to the British in 1842 and 1860, respectively, as a result of China's defeats in the two Opium Wars, and was followed by the 99-year lease of an area of land in northern Hong Kong, known as the New Territories, to the British in 1898. With its northern part adjoining Guangdong Province in China, Hong Kong is within easy reach on

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<sup>28</sup> Tsang (2006) has previously used the terms "open door" and "closed door" to illustrate the change of the Hong Kong colonial government's border policy on mainland illegal immigration. For Tsang, the "open door" policy spanned from the 1950s until October 23, 1980 when the government abolished the "touch base" policy. Since then, it "closed" the "door" on illegal immigrants while retaining a system of discretion to allow claims of stay based on special circumstances. Building on Tsang's analysis, I add the "semi-closed door" policy to accentuate the significance of the "touch base" policy as a transition between the "open door" and "closed door" policies.

foot or by sea from coastal cities in southern China. During the first one hundred years under British rule, border-crossing between the colony of Hong Kong and China was “almost unrestricted” (Law and Lee 2006:222). From the colonial government’s point of view, it was “both necessary and practical” (Newendorp 2008:10) to keep the Hong Kong border open to mainland Chinese. Economically, by the 1860s Hong Kong had become a prosperous entrepôt and the spearhead for British trade in China, so that it was essential for the colonial government to keep the border unrestricted to facilitate trade (So 2003). Socially, most Hong Kong Chinese have strong familial, cultural, and historical ties with mainland Chinese, especially those in the neighboring province of Guangdong who share the Cantonese culture and language (Newendorp 2008). The colonial government took particularly cautious steps not to limit Guangdong people’s entry into Hong Kong so as to avoid upsetting Hong Kong people by “barring Chinese of the same flesh and blood” (Tsang 2006:92). Last but not least, the colonial state sought to construct Hong Kong as a “safe and well ordered sanctuary for refugees” from mainland China so as to foster “a sense of political distinction between Hong Kong and China” (Ku 2004:333). However, the century-long unrestricted border policy experienced a turnabout in 1949.

### **2.1.2 Hong Kong’s Immigration Policy and Societal Responses to Illegal Influxes (1949 to 1980)**

At the end of the Second World War in 1945 Hong Kong’s population was around 600,000. By 1981, in three and a half decades, its population grew nearly eightfold to over five million. Such rapid and drastic population growth was largely due to several waves of massive mainland Chinese migration.<sup>29</sup> The first wave was due to the return of a million pre-war Hong Kong

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<sup>29</sup> Before the Second World War most mainlanders entered Hong Kong for temporary stay and would return to China. Since the end of the War, by contrast, most opted to stay permanently and thus drove up Hong Kong’s population.

residents who had previously fled to China or had been sent there during the Japanese occupation (Newendorp 2008). The second was attributed to the inflow of political and economic refugees escaping from China's civil war and the subsequent establishment of the PRC (ibid.). In 1949 alone nearly 700,000 mainlanders fled to Hong Kong (H. Siu 1996:1).

With rising concerns about the threat of Chinese communism and the negative impacts of rapid population growth on the well-being of existing Hong Kong residents, the colonial government took an unprecedented action to limit the entry of mainland Chinese (H. C. Leung 2006:101; Newendorp 2008:43). In 1949 it enforced the *Immigration Control Ordinance* requiring all mainland entrants, except those from Guangdong, to possess valid entry permits issued by the Hong Kong authorities. Further, in 1950 the colonial government imposed a quota on mainland Chinese who wished to enter Hong Kong for residence. This move, however, upset Beijing and triggered the latter to impose exit limits on its mainland residents in 1951.<sup>30</sup>

Despite mutual imposition of exit-entry controls by the two governments, mass migrations of refugees fleeing from China to the colony occurred repeatedly in 1958-62, 1967-73, and 1979-80. Because it was difficult to obtain an exit permit from mainland authorities, most mainlanders entered Hong Kong illegally. The third wave of Chinese influx stemmed from a series of natural disasters and devastating political events, such as the Great Leap Forward campaign (1958-62) and the Cultural Revolution (1967-76), transpiring in the mainland between the 1950s and 1970s. In May 1962 alone over 50,000 refugees entered Hong Kong when famine

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<sup>30</sup> After subsequent negotiations, the PRC and Hong Kong colonial governments reached an agreement. The PRC would vet and approve mainlanders' applications for entering Hong Kong for residence. The colonial government would accept all mainlanders who had valid exit permits. However, in recognition of Hong Kong's population pressure, the PRC would limit the number of permits to be issued. This exit-entry regulation imposed on mainland Chinese who wished to settle in Hong Kong was the prototype of the OWP scheme which has been used until today, except for two brief suspended periods in 1955 and 1956 (Law and Lee 2006:219).



conditions following the disastrous Great Leap Forward campaign were at their worst (Newendorp 2008:42).

While a quota for exit-entry controls was imposed, the colonial government remained lenient in practice allowing almost all illegal immigrants to regularize their status and to stay in Hong Kong for economic purposes (Law and Lee 2006:220). Many of the mainlanders who came in the late 1940s were entrepreneurs and skilled workers fleeing from major cities such as Shanghai. The capital and skills that these people brought in were helpful for building labor-intensive light industries in postwar Hong Kong. Those who arrived in later periods between the 1950s and late 1960s were mostly young, less-skilled, rural peasants from Guangdong Province. As Hong Kong's industrialization began to take off in the 1950s, the inflow of a culturally homogenous group was not seen as a problem but rather as a large pool of cheap labor to facilitate the city's booming industrial development (So 2003:518; Tsang 2006:90-92). Favorable labor market conditions promoted social inclusion. Throughout the 1950s and 1960s Hong Kong's society was indeed very "open" to mainland immigrants who were easily incorporated into society (Law and Lee 2006:235). Although they were portrayed as *daai hoeng lei* (or *tai heung lei* in K. W. Ma 1999:66, Newendorp 2008:47; Cantonese, literally country bumpkins) in popular discourse, immigrants from China were not singled out for discrimination but were generally perceived as "fellow country-men who needed sympathy and help" (K. W. Ma 1999:66).

However, in the early 1970s the socioeconomic conditions that previously supported Hong Kong's amicable attitude toward mainland immigrants began to change. In the wake of the 1973 Oil Crisis, Hong Kong experienced an economic slow-down and rising unemployment that sparked its residents to begin to feel the adverse effects of the influx of illegal immigrants over

the years. Hong Kong elites started to put pressure on the government to control the Chinese influx (Tsang 2006:93). In November 1974, with the consent of Beijing, Hong Kong tightened its border policy to repatriate all illegal immigrants who were apprehended while attempting to enter the colony. However, those who managed to reach the urban area and established contact with family or friends and found accommodation would be deemed to have “touched base,” permitted to regularize their status, and to stay. This “semi-closed door” stance on dealing with illegal immigrants, commonly known as the “touch base” policy, did not last long, however. In the late 1970s Hong Kong was bombarded by the fourth wave of Chinese influx, in which hundreds of thousands of mainlanders took advantage of the advent of China’s political and economic liberalization to exit the PRC to seek a better life across the border.<sup>31</sup>

Unlike previous influxes which were tolerated by the colonial state and society to different degrees, a growing antipathy toward new illegal immigrants was widely felt in the community. Economic adversity fostered social exclusion. In the late 1970s and early 1980s Hong Kong’s labor market conditions became less favorable because of global economic restructuring (Law and Lee 2006:235). In contrast to the prior view of immigrants as a useful labor force for building the postwar Hong Kong economy, recent unskilled immigrants were accused of taking jobs away from low-skilled Hong Kong workers and of driving up crime rates (Tsang 2006:94). In addition, the rise of a locally-rooted Hong Kong *yan* (Cantonese, literally people) identity in the 1970s led Hong Kong people to define themselves in opposition to the negative images, such as lawlessness, low productivity, economic backwardness, and cultural inferiority, ascribed to mainland China and its people (Ku 2004; K. W. Ma 1999). According to Ku, Hong Kong people’s negative perceptions of mainland Chinese stemmed from a deep

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<sup>31</sup> In 1978, 95,000 mainlanders fled to Hong Kong and became “illegal immigrants.” Subsequently 178,000 and 91,000 mainlanders illegally entered Hong Kong in the next two years, respectively (H. Siu 1996:1).

ideological divide between liberalism and communism, and were aggravated by the widening socioeconomic disparities between Hong Kong and China in the 1970s (2004:353).

Unlike the *daai hoeng lei* label bearing no particular discriminatory sentiment in the 1950s-60s, terms such as *daai luk zi* (Cantonese, literally mainland boy), *gwong dung zi* (literally Guangdong boy), and *Ah Chian* (a male character's name in a Hong Kong TV drama series),<sup>32</sup> became popular pejorative images in the 1970s and early 1980s that served to single out mainland illegal immigrants as a distinct social category (K. W. Ma 1999; H. Siu 1996). Alien and criminal images of illegal immigrants were portrayed and reinforced by daily newspaper accounts of “overly bold and brutal” behaviors of “Guangdong boys,” and by popular movies such as *Long Arm of the Law* depicting greedy and merciless mainlanders who committed violent robberies in Hong Kong (H. Siu 1996:13). The term *Ah Chian*, deriving from a popular 1979 Hong Kong TV drama series, *The Good, the Bad, and the Ugly*, stirred the stereotype of mainland immigrants, legal or illegal, as “dirty outsiders” to Hong Kong people (K. W. Ma 1999:66). The male character, *Ah Chian*, a mainland illegal immigrant who came to Hong Kong to join his family, was “ill-disciplined and lawless,” had an “insatiable appetite,” and consistently violated “the sense of good taste among the established Hong Kongers” (ibid.:68). Since the drama was aired, *Ah Chian* had become “the public face of the newcomers” and “set in motion a stigmatizing process that has persisted for years” (ibid.:63). As Newendorp further argues, the “foully dirty” image of mainland immigrants, vividly represented by *Ah Chian*, personifies “the threat of contamination that Hong Kong people were experiencing in the face of the seemingly uncontrollable masses of illegal immigrants arriving in the colony” (2008:48). Hong Kong people's fear of “being contaminated” by masses of illegal immigrants and their growing

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<sup>32</sup> The romanization of the TV character's Chinese name is *Aa Caan* according to the syllabic database developed by the Research Center for the Humanities Computing at the Chinese University of Hong Kong. However, in view of the wider usage of *Ah Chian* among scholars, I use *Ah Chian* instead of *Aa Caan* in this dissertation.

hostility toward the latter were well reflected in the speech of Sir Murray McLhose, then Hong Kong Governor, given to the Legislative Council on October 23, 1980 as he announced the abolition of the “touch base” policy:

Far from being welcomed by our people, the illegal immigrants are now more and more resented as they are seen to be eroding the improvement in standards that the people of Hong Kong have worked so hard to achieve... [and] effect on our prospects over housing, medical provision, education, social welfare, and public security... [C]rime committed by illegal immigrants is on the increase and out of all proportion to their numbers. Short-time working in some industries, some rise in unemployment, fear of recession, have all given an added thrust to the general demand for new action by the Government to halt this flow [of mainland illegal immigrants]... (Legislative Council 1980a:103)

With the consent of Beijing, Hong Kong abolished the “touch base” policy and enforced repatriation of mainland illegal immigrants who were apprehended in the colony. On the very same date, Hong Kong’s immigration authorities also amended the Immigration Ordinance to require all Hong Kong residents aged 15 and above to carry their identity cards or some other acceptable proof of identification at all times, and to present them for inspection on demand by the police and immigration officials. The new laws also prohibited employers from hiring illegal immigrants. The practice of allowing mainland visitors to indefinitely overstay their PRC-issued visit permits ended, and removal from the colony was enforced (Newendorp 2008:49).<sup>33</sup> In short, these changes marked a permanent departure from the previous era of Hong Kong’s state and societal tolerance toward mainland illegal immigration. A new chapter of politics of resentment against illegal immigrants began.

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<sup>33</sup> Previously, mainland overstayers were allowed to regularize their status through the renewal of visas in six-month increments for periods up to seven years. At the end of the seventh year, they could apply for Hong Kong permanent residence (Newendorp 2008:49).

## **2.2 THE RISE OF HONG KONG-CHINA MARRIAGES & THE NEW ERA OF CHINESE LEGAL & ILLEGAL MIGRATION TO HONG KONG (1980S-1990S)**

Between the 1950s and late 1970s most mainland immigrants were single young men who entered Hong Kong illegally in search of a better life. By contrast, throughout the 1980s-90s, the majority of immigrants from China arrived in Hong Kong legally through the OWP scheme for family reunion. These legal immigrants were mainly wives and non-adult children of Hong Kong men who belonged to the former group of illegal immigrants. The second part of this chapter examines how a structural condition of marriage squeeze that disadvantaged the prior illegal immigrant men in Hong Kong, coupled with increased economic relations between Hong Kong and China, gave rise to the prevalence of cross-border marriages in the 1980s-90s. Massive influxes of male illegal immigrants from China before 1980 led to an acute sex ratio imbalance for individuals of marriageable age in Hong Kong. According to the 1981 Hong Kong Census and Statistics, there was a shortfall of some 240,000 women in the 20-34 marriageable age bracket compared with 450,000 men of the same age cohort (Tsang 2006:97). Increased economic interactions between Hong Kong and China beginning in the 1980s, and the strengthening of Hong Kong's regional economic role in South China, sustained the asymmetric Hong Kong-China economic relations in the 1990s. The socioeconomic processes not only fueled the growth of Hong Kong low-income, lower-class men to seek more affordable wives in the mainland, but also gave rise to a large-scale "second wife" (*yi naai* in Cantonese, i.e. mistress) phenomenon in which Hong Kong middle-class men set up a second household in China (Lang and Smart 2002; Shih 1998; So 2003; M. Tam 1996).

## 2.2.1 Marriage Squeeze and Hong Kong Lower-Class Men's Cross-Border Marriages

Hong Kong-China marriages experienced a steep upward trend from 1986 to the peak level in 1997. However, starting from 1998, these marriages dropped but then rebounded to about the 1997 level in 2005 (see Table 2.1 and Figures 2.1-2.3).

Table 2.1 Hong Kong-China marriages compared with other marriages in Hong Kong, 1986-2010

Year	Brides from China			Grooms from China			Overall	All other HK marriages
	CAMR <sup>(1)</sup>	HK marriages	Total	CAMR	HK marriages	Total		
1986	15,073	703	15,776	596	79	675	16,451	42,498
1991	20,630	590	21,220	1,300	90	1,390	22,610	41,888
1996	22,349	2,215	24,564	1,552	269	1,821	26,385	34,561
1997	26,040	2,269	28,309	1,824	366	2,190	30,499	34,958
1998	16,416	2,685	19,101	1,313	390	1,703	20,804	28,598
1999	14,752	3,054	17,806	1,118	369	1,487	19,293	27,864
2000	13,886	3,834	17,720	1,142	546	1,688	19,408	26,499
2001	13,211	5,169	18,380	1,636	723	2,359	20,739	26,933
2002	10,127	7,724	17,851	1,394	977	2,371	20,222	23,369
2003	7,501	10,185	17,686	1,083	1,324	2,407	20,093	23,930
2004	7,842	13,126	20,968	1,504	1,888	3,392	24,360	26,362
2005	8,094	16,775	24,869	2,193	2,726	4,919	29,788	23,517
2006	9,963	18,182	28,145	3,077	3,406	6,483	34,628	28,740
2007	5,910	15,978	21,888	1,825	2,490	4,315	26,203	28,985
2008	4,797	14,206	19,003	1,539	2,409	3,948	22,951	30,716
2009	4,394	13,751	18,145	1,595	2,599	4,194	22,339	34,825
2010	3,791	9,655	13,446	1,577	1,864	3,441	16,887	41,039

Notes: (1) Certificate of Absence of Marriage Record (CAMR). Since successful applicants of CAMR for marriage purposes in China may not eventually marry, the total figures above only aim to give an upper bound of total numbers of cross-border marriages.

Source: The Fertility Trend in Hong Kong 1981-2006 (2007a) & Women and Men in Hong Kong: Key Statistics (2011a), Hong Kong Census and Statistics Department.

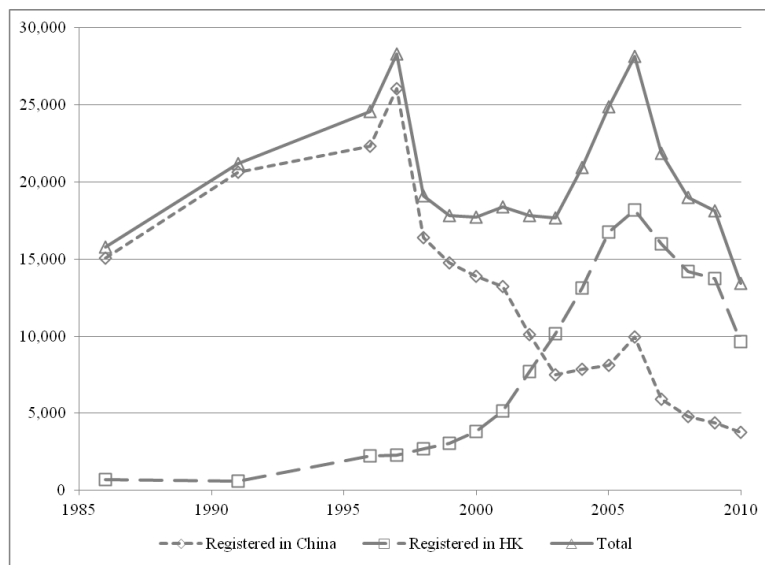


Figure 2.1 Marriages between mainland brides and HK grooms

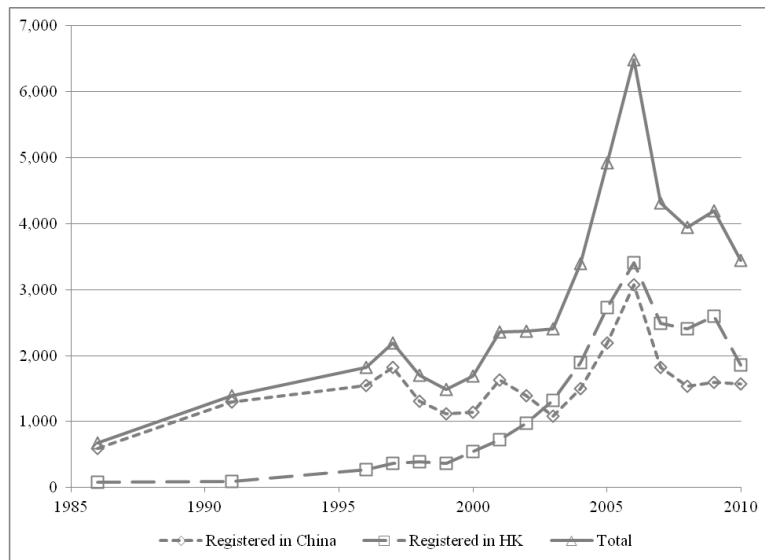


Figure 2.2 Marriages between HK brides and mainland grooms

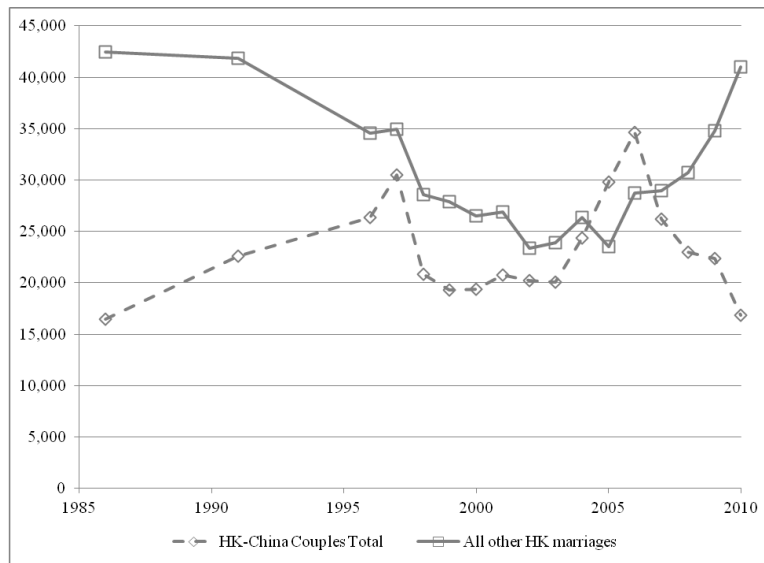


Figure 2.3 HK-China marriages vs. other HK marriages

Men and women from Hong Kong and China can marry in two legitimate ways. On the one hand, Hong Kong residents can apply for a Certificate of Absence of Marriage Record (CAMR) from the Hong Kong immigration authorities and marry their mainland partners in China. The record is commonly known as *gwaa lou zing* (Cantonese, literally bachelor permit), pinpointing the striking gendered nature of the cross-border marriage phenomenon: it is mostly Hong Kong men who apply for the record for marriage purposes in China (Lau 2008). On the other hand, mainland residents can come to Hong Kong as visitors and couples can register their marriages in Hong Kong. Before Hong Kong's handover in 1997, most couples married through the first route because it was difficult for mainlanders to acquire visitor permits from mainland authorities to come to Hong Kong. After 1997 and especially after the implementation of the 2003 Individual Visit Scheme (see section 2.3.1 in this chapter) which facilitated widespread mobility of mainlanders to visit Hong Kong, cross-border marriages registered in Hong Kong



have increased whereas the number of Hong Kong applicants for CAMR declined (see Table 2.1 and Figures 2.1-2.2).

In the 1980s-90s most Hong Kong-China marriages involved middle-aged or older, lower-class, and sometimes widowed, Hong Kong men and younger mainland women (Li 2001; Newendorp 2008). Many of the Hong Kong grooms were prior mainland illegal immigrants who had entered Hong Kong in earlier periods between the 1950s and 1970s. The colonial state's 30-year-long (1949-80) lenient policy of admitting masses of illegal immigrants, the majority (84.6 percent) of whom were single, rural peasant men (Tsang 2006:97), resulted in a long-term marriage squeeze that disfavored these illegal men in Hong Kong's marriage market until the mid to late 1990s (Ma, Lin, and Zhang 2010:87). Most (74.8 percent) of the immigrant men were previously farmers and fishermen in China (Tsang 2006:98) and occupied the lowest stratum of occupations, such as restaurant and construction site workers and truck and taxi drivers in Hong Kong. With their socio-economically disadvantaged backgrounds, these immigrant men had difficulty in competing with local Hong Kong men of higher incomes for local wives, but looked instead to China (Ma, Lin, and Zhang 2010; Newendorp 2008; H. Siu 1996; So 2003:525). The stereotype of immigrant men as "losers" in the local Hong Kong marriage market thus emerged.

After having established and gained permanent residence in Hong Kong, unmarriageable immigrant men returned to China to seek wives, usually through family or friend introductions when they returned to China for visits. In some cases they married long-term girlfriends (Newendorp 2008:73-74). Indeed, the majority (83.8 percent) of Chinese wives who subsequently entered Hong Kong through the OWP scheme for family reunion reported Cantonese as their usual language, reflecting their geographical origin in Guangdong (Census and Statistics Department 2007b). Again, the historical and familial ties between Hong Kong and

its neighboring province of Guangdong long facilitated cross-border marriages between Hong Kong and mainland residents. When socioeconomic disparities between Hong Kong and China remained wide in the 1980s-90s, marriages between Hong Kong men and mainland women were viewed as “a better exchange in the marriage market” for both sides across the border (So 2003). From the mainland rural women’s perspective, the wide socioeconomic disparities between Hong Kong and China made cross-border marriage an attractive proposition to leave China in search of a better life in Hong Kong (ibid.).<sup>34</sup>

Due to their general low-education and low-skill profiles,<sup>35</sup> mainland immigrant wives often experienced problems searching for jobs and interacting with Hong Kong residents after settling in Hong Kong (Lau 2008; Newendorp 2008; P. Ng 2004; Pun and Wu 2006; So 2003). A nongovernmental organization’s survey found that most (82 percent) of the new arrival respondents believed that they were discriminated against by Hong Kong people (88.9 percent) and denounced as “parasites” (78.5 percent) (Society for Community Organization 2001:10-11). From the government’s point of view, the inflow of recent socio-economically disadvantaged immigrant wives brought about “quality-related demographic problems” more than potential quantity-related advantages to Hong Kong (Task Force on Population Policy 2003:37). The state-endorsed portrayal of recent immigrant wives as of “low quality” and posing “a serious challenge for Hong Kong” (ibid.) reinforced the stigmatization of mainland immigrants.

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<sup>34</sup> This Hong Kong-China pattern in many ways resonates with those of marriages referred to as “global hypergamy” (Constable 2005), in which poor women from the Global South are viewed as passive subjects in international marriages relative to rich men in the Global North, except that Hong Kong-China marriages transpire within a state rather than between states. However, contributors to Constable’s edited volume have questioned the notion of “global hypergamy” and asked, “how, for whom, and in what sense these marriages represent upward mobility” (ibid.:10).

<sup>35</sup> For instance, official data in 1996 showed that 52 percent of mainland new arrivals were between the ages of 20 and 59, 36 percent of whom had only primary education or below, and 72 percent were economically inactive before migrating to Hong Kong, which reflected that they were mostly housewives of Hong Kong men (Task Force on Population Policy 2003:19).

### **2.2.2 Asymmetric Hong Kong-China Economic Relations and Hong Kong Middle-Class Men's Mainland "Second Wives"**

Due to the PRC's economic reforms in the late 1970s and because of the rapidly growing Hong Kong-China economic interactions in the following decades, many Hong Kong enterprises moved "up north"<sup>36</sup> and tens of thousands of Hong Kong residents worked and visited the mainland. This has led to increased opportunities for men and women to meet. Between 1989 and 2005 the numbers of Hong Kong people working in China increased drastically by more than six times from 37,000 to 228,900, accounting for 6.8 percent of the total Hong Kong labor force. Most (75.8 percent) of Hong Kong people working in China are men, many of whom are between the ages of 30 and 49, and most occupy a higher stratum of occupations, such as managers, administrators, professionals, and associate professionals (Census and Statistics Department 2006). Added to this group of high-skilled, middle-class men are many other lower-income, working-class Hong Kong truck drivers who facilitate daily flows of people and goods across the border (Lau 2008; Li 2001; Newendorp 2008).

In their workplace and in leisure, Hong Kong men have many opportunities to meet mainland women, most of whom are migrant workers from rural areas to richer cities in southern China aiming to seek a better life through work and sometimes through marriage to the relatively affluent Hong Kong men (*ibid.*). Throughout most of the Maoist period (from the early 1950s to the mid 1970s), mainland residents were largely tied to their place of household registration for work and residence. Thanks to the beginning of state-led political and economic liberalization in the late 1970s, mainlanders experienced increased movement opportunities in search of better

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<sup>36</sup> By the early 1990s the PRC's economic reforms had attracted nearly 60,000 enterprises with foreign capital, mostly from Hong Kong, to set up or expand in Guangdong Province. Sufficient supplies of cheap labor and low-priced industrial sites in Guangdong provided a golden opportunity for Hong Kong industrialists to relocate their labor-intensive industries there (So 2003:520).

life chances. By the late 1990s women had accounted for approximately 40 to 45 percent of the more than 100-million, rural-to-urban migrant workers, half of whom were said to have moved to Guangdong Province (Newendorp 2008:75-76).

Despite the enforcement of a monogamy policy in Hong Kong in 1971, it is estimated that by the mid 1990s one in six Hong Kong men working in China had set up a second household with a “second wife” (or concubine) while their legal wives usually stayed behind in Hong Kong (M. Tam 1996:122). It is estimated that these men collectively sired nearly 300,000 illegitimate babies with their second wives, about five percent of Hong Kong’s population at that time (Shih 1998:304). The prevalence of the second wife phenomenon captured much media attention and stirred a “moral panic” in Hong Kong in the mid 1990s (So 2003:522).<sup>37</sup> Calls for criminalization of the second wife phenomenon through new legislation attracted heated public debate.<sup>38</sup> The stereotype of mainland women as “gold diggers” who intentionally sought a better life through marriage and sex was intensified by the immoral images of second wives as seductresses and usurpers who destroyed existing families. However, the Hong Kong public discourse also portrayed mainland second wives as victims of contemporary China’s socioeconomic inequalities. As M. Tam argues, becoming a second wife “is a survival strategy” for low-class, rural-to-urban migrant women who have few options to benefit from the booming economy in China (1996:128). As socioeconomic disparities between Hong Kong and China remained wide in the 1980s-90s, others argued that mainland rural women, who faced little

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<sup>37</sup> At that time, the media routinely reported cases of family tragedy, such as betrayed Hong Kong wives attempting suicide and/or killing or castrating their husbands (Shih 1998:304). Not only was the second wife theme used as the plotline for broadcast dramas, but was also a popular topic of discussion in talk shows and among politicians, academics, and other professionals (M. Tam 1996:115).

<sup>38</sup> On the one hand, enraged Hong Kong legal, “first wives” organized protests demanding the Hong Kong government to take action to curtail rampant adultery. On the other hand, proposals also came from those demanding legalization of second wives, arguing that lonely Hong Kong men needed to have their psychological and sexual desires satisfied during long sojourns in China (Shih 1998:304).

chance for upward mobility as migrant workers, became “easy prey” for adulterous Hong Kong men in exchange for personal gains (Shih 1998:304).

### **2.2.3 Legal Immigration through the One-Way Permit Scheme**

Mainland second wives’ relationships with their Hong Kong “husbands” cannot be legitimized by formal registration as a marriage, so that these women have no chance to settle in Hong Kong for family reunion. However, legally married mainland women can apply for an OWP from the exit-entry authorities where their household registration is kept in the mainland. Throughout the 1980s-90s and until today, the OWP, a permanent exit permit that is vetted, approved, and issued solely by mainland authorities, has been the primary way for mainland residents to have their household registration legally and permanently canceled in mainland China so as to settle in Hong Kong for family reunion purposes. Unlike most receiving states in the world, Hong Kong does not have the power to process, intervene, or approve the immigration applications of mainland immigrants, nor to refuse entry of anyone with the OWP. The OWP scheme, characterized by its limited exit-entry quota, was set up after subsequent negotiations between the PRC and the Hong Kong colonial government in the early 1950s, and has gradually been modified and improved over the past six decades (J. Chan 2004; W. S. Chan 2011; H. Siu 2008; Y. M. Siu 1999; Tong 2004; see also section 2.3.3 in this chapter).

Throughout the 1980s-90s, due to a very limited daily OWP quota (ranging between 75 and 150 persons per day in different years) as compared with large numbers of potential immigrants resulting from Hong Kong-China marriages, mainland wives and mainland-born children of Hong Kong men had to wait for about ten years on average to obtain an OWP. Limited quota aside, the OWP scheme was also notorious for its operational and bureaucratic faults. Before 1997 it was unknown how the permits were allocated beyond the two sub-quotas

for children who held a Certificate of Entitlement<sup>39</sup> and spouses who had been separated for more than ten years. It also lacked consistency in the quota allocation among different provinces and even between different places within the same province. In the 1980s the quota shortage was most severe among coastal cities in Guangdong Province such as Haifeng, Lufeng, and Shanwei (Tsang 2006:99).<sup>40</sup> For instance, a monthly quota of eight was allocated to Haifeng but there were over 2,000 approved applicants waiting for their turn. The Haifeng authorities had even once ceased to accept new applications because the existing queue was too long (ibid.:100).

Corruption is always a social problem in China. As of 2012, OWP applicants are required to obtain a series of approvals from officials and/or party cadres at different local levels, before submitting their application for final decision by the exit-entry authorities at the provincial level. It is commonly heard that OWP applicants have to bribe almost every level of official from the stage of requesting an application form until the approval of their application (Ho 2004:93). Those who neither have financial means to offer bribes nor personal networks (*guanxi* in Mandarin) to make contact with the officials and party cadres, may not ever hear anything back about their applications (ibid.). In some extreme cases they waited for twenty years to receive an OWP (Tsang 2006:99). Adding to the problems of corruption and nepotism is the absence of a complaint mechanism either in Hong Kong or in the mainland (Ho 2004:93). Not surprisingly, over the years the OWP system faults have pushed tens of thousands of desperate cross-border families yearning for faster family reunion to try to settle in Hong Kong through a “back door,” by trying to circumvent the OWP system using illegitimate or illicit means.

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<sup>39</sup> Mainland persons who claim the Hong Kong right of abode under paragraph 2(c) of Schedule 1 of the Hong Kong Immigration Ordinance are required to submit an application for Certificate of Entitlement (CoE) to the Hong Kong Immigration Department via the Exit and Entry Administration Office of the Public Security Bureau where their household registration is kept in the mainland. PRC residents who are issued a CoE and have it affixed onto an OWP can enter Hong Kong and exercise their right of abode (Security Bureau 2009a and b).

<sup>40</sup> In her original thesis, Tsang regarded these coastal cities as located in Fujian Province. However, these cities are in fact located in Guangdong Province.

## **2.2.4 Illegal Immigration through Human Smuggling and Overstaying Visit Permit**

After the “touch base” policy was ended in October 1980, mainland Chinese illegal migratory activities, commonly by human smuggling through sea routes and overstaying a PRC-issued family visit permit in Hong Kong, continued to occur (Lau 2008; Leung and Lee 2005; Newendorp 2008; Tsang 2006; Wong 2000).<sup>41</sup> In the 1980s-90s the majority of illegal immigrants were wives and non-adult children of Hong Kong resident men who tried to circumvent the OWP system to settle in Hong Kong. As Tsang (2006) explains, the illegal influx of cross-border family members was in some ways facilitated by the “loopholes” in Hong Kong’s immigration laws, that required no identity check for children under age 15 and allowed officials to exercise discretion to permit stay for those who had “genuine hardship and distress” (Legislative Council 1980b). While immigration officials stood firm in repatriating illegal immigrants who came for jobs, a certain extent of discretion was exercised to allow illegal minors under age 14 to stay in Hong Kong.<sup>42</sup> Nonetheless, the immigration “loopholes” were increasingly exploited by cross-border families as more and more children were being smuggled in illegally, often putting their lives at risk.<sup>43</sup> Even mainland wives at a late stage of pregnancy resorted to smuggling and risking their lives to enter Hong Kong in an attempt to bestow Hong Kong birthright residence on their children (Tsang 2006).

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<sup>41</sup> Over 60 percent of mainland illegal immigrants came through sea routes by speedboats and fishing junks, as Hong Kong and mainland authorities had stepped up land patrol on both sides of the border after the end of the “touch base” policy (Tsang 2006:98).

<sup>42</sup> The Hong Kong immigration authorities took two conditions into consideration to exercise discretion to permit illegal minors to stay in Hong Kong: (1) if both parents were legal Hong Kong residents; (2) if their mothers were deceased or lost from the family. Since late 1980 an average of 600 illegal children surrendered monthly to the immigration authorities for stay assessment. From 1981 to 1986 a total of 6,516 illegal children were permitted to stay in Hong Kong (Tsang 2006:110-115).

<sup>43</sup> For instance, in 1985 and 1986 five children died during their illegal passage into Hong Kong. Between September 1986 and April 1987, 94 children were found abandoned by smugglers in 18 different cases (Tsang 2006:118).

Calls arose for the government to take a firmer stance on banning illegal migratory activities, culminating in the official one-day amnesty in which children under age 14 who had already arrived in Hong Kong illegally were allowed to report to the Immigration Department within 24 hours for identity registration (Cheung and Wai 1987). However, during the registration process, 68 mothers of the surrendered children were found to be illegal immigrants and all of them except three were subject to repatriation (Macklin 1988). Facing the forced removal, the women's Hong Kong husbands launched a series of petitions and protests to urge the government to handle the issue more humanely. This event was one of the two major collective actions among Hong Kong-China couples fighting for family reunion outside the monolithic OWP policy in the 1980s (another was organized by mainland "boat bride" families; see section 2.2.5 in this chapter). Despite the families' pleas and sentimental protests including hunger strikes and cutting fingers to write "blood petitions" (Macklin, Wong, and Lee 1988; L. Tam 1988a; Yeung 1988a and b), unsympathetic voices were commonly heard even from other cross-border families who did not participate in the protests. The government's ultimatum to remove illegal mothers came in late January 1988; the women were sent back to China in a tearful farewell (L. Tam 1988b; Tang and Tam 1988).

Another cross-border family method of circumventing the OWP system is to overstay their PRC-issued, temporary family visit permit in Hong Kong. The exit-entry permit, commonly known as Two-way Permit (TWP), is a travel document that allows mainland residents to go to Hong Kong for short-term purposes such as family visits and tourism. In general, a mainland resident, who has a spouse, offspring, parent or spouse's parent, or sibling who is a Hong Kong resident, is eligible to apply for the Exit Endorsement for Visiting Relatives to be borne on their TWP document in order to enter Hong Kong for a family visit. In 1983 the PRC and Hong Kong



governments agreed to allow 75 persons per day to visit Hong Kong on a TWP (there is no official data on the exact quota allocated for family visit application). The daily quota steadily increased to 713 in 1995—the figure was five times more than the daily 150 permanent OWP quota. However, for most mainlanders, visiting their family members in Hong Kong on a temporary TWP was not a complete solution for long periods of separation caused by a long wait for a permanent OWP. This is not only due to the imposition of annual TWP application limits until the early 2000s,<sup>44</sup> but also because applicants frequently encountered corruption and bureaucratic problems in the course of the process. Therefore, for those lucky ones who were granted a TWP, they might decide to overstay the permit to extend the stay with their families in Hong Kong until being arrested by the police and immigration officials (Lau 2008; Leung and Lee 2005; Newendorp 2008; Wong 2000).

Caught in between OWP and TWP constraints and a growing hostility toward mainland illegal immigrants, by the early 1980s, Hong Kong-China split families' attempts for family reunion through illegal migratory activities inevitably incurred Hong Kong people's resentment despite their moral claims. In the 1980s there was another salient collective action organized by Hong Kong husbands and their mainland "boat brides" to fight for the women's residence rights in Hong Kong. This issue not only demonstrated the complexity of the Hong Kong-China marriage phenomenon in the 1980s, but also the arbitrariness of state power in controlling cross-border marriage migration and the definition of immigrants' status legality.

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<sup>44</sup> Before November 2002 mainland family members of Hong Kong residents were only allowed to apply for the Exit Endorsement for Visiting Relatives to enter Hong Kong twice a year. Each endorsement allowed the applicant to stay in Hong Kong for a period of three months or less per visit.

## 2.2.5 Mainland Chinese Boat Brides' Struggle for Residency

Previous research on Hong Kong-China marriages has largely overlooked the community of Hong Kong “boat people” (*seoi soeng yan* in Cantonese, literally people on the water) who had a tradition of inter-marriage with women from South China fishing communities, particularly those from Guangdong Province (Kong 1997).<sup>45</sup> In the past, due to their low educational levels, low incomes, and harsh living conditions on boats, Hong Kong fishermen had difficulty marrying local women living on land, but looked instead for brides from local or mainland fishing communities.

Commonly known as “boat brides” (*seoi soeng san noeng* in Cantonese, literally brides on the water), mainland wives of Hong Kong fishermen had different marriage migratory experiences from other mainland wives whose local husbands lived and worked on land. Women of the latter group have always been subject to the general immigration rule that requires them to first acquire an OWP before entering Hong Kong for residence. By contrast, with respect to the boat communities' special living and working conditions, the Hong Kong government adopted a tolerant measure allowing mainland boat brides to live in Hong Kong waters on their husbands' boats without first acquiring an OWP or TWP (Legislative Council 1985:1295). Despite this, the government never recognized the women as *de jure* Hong Kong residents. Until their legal Hong Kong residence status was established by virtue of having an OWP, boat brides were only allowed to stay in Hong Kong waters on condition that they held necessary documents to identify their own and their husbands' fishermen status, resided on their husbands' boats, and did not set foot ashore except under special circumstances such as threats from typhoons and medical

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<sup>45</sup> According to Anderson (2007), Hong Kong boat people were fishermen and cargo carriers who lived on their boats, or pile houses built over the water, and rarely came on shore. The boat-dwelling people considered themselves a separate ethnic group vis-à-vis other Hong Kong residents who live on land due to their unique residence on the water. By the early 1990s most boat people had already gone on shore to live and work in factories and shops. Today, the boat community no longer exists in Hong Kong.

emergencies (ibid.). Once they set foot on land without prior permission, they were deemed illegal immigrants and faced repatriation (ibid.). These women thus could not fully participate in daily family life. They had to rely on their husbands to go on shore for grocery shopping and to take children to and from school. More acute problems in relation to the vulnerability of boat brides' residence rights were raised in the early 1980s, as the government ruled that the women lost their right to live in Hong Kong waters once their husbands took up work or moved to live on land (Tang 1985a). During that time, Hong Kong fishermen gradually gave up fishing to work on land because of a recession in the industry. Once their husbands were no longer fishermen, boat brides' residence rights in Hong Kong waters would be nullified and they would inevitably be categorized as "illegal immigrants."

According to the Hong Kong Secretary for Security, in 1985 there were 836 mainland boat brides staying in Hong Kong waters and having not yet obtained an OWP. However, the number could be higher because fishermen often came and went (Legislative Council 1985:1297). In September 1984 a group of 14 boat brides' Hong Kong husbands, who were formerly fishermen, petitioned to the government to allow their wives to come ashore and stay in Hong Kong permanently (Kong 1997). However, the government in turn charged the women as illegal immigrants because they had breached their conditions of stay. It argued that although these women were genuine fishermen's wives when they first came to Hong Kong, they lost this status when their husbands ceased to be fishermen, and must therefore leave their dwelling boats voluntarily or be deported (Tang 1985a). The boat bride families opposed the government's arguments and orders, claiming that the women were part of the families, and that the government did not appropriately inform the families that women would lose their residence rights when their husbands changed jobs (ibid.). Between March and early August 1985 the boat

bride families launched a series of petitions and protests to fight for boat brides' residence rights in Hong Kong (Chen 1985; Guterres 1985; Kong 1997; Leung and Tang 1985; Quon 1985; *South China Morning Post* 1985; Tang 1985b, c, and d). Despite the families' pleas and efforts of concerned groups and individuals rallying behind them, the government stood firm and insisted that the women were no different from other illegal immigrants sneaking in Hong Kong, and all 14 boat brides were forced to return to China by the end of 1985.<sup>46</sup>

The situation of mainland boat brides in the 1980s is in many ways similar to those of contemporary mainland TWP migrant wives who are allowed to stay only temporarily in Hong Kong as "visitors." Both groups of women are simultaneously present yet non-existent in Hong Kong society: they are part of the family, but are socially non-existent in the community due to the ambiguity and temporariness of their immigrant status. Also because of their unrecognized immigrant status, the legality of their residence in Hong Kong is vulnerable and can easily be reinterpreted and manipulated by the government.

### **2.3 CONTEMPORARY TRENDS OF HONG KONG-CHINA MARRIAGES AND MAINLAND CHINESE INFLOWS (2000S AND BEYOND)**

The third part of this chapter explores contemporary trends of Hong Kong-China marriages amid socio-cultural and political-economic ambivalence of Hong Kong residents in relation to China in the post-1997 era. As of 2012 Hong Kong's reunification with the PRC at the state level has not given rise to an amicable Hong Kong-China integration at the societal level. After the handover, Hong Kong is said to have experienced an identity crisis. In the past, Hong Kong's local identity vis-à-vis mainland China was constructed upon a sense of superiority over the

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<sup>46</sup> In 1986 about 1,000 mainland boat brides were removed from Hong Kong waters but were told the government would process their residency applications within three years. By 1989 they were all living legally in Hong Kong (*Migration News* 1997).

latter in different social, economic, and political domains. Since the handover, however, the city experienced a series of economic downturns. Hong Kong is not only losing its free-market economic superiority relative to China but facing an increasing dependence on the latter for its own economic survival amid a new era of global economic crisis. Experiencing an inversion in the past asymmetric Hong Kong-China economic relations as well as increasing influences from the PRC on local affairs (for example, see footnote 49 in this chapter), many Hong Kong people are alarmed at the loss of Hong Kong's autonomy and the disappearance of the uniqueness of Hong Kong *yan*.

### **2.3.1 Contemporary Mainland Chinese Movements to Hong Kong**

Since the early 2000s, the two governments have reached agreements to facilitate larger mobility of mainland residents to enter Hong Kong for short-term purposes such as family visits, tourism, professional work, and education, in response to the changing economic environment at the national and international levels. In the wake of the 2003 SARS epidemic, in order to stimulate Hong Kong's weakening economy, the mainland government relaxed the TWP system and introduced the Individual Visit Scheme to encourage mainland residents to come to Hong Kong for tourism. Previously, mainland tourists could only visit Hong Kong with restrictively organized tour groups, and they were required to pay a large deposit used to cover the cost of PRC government-imposed fines should an individual not return to the mainland with the group. Thus, participation in tour groups remained difficult for many mainlanders (Newendorp 2008:13). Since the implementation of the Individual Visit Scheme in July 2003, 270 million mainland residents with a permanent household registration in approved Chinese cities are potentially

allowed to visit Hong Kong in their individual capacity for a period of no more than a seven-day stay on each visit.<sup>47</sup>

However, mainland tourists are a double-edged sword. On the one hand, they have undeniably given a boost to Hong Kong's economy.<sup>48</sup> On the other hand, large daily inflows of mainland tourists have brought about social concerns that are widely felt in the Hong Kong community. The "new rich" mainland tourists do not just buy up luxury products but also shop for basic necessities since the quality of mainland goods is often questionable. Abusing the visit scheme, many mainlanders engage in smuggling, or what is locally called "parallel trade," to meet the mainland's insatiable demand for good-quality necessities found in Hong Kong such as baby formula, milk powder, diapers, shampoo, and other goods, often causing shortages and price increases of Hong Kong goods (Ip 2012; M. Ma 2013; B. Siu 2013a). Although voices for limiting mainland visitors are growing in Hong Kong (C. Chan 2013; *Hong Kong Standard* 2012d; B. Siu 2013b), and there have been many arrests and crackdowns on parallel traders (C. Chan 2012a, b, and c; *Hong Kong Standard* 2012c, 2013a and b), the PRC seemingly has its own plan to expand the visit scheme to benefit more mainlanders at any time without consulting the HKSAR government beforehand.<sup>49</sup>

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<sup>47</sup> Mainland residents who wish to enter Hong Kong for tourism on an individual basis can apply for an Exit Endorsement for Individual Visit to be borne on their TWP from the exit-entry authorities where their household registration is kept. The exit endorsement is valid for three months to one year and allows the holder a single or multiple journeys to Hong Kong for a period of no more than a seven-day stay on each visit. Eligible applicants may apply for a new endorsement once the current one expires or is used up. There is no quota on the number of endorsements to be issued (Immigration Department 2012; Hong Kong Tourism Commission 2006).

<sup>48</sup> For instance, in 2011 more than HKD253 billion (approx. USD32.4 billion) of revenue was brought in by nearly 42 million tourists visiting Hong Kong, 67 percent (28 million) of whom were from mainland China (Hong Kong Tourism Board 2012).

<sup>49</sup> For instance, since April 2009 the PRC has allowed a potential of 2.68 million permanent residents of Shenzhen in Guangdong Province to apply for a multiple-exit TWP for individual visit to Hong Kong. On August 25, 2012, without giving prior notice to the HKSAR government, the PRC announced that starting on September 1, a potential of four million non-permanent residents of Shenzhen would be allowed to apply for such visit permit without having to return to their hometowns to go through the process. This sudden announcement alarmed Hong Kong for fear of a new uncontrollable inflow of mainland tourists. The HKSAR government was pressured to convey Hong Kong

Besides tourism, the Individual Visit Scheme also facilitates mainland expectant mothers to come to the city just to give birth. In 2001 there were only 620 children born whose parents were not Hong Kong permanent residents. The figure surged to 35,736 in 2011, accounting for almost 38 percent of the total number of newborns in Hong Kong (Census and Statistics Department 2012). Different driving forces from Hong Kong and the mainland have led large numbers of mainland women to go to Hong Kong to give birth. First and foremost, the 2001 court judgment known as the “Chong Fung Yuen Case,” vindicated the right of abode to children born in Hong Kong by Chinese citizens before or after the establishment of the Hong Kong SAR.<sup>50</sup> Second, the implementation of the Individual Visit Scheme in 2003 facilitated mainland women’s ability to make use of a tourist permit to “visit” Hong Kong for childbirth. Third, giving birth in Hong Kong is a way to evade the PRC’s one-child policy and to bestow the Hong Kong right of abode and eligibility for Hong Kong’s social benefits on their children. Last but not least, mainland pregnant women believe they can enjoy better quality medical services during childbirth in Hong Kong.

As of 2012 the controversy of mainland expectant mothers going to Hong Kong for childbirth had raised public awareness and caused heated discussions. In Hong Kong public discourse, mainland expectant mothers are reprimanded for placing enormous pressure on the city’s medical infrastructure and creating a range of existing and foreseeable problems in relation

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people’s worries to Beijing. Two weeks later Beijing agreed to shelve the new plan until Hong Kong had a chance to carefully assess the city’s capacity to receive visitors (*Hong Kong Standard* 2012a and b).

<sup>50</sup> Article 24 of The Basic Law of the HKSAR prescribes the categories of individuals who are Hong Kong permanent residents and confers on them the right of abode. One such category pertains to “Chinese citizens born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region” (Article 24, paragraph 2(1), Chapter III of The Basic Law. [http://www.basiclaw.gov.hk/en/basiclawtext/chapter\\_3.html](http://www.basiclaw.gov.hk/en/basiclawtext/chapter_3.html)). In line with this specific paragraph, the Court of Final Appeal ruled that because Chong Fung Yuen was a Chinese citizen born in Hong Kong on September 29, 1997, after the establishment of the Hong Kong SAR on July 1, 1997, he accordingly can claim himself as a Hong Kong permanent resident even though both of his parents were not Hong Kong permanent residents at the time when he was born (*The Director of Immigration v. Chong Fung Yuen*, FACV26/2000 [2001]).

to immigration, population control, education, housing, health care, social welfare, and labor market (Chong 2012; C. Lee, Chong, and So 2012; Lo 2011; Yau and He 2010). Although the Hong Kong government established immediate measures to discourage mainland women from going to Hong Kong to give birth,<sup>51</sup> the desire of mainland mothers to give birth in Hong Kong strongly persisted.<sup>52</sup> Chapter 5 investigates the cross-border childbirth phenomenon in detail and discusses how this problem has adversely affected Hong Kong resident women as well as mainland TWP migrant wives' right to give birth in Hong Kong.

The term "locust" has been used in Hong Kong's society for years to stigmatize mainland immigrants for being lazy and dependent on government welfare. The term became even more popular in early 2011 when the Hong Kong government decided to give a HKD6,000 (approx. USD769) cash handout to all Hong Kong residents aged 18 and above. To the ire of many, mainland immigrants who had lived less than seven years in Hong Kong were considered eligible recipients of the handout (Tsoi 2012). During my fieldwork, the use of "locust" was extended to "new rich" mainland tourists and expectant mothers who were seen as depleting the city's limited resources. Hong Kong people's antagonism against mainland immigrants, visitors, expectant mothers, and all other mainlanders in general, reached new heights. A song made by a group of Hong Kong netizens called "Locust World" went viral on the Internet.<sup>53</sup> Some HKD100,000 (approx. USD12,820) was raised in less than a week in the community to buy a

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<sup>51</sup> These included an increase of medical fees and imposition of a maternity admission quota on those who wish to give birth in public hospitals; a requirement for making an advance delivery booking with a hospital, public or private; stepping up inspection of pregnant visitors at border checkpoints; and denying entry to those who do not have a delivery booking (Hospital Authority 2007; *Ming Pao* 2007a).

<sup>52</sup> For instance, the business of Chinese "go-between" companies, which provide comprehensive package services to facilitate customers' cross-border childbirth, has rapidly and widely expanded from the cities near Hong Kong, such as Shenzhen and Guangzhou in Guangdong Province where they originally emerged, to far-away cities such as Beijing, Shanghai, and Qingdao (*Ming Pao* 2007b).

<sup>53</sup> The original version in Cantonese has attracted over one million viewers on the Internet since early 2011. <http://www.youtube.com/watch?v=aWZFgkJNxDM>. For English subtitles, see <http://www.youtube.com/watch?v=ueNr7mfFZu8>, accessed August 13, 2012.



front-page advertisement in a local Chinese-language newspaper protesting against mainland “locusts” (*Apple Daily*, February 1, 2012).

The use of “locust” has replaced “*Ah Chian*” in contemporary Hong Kong public discourse to reflect the people’s collective resentment, fear, and frustration toward the new wave of mainland Chinese movements to Hong Kong.<sup>54</sup> Both terms “*Ah Chian*” and “locust” are tightly related in an ongoing process of the production of the “self-other” boundary between Hong Kong *yan* and mainland *yan*, in which the latter are increasingly stigmatized with repulsive, non-human images. However, the demographics of contemporary mainland “locusts” are largely different from those of “*Ah Chian*” in the past, so are the sorts of threats posed by the two different groups of mainland *yan* to Hong Kong over time. In the 1970s and early 1980s Hong Kong people feared “being contaminated” by masses of rural, poor, and uneducated “*Ah Chian*” escaping from China. Given Hong Kong’s overall superiority relative to China at that time, the existence of the Hong Kong *yan* identity and its superiority relative to China was hardly challenged in any socio-cultural, economic, and political sense. In the post-1997 era, however, under new Hong Kong-China economic and political environments, coupled with uncapped inflows of mainlanders coming to the city for shopping, investment, and acquisition of birthright citizenship, Hong Kong people are facing the unprecedentedly powerful “China factor” in various aspects of daily life, which is seen by some as “colonization” of the local population. As they have found their rights of access to everyday resources increasingly encroached upon by mainlanders and the government policies are deemed helpless for protecting their rights, Hong Kong people have stood up for themselves through protests so as to defend and reassert their entitlement to resources in the land they call “home” (see also Chapter 5). The current threat

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<sup>54</sup> A newspaper editorial suggested that Hong Kong people’s negative sentiments of mainlanders are not stemmed “from jealousy or loathing of mainlanders,” but from the inconveniences in various socioeconomic aspects caused by their coming to Hong Kong in such massive numbers (Chugani 2012).

posed by mainland “locusts” (and the PRC state in a larger sense) to Hong Kong people challenges the centrality of their autonomy to control their resources, which they must defend so as to sustain the existence of their Hong Kong *yan* identity after the handover.

### **2.3.2 Contemporary Hong Kong-China Couples’ Sociological Profiles and Motivations to Marry across the Border**

The recent locust discourse and controversy of cross-border childbirth have had direct negative implications for contemporary Hong Kong-China marriages and TWP migrant wives. Some Hong Kong netizens have regarded cross-border couples as “half humans, half locusts.” Such pejorative depictions stir alien and repugnant images of the couples and migrant wives, reinforcing the prolonged social stigma of these marriages and their marginalization and exclusion from mainstream society. As mainland TWP wives of Hong Kong men are *de jure* “visitors” while living temporarily in Hong Kong, it is not uncommon for Hong Kong people to confuse them with those mainland women whose husbands are not Hong Kong locals but come to the city to give birth on a visitor permit. Hong Kong’s public discourse largely lacks discussions on the salient connections that TWP migrant wives have to Hong Kong as well as their husbands’ assumed citizen right to give birth.<sup>55</sup> There have been many critics in the media who ask why these migrant wives cannot return to China for childbirth but instead remain in Hong Kong and compete with local women for limited obstetric services. Likewise, in relation to the obstetric policy at the time of this research in 2011 and 2012, the Hong Kong government

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<sup>55</sup> Since the second half of 2011 Hong Kong people have started to notice the difference between the two groups of mainland women. As TWP migrant wives whose husbands are Hong Kong locals, these mainland women are regarded as “single non-[locals]” (*daan fei* in Cantonese), whereas mainland women whose husbands are also mainlanders, i.e. non-Hong Kong locals, are regarded as “double non-[locals]” (*soeng fei*). Although these two terms have been widely used in public discourse, confusion and misinterpretation of the terms are also common. For instance, a Hong Kong netizen in an online discussion forum mistakenly thought that “double non-[locals]” referred to non-local mainland migrant wives who held a TWP (*soeng cing zing*). Because in Cantonese “double” and “two” share the same character and pronunciation *soeng*, it is easy for people to be confused about the proper meaning and usage of *soeng fei* and *soeng cing zing*. <http://www.discuss.com.hk/viewthread.php?tid=20941869>, accessed October 7, 2012.

considered the service user's individual identity as the sole criterion for eligibility for highly-subsidized obstetric services in public hospitals. As TWP migrant wives do not have a Hong Kong identity card and are *de jure* non-local Hong Kong residents, as of 2012 they were treated by the government in the same way as mainland women whose husbands were not Hong Kong locals, and were subject to the same stringent obstetric policy that originally aimed to block the latter from giving birth in Hong Kong (see Chapter 5).

Even amid intensifying social resentment toward new inflows of mainland people to Hong Kong, tens of thousands of men and women continue to marry across the Hong Kong-China border every year. However, the numbers of these marriages have already dropped by half since the peak level of 34,628 in 2006 to 16,887 in 2010 (see Table 2.1 and Figures 2.1-2.3). From a demographic perspective, the recent downward trend is due to the improvement of the previous demographic "marriage squeeze" problem that had disadvantaged disproportionately large numbers of illegal immigrant men in the local marriage market. In the last ten to 15 years Hong Kong's sex ratio for marriageable cohorts has actually moved to favor men (Ma, Lin, and Zhang 2010). Economically, the living standards gap between Hong Kong and China has gradually narrowed, making it less clear that contemporary young mainland women would have a better life if they married Hong Kong men. Besides, accounts of social discrimination and living problems faced by immigrant wives after settling in Hong Kong abound (Lau 2008; Newendorp 2008; Pun and Wu 2006). Mainland women easily learn about these issues through easy access to Hong Kong's media or by word of mouth. Indeed, many mainland TWP wives I met, even though some of them were not particularly well off, were asked by family members and friends why they "married down" to Hong Kong. One TWP wife who owned a beauty parlor in the mainland before coming to Hong Kong said that her elder brother strongly opposed her

marriage to her current husband who is poorer than she is. Her brother stopped talking to her since her marriage. Last but not least, state policies imposed on cross-border marriages in relation to immigration, and more recently to reproduction, may have discouraged these marriages to a certain degree. Although the OWP policy has been in place for years, in the last decade the Hong Kong government has implemented other policies that have created negative impacts on cross-border couples (see Chapters 4 and 5). Although most couples I met were well aware of the OWP policy and they knew how to manage the inherent immigration constraints, they were less prepared for other sudden policy changes. In one case, when I was talking with a Hong Kong-China couple about their views on how government policies blocking the influx of mainland expectant mothers to give birth in Hong Kong have also affected their reproductive experiences, the Hong Kong husband said angrily:

[Before the marriage,] I wouldn't expect many problems could be created for Hong Kong-China families' reproduction! If I didn't marry a mainland woman, I wouldn't have encountered these! If I could have known about these beforehand, I wouldn't marry a mainland woman! Frankly, this is so troublesome!

Listening to her husband's grievance, the mainland TWP wife also rose her voice:

Same here! If I could have known about these beforehand, I wouldn't marry you!

With the advent of the 21<sup>st</sup> century, the unbalanced sex ratio for marriageable cohorts and economic conditions are no longer the prime drivers for Hong Kong-China marriages. However, given that these marriages still constituted one-third of all marriages in Hong Kong in recent years (see Table 2.1 and Figure 2.3), what are the forces that maintain such high rates of these marriages? Following Constable's concepts of love as culturally constructed and "intertwined with political economy through cultural logics of desire" (2003:119), in which desire can include complex feelings of stability, well-being, and economic security (ibid.), it is important to reconsider emotional motivations for people to marry across the border despite the persistence of

state policy constraints and societal forces against it. Couples' emotional motivations provide a strategic point of entry to challenge the popular discourse about these marriages that has been built on Hong Kong-China structural asymmetries and gendered inequalities.

Due to broader transformations in Hong Kong and China, scholars have already observed that today there is an increasing trend of Hong Kong locally-born men and mainland women who marry in their 20s and early 30s and have higher levels of high school and university education;<sup>56</sup> and men and women are both more likely to have stable, white-collar jobs. There also exists a small yet growing number of Hong Kong women who seek to marry mainland grooms (Lau 2008; Li 2001; Newendorp 2008). Over 50 individuals of Hong Kong-China couples I interviewed said they met through friends or relatives, some in workplaces and entertainment locations, and a few in schools. None of them got to know each other through match-making agencies.<sup>57</sup> They dated for a couple of years on average before marriage; the shortest dating period lasted for a few months while the longest for eight years. During fieldwork, I noticed other significant changes in contemporary couples' sociological profiles. I met many Hong Kong husbands in their 20s and early 30s who were born to cross-border parents who married in earlier periods. Some were born in Hong Kong and others in the mainland. Due to the OWP constraints, men of the latter group have previously experienced long periods of family separation before settling in Hong Kong.<sup>58</sup> Because of their unpleasant family separation experiences during childhood, these mainland-born Hong Kong men were particularly inclined to achieve earlier

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<sup>56</sup> From 1995 to 2005 the numbers of Hong Kong residents who worked in the mainland with university education increased by four times, constituting nearly 30 percent of total Hong Kong workers in the mainland. This indicates that increasing numbers of highly educated Hong Kong workers have taken jobs in the mainland, making it likely that the profile of those marrying mainlanders will change similarly. Likewise, over 85 percent of recent mainland marriage immigrants have attained secondary education or above (Bacon-Shone, Lam, and Yip 2008).

<sup>57</sup> By contrast, Li's (2001) study suggested that some Hong Kong-China couples met through match-making agencies in the late 1990s and early 2000s.

<sup>58</sup> These legal immigrant men have already settled in Hong Kong for some ten to 20 years, and all are now Hong Kong permanent residents.

family reunion in Hong Kong by having their mainland wives stay recurrently in the city on a TWP. Simultaneously, these men also struggled hard against restrictive obstetric policies restricting their wives from giving birth in Hong Kong, so as to avoid the burden of having to acquire an OWP for the child if he or she had been born in the mainland (see Chapter 5).

Despite significant changes in contemporary couples' sociological profiles, the common stereotype of Hong Kong-China marriages involving Hong Kong "loser" men and mainland "gold-digging" women remains relatively strong. Most couples I met were aware of these negative stereotypes. Yet, they tried to contest these stereotypes by stressing their marriage out of love, their gendered contributions to the family and society, and the state's role in misleading the public and reinforcing these stereotypes through its unfair and discriminatory policies against Hong Kong-China families. By contesting their pejorative image as "losers," Hong Kong husbands I met stressed that they married for emotional reasons and that they did not intentionally seek mainland women for wives. Some even claimed that they had Hong Kong girlfriends before. Their arguments suggest that when it comes to marriage, they prioritize their emotion and desire rather than a woman's place of birth and identity. A Hong Kong-born husband in his early thirties said:

If you ask me whether [Hong Kong-China] couples marry because of love, yes, just like me. Before I got to know more of these couples, I also had this question in mind...

It is my fate to meet my [current mainland] wife... Honestly, I previously did not think of getting married in my life. My current wife is a niece of my aunt's colleague. She introduced her to me. In fact, the first time when she arranged such a meeting, I didn't show up. Sometime later, I had a whim to meet this girl. It was really just a whim! Because I didn't show up the first time, she [my wife] didn't want to go [to the second meeting]. But her elder brother persuaded her to go and he accompanied her. After we met, I had an amazing feeling for her. In other words, I knew that this is her; she is the right girl. Because of this meeting, I made a mistake. [Me: What do you mean?] I wanted to pursue her!...

At that time, I was in Hong Kong while she was in Chonghua [a city in Guangdong Province]. Round-trip travel [between Hong Kong and Chonghua] typically takes 10 hours. We dated for a year [before marriage]. [During that year] I went to visit her in the mainland but sometimes she applied for a tourist permit to go to Hong Kong. After one year, I was sure that she was my Mrs. Right so I proposed to her. We married in 2009.

In contrast to the gold digger and locust images, interviews with mainland TWP wives reflected that their socioeconomic backgrounds were not necessarily lower than those of their Hong Kong husbands. In some cases their financial situation in China was even better than their husbands' in Hong Kong. Their motivation to marry across the border was less about economic factors and more about love and assumed greater gender equality in Hong Kong than in the mainland. A college-educated mainland wife in her early thirties who had recently obtained an OWP, said:

My husband is one year older than me. I am from Shenzhen [in Guangdong Province]. I met my husband there and we became friends first. We got married after having dated for seven to eight years, and then I moved to Hong Kong [on a TWP]...

My family background is pretty good. My family receives a lot of profit sharing from renting out land. Because I wanted to marry my husband, I [would need to] give up my part of the profits [when I canceled my mainland household registration in order to settle in Hong Kong]. Fate is something difficult to anticipate. We love each other. So there are no problems [for me to give up my part].

Calling it “the triumph of conjugality,” in his ethnographic study of the transformation of private life in rural China from 1949 to 1999, Yan observed the emergence of a new type of husband-wife relationship “based on mutual respect, intimacy, and in many cases, affectionate love” (2003:88). In the PRC, the 1950 Marriage Law changed many traditional marriage practices by outlawing concubinage, child betrothal, multiple wives, and the sale of sons and daughters into marriage or prostitution, while endorsing free-choice marriage and divorce. By the end of the 1990s, the focus of spousal selection further shifted from “the rise of youth autonomy against parental control over their marriage” to “the saliency of the individual experience of romance

and intimacy” (ibid.:14). Yan’s observations of the local forms of expressing love and the changing discourse about the ideal spouse among the Chinese villagers demonstrate that a romantic revolution in spousal selection has occurred in both practice and ideology in the PRC.

Twelve out of 14 TWP widowed, divorced, and deserted wives I interviewed relied on a meager social security allowance provided primarily for their Hong Kong citizen children by the Hong Kong government, while the women themselves remained ineligible for government welfare. Although their children were welfare recipients, these ex-wives and widows did not necessarily view themselves or their children as locusts. Rather, they actively separated themselves from this pejorative image by stressing their motherhood—their role as primary caregivers for their Hong Kong children—to claim that they “have made contributions to Hong Kong” from a familial perspective. Like these single mothers, many TWP wives with valid marital ties to their Hong Kong husbands also said that they could make bigger contributions to the family and Hong Kong society by working outside the home. However, the current Hong Kong immigration policy prohibits TWP holders from any kind of employment and even volunteer work (see Chapter 4). Many TWP wives, even among those whose Hong Kong husbands had stable incomes, longed for the day when they would eventually obtain a Hong Kong identity card so that they could work and help provide for the family more adequately, and also develop a more positive sense of self-worth.

### **2.3.3 Modifications of Exit-Entry Policy for Family Reunion**

Over the years, the OWP constraints for mainland wives and children of Hong Kong men have caused long periods of family separation that not only seriously disrupt family timetables (H. C. Leung 2006), but also are cited as the root causes of social and familial problems, including high divorce rates, domestic violence, and child neglect (*Ming Pao* 2007c, 2009a and b). In order to



mitigate problems faced by cross-border split families, the PRC has gradually modified the OWP and TWP policies since 1997. To improve the OWP system faults, the PRC implemented a “60-30-60” sub-OWP quota allocation<sup>59</sup> and point system in order to assess and determine the eligibility and the order in which OWP applicants can migrate to Hong Kong based on objective criteria (Tong 2004). The point system is an accumulation mechanism to determine applicants’ waiting time and order to obtain an OWP. Although OWP approvals and allocations are processed by local and provincial authorities, the central government regulates the required number of points to grant an OWP so as to improve the consistency of quota allocation and transparency of the process. Today applicants in some provinces can check their point accumulation via telephone and even on the Internet (ibid.).

Over the past decade the required number of points for an OWP has gone down, meaning a reduction in the waiting time. Before 2000 mainland wives waited for ten years on average to obtain their OWP. Between 2000 and 2004 the waiting time dropped to six to seven years for wives in Guangdong Province and five years for those in other provinces. The former waited for a longer time because they needed to meet a higher level of required points due to the larger number of applicants from Guangdong. In 2005 the central government unified the waiting time for wives in all provinces to five years. In 2009 the required points were further reduced to shorten the waiting time to four years.<sup>60</sup>

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<sup>59</sup> As of 2012 the “60-30-60” sub-OWP quota allocation is divided as follows: a daily quota of 60 OWPs is allocated to individuals of all ages holding a Certificate of Entitlement who are children of Hong Kong permanent residents and enjoy the right of abode in Hong Kong; 30 to spouses separated for more than ten years and their accompanying children; and the remaining 60 to other categories including spouses separated for less than ten years and their accompanying children, dependent children going to Hong Kong to join relatives, persons going to Hong Kong to take care of aging parents, dependent elderly people going to Hong Kong to join relatives, and others (e.g. inheritance) (Ho 2004; Immigration Department 2012; Tong 2004).

<sup>60</sup> In recent years only small numbers of mainland wives have waited for ten years or longer for an OWP. The Hong Kong authorities believe that most of these long-separated wives did not submit their OWP applications earlier and postponed their entry into Hong Kong due to personal reasons (Security Bureau 2009b).

In addition, in late 2002 the PRC relaxed the TWP system to facilitate mainland spouses to visit their families in Hong Kong more often. Previously, mainland spouses could only apply for the TWP Exit Endorsement for Visiting Relatives to go to Hong Kong twice a year, and were allowed to stay for a period of three months or less on each visit. Starting in November 2002 mainland spouses with valid marital ties to Hong Kong residents are allowed to recurrently apply for the endorsement throughout the year, meaning that they can stay in Hong Kong for recurring 90-day intervals until they receive a permanent OWP. When the endorsement expires, however, they must return to their legal place of residence in China to apply for endorsement renewal to re-enter Hong Kong. The relaxed TWP system is a double-edged sword. Although it facilitates mainland wives to visit their Hong Kong husbands more often, it simultaneously creates a mobile condition that requires the women to periodically cross the border for permit renewal, leading to new problems such as regular short-term family separations and difficulties in mothering (W. S. Chan 2011; see Chapter 3). To mitigate these problems, in December 2009 the central government introduced the One-year Multiple Exit Endorsement for Visiting Relatives, or commonly called One-year Multiple Exit Endorsement (OYMEE), which allows eligible mainland wives, who must have a valid marital status and the need to take care of young children in Hong Kong,<sup>61</sup> and other individuals who have “special family difficulties,” to renew their exit endorsement in their hometown only once a year.<sup>62</sup> However, by early 2012 this new policy had

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<sup>61</sup> The young child must be a Hong Kong citizen either by birthright or by moving to Hong Kong on the strength of OWP. In both cases, the mainland mother can only apply for the OYMEE after the child has already lived in Hong Kong for 180 days. Some local exit-entry authorities in the PRC require the child to have lived in Hong Kong for 180 *consecutive days* before the mother can submit her application. Others allow the child to *accumulate* the 180-day stay in Hong Kong while returning to the mainland at intervals (personal conversations with TWP wives 2011-2012).

<sup>62</sup> The OYMEE only serves to reduce TWP wives’ physical burden of traveling back and forth to their PRC hometowns every three months. In accordance with the Hong Kong Immigration Ordinance, visitors can only stay in the territory for 90 days at a time. Therefore, TWP wives are still required to leave Hong Kong every 90 days to renew their visitor status. In most cases TWP wives simply cross the border to Shenzhen in Guangdong, and re-enter Hong Kong on the same day.

not yet been fully implemented in all provinces. Also, even though some provinces carried out the policy, many TWP wives encountered problems in their application (see Chapter 3).

In the following chapters, I will examine how the seemingly benevolent TWP policy has actually created new problems for Hong Kong-China families. I begin with the problems faced by TWP wives in their periodic endorsement renewal trips to China and their experiences in dealing with these problems.

### **3.0 INCREASED MOBILITY: FOR BETTER OR FOR WORSE?**

In a weekly meeting among MHKFRA's women members at the rights group's center in the Tsuen Wan district, Mei-han, a remarried woman from Shenzhen in Guangdong Province who had a five-year-old, Hong Kong-born son, talked to other women about her dilemma of whether to formally obtain Hong Kong residence after her OWP was approved:

My OWP has been approved for a while already but I have delayed in getting it. The Public Security Bureau [in the mainland] has recently called again to urge me to pick up the permit and submit an explanation for my delay. Honestly, I don't want to cancel my mainland household registration in exchange for the OWP! I am 42 years old now, when I reach age 50, I can receive a pension [from the Shenzhen government]. My family [in the mainland] also thinks that I should not cancel my household registration. But, when I saw my friends taking up jobs [in Hong Kong], my heart started to sway.

Listening to Mei-han, at first I was perplexed by her reluctance to pick up the already granted OWP, which, for the vast majority of TWP women I knew, is pivotal in putting an end to their marginalized immigration status as "visitors" in Hong Kong, as well as the hardships and challenges facing them in the frequent back-and-forth permit renewal trips to China. I believed my view was shared by some other women sitting in the center's conference room, as Chun-ling, a wife and mother of two from Zhanjiang in Guangdong Province who had waited for her OWP for over four years, immediately responded to Mei-han: "The [Hong Kong] identity card is certainly very important! I find my [current] life is like a prisoner waiting for the sentence to end! The frequent travels across the border have made me crazy!"

In this dialogue, Mei-han's narrative sheds light on mainland Chinese marriage migrants' agency in negotiating and struggling with their migration and citizenship choices in the post-

1997 era, when Hong Kong has been experiencing an inversion in Hong Kong-China economic relations. Due to her better-off background coming from a major Chinese booming city, Mei-han's choices of post-marital citizenship stand in stark contrast to many of the other mainland women who come from less privileged backgrounds and who have fewer ties to the mainland. Her position also contrasts with the pervasive discourse in which mainland women marry and convert into Hong Kong formal residency for better financial security and social welfare. Yet, at the same time, Mei-han recognized the benefits of having a Hong Kong local identity card—for example, allowing her to work legally—which are not conferred upon any woman who is a TWP holder. Women's longing for eligibility for employment, however, does not necessarily mean their choices of migration and citizenship are economically driven, even though searching for job opportunities or a "better life" have historically been prime drivers for massive numbers of mainland people to settle in Hong Kong (see Chapter 2). As I will explain in Chapter 4, instead of focusing solely on the economic explanation, it is necessary to take other factors, such as women's personal aspirations for self-development and self-worth, as well as their future security and their family ties into consideration. In particular, the linkage between work and the notion of valued women's subjectivity has particular historical roots in China's modern history.

In the dialogue above, something that is salient and at the heart of this and the next chapters is Chun-ling's analogy between the life conditions of TWP women and of prisoners. Her analogy drew on particular spatial and temporal experiences that prisoners and TWP holders, paradoxically, do and do not share. Unlike prisoners who are confined in a closed space and lose the right of mobility, TWP women are bound by increased mobility, albeit largely involuntarily, between Hong Kong and China. However, they are similar to prisoners in that both are "confined" to specific, institutionalized spatial and temporal experiences. First, many aspects of

TWP women's social and political rights are denied or highly restricted during their conditional stay as "visitors" in Hong Kong (see Chapter 4). Second, TWP women's regular border-crossings for permit renewals require them to routinely interact with state and cultural powers in relation to border control. The latter issue of women's increased mobility and its significance for the understanding of borders, power, and the "cultural process of [citizen vs. non-citizen] subject-ification" (Ong 1996) is the focus of this chapter.

Today, mobility is widely regarded as a defining feature of globalization and transnationalism (Nyers and Rygiel 2012). Important research has been done on how space, time, and identities are created and reconstructed as a result of increased flows of people, goods, services, systems, and the interactions between them (Basch, Schiller, and Blanc 1994; Inda 2000; Inda and Rosaldo 2008; Laguerre 1999; Rouse 1991). Many ethnographies have emphasized the productive and empowering nature of being mobile, like the Caribbean and Filipino "transmigrants" in the New York metropolitan area who developed and maintained multiple relationships—familial, economic, social, organizational, religious, and political—that span borders (Basch, Schiller, and Blanc 1994). Others have instead considered how transnational mobility gives rise to constraints on family life, parent-child relations, and migrants' social and political exclusions (Parreñas 2001, 2005; Pratt 2012; Stasiulis and Bakan 2005). Clearly, mobility is not completely free from constraints. Rather, it is shaped and complicated within the mutually reinforcing dynamics of discipline and regulations which are set by state power, kinship norms, and market logics.

In contrast to the generally assumed relationship between mobility and empowerment, mainland TWP migrant wives' experience of increased mobility shows that when mobility is state-initiated and state-controlled rather than propelled by migrants' willing choice to move,

mobility may lose its empowering effects and causes negative implications. For TWP wives I knew, the TWP policy is a double-edged sword. On the one hand, it allows mainland wives to visit their Hong Kong families more often and they are “empowered” in some ways due to their increased mobility to cross the border which was previously restricted to them. On the other hand, they largely lack full control over their increased mobility and face hardships and uncertainties on both sides of the border. Donnan and Wilson (1999) have identified three anthropological approaches to borders and crossings, which have addressed borders as: 1) geopolitical spaces and physical lines that mark and delimit state sovereignty and control over citizens and subjects, and the movements of people and goods; 2) social and symbolic boundaries that identify membership in collectivities and order social relations; and 3) metaphors pointing to different cultural juxtapositions and divides in the contemporary cosmopolitan world. With respect to state borders, scholars have reflected on borders’ shifting contextual nature, in which sovereignty effects that emerged from security-based border control practices are found not only in national frontiers or border zones, but also can be reconstituted and manifested in people’s everyday life and social interactions (Chalfin 2008; Friedman 2010a and b; Salter 2008; Sassen 2006).

Although “the frontier is all around us” (Bohannon 1967), “it does not impose the same constraints on everyone” (Fassin 2011). To Carling, immigration barriers (and mobility constraints) faced by migrants are not always “a uniform, insurmountable wall, but can instead be compared to a dense jungle with various paths, each associated with specific obstacles, costs, and risks” (2002:26). Also, each migrant is equipped differently to overcome the various barriers and constraints (ibid.). Based on my research findings, the TWP policy constraints are “not a uniform, insurmountable wall” for all TWP migrant wives. Rather, women’s experiences in periodic border-crossings for permit renewals, their ability to cope with state agents and cultural

practices involved in the process, and the extent to which their familial lives are impacted because of their regular mobility, differ greatly between individuals. Building on scholarly insights about the complexities of power and agency involved in mobility and borders, this chapter examines how TWP wives' increased mobility is governed and experienced not only at border check points but also in their everyday lives and social interactions. It considers how the variations in women's experiences are based on the interplay between the central immigration policy and localized government practices, and structural and personal factors consisting of socio-economic characteristics and marital and motherhood status.

This chapter also looks at the "cultural process of subject-ification" (Ong 1996) in relation to citizenship, considering how borders and the condition of mobility mutually construct and shape the distinction between citizens and non-citizens. W. S. Chan (2011) has previously used the term "mobile condition" referring to the TWP regulation on mainland migrants' mobility. Yet, I argue that the meaning of "condition" has a broader cultural instrumentality pointing to how TWP wives' subjectivities in relation to "locals" vs. "non-locals/visitors" are constructed and shaped in the "condition" of being mobile, and through their experience of dealing with the "condition" and other constraints resulting from it. Taken together, this chapter questions for whom, and under what circumstances, is TWP wives' increased mobility during their long transitional period of formal marriage migration to Hong Kong for better or for worse?

### **3.1 ROUTINE ENCOUNTERS OF BORDER PRACTICES**

Officially it costs 100 Chinese *yuan* (approx. USD16) and takes ten business days on average to renew the TWP exit endorsement from the Exit-Entry Administration Office of the Public Security Bureau at the city-government level, where a mainland woman's household registration



is kept in China. Between 2008 and early 2012, however, different exit-entry authorities between provinces and even between places within the same province in China had different practices of the TWP renewal procedure. Based on TWP women's experiences, the duration of the actual processing time varied greatly from a few days to nearly a month, and the cost could be a few thousand *yuan* for some women. Also, for women who did not come from regions of Guangdong Province that are close to Hong Kong, their trips home usually involved long-distance travel that could take up to a day by bus or train.

### **3.1.1 A Long Journey Home**

As of early 2012 more and more local authorities had begun to allow mainland wives to authorize another person to apply for TWP renewal on their behalf or to allow them to apply through express mail or even online applications. The modified application methods aimed to ease applicants' physical and financial burdens to travel a long distance to their hometowns in order to make applications in person.<sup>63</sup> Yet, not all TWP wives equally enjoyed the benefits from the procedure modifications. These methods were found mainly feasible for those who had relatives or friends who lived in mainland cities such as Shenzhen and Guangzhou, in close proximity to Hong Kong, and who were also willing to provide accommodation for them when the TWP renewal was being processed. Otherwise, mainland wives might have no choice but to endure the long distance and the often harsh conditions of travel to their hometowns in order to make applications in person. Moreover, by early 2012 online applications had so far only been available in select places in Guangdong Province such as Guangzhou and Dongguan. Officials' arbitrary practices could also limit TWP wives' access to these modified application methods. In

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<sup>63</sup> In accordance with the Hong Kong Immigration Ordinance, visitors can only stay in the territory for 90 days at a time. Therefore, TWP wives are still required to leave Hong Kong every 90 days and use the renewed travel document to re-enter Hong Kong.

one case, a woman from Dongguan had tried to submit applications online and had authorized someone to do so on her behalf. However, without knowing the reason, her repeated applications were all rejected and she was told by an official that she could *only* make applications in person.

Since her marriage to Ah Tak, a Hong Kong man, in 2008, Siu-chu, a petite, then 27-year-old mainland woman from a mountainous area of rural Hunan Province in China, had lived temporarily in Hong Kong as a “visitor” on a TWP. In 2009 Siu-chu’s daughter, Bing-bing, was born in her PRC hometown because she could not afford the new medical fees to give birth in a Hong Kong public hospital after a restrictive obstetric policy against non-local expectant mothers was in effect since 2007 (see section 4.3.2 in Chapter 4). As of early 2012 Siu-chu and Bing-bing had relied on their TWPs to live temporarily with Ah Tak in Hong Kong, and moved back and forth across the border for permit renewals.

On the days Siu-chu and Bing-bing returned to China, they left home no later than six o’clock in the morning. After passing through both Hong Kong and mainland Chinese immigration check points in the Lo Wu land port located in northern Hong Kong, they took the only daily long-haul bus scheduled to depart at eight o’clock from Fuk Tin Bus Terminal in Shenzhen, a mainland city adjoining Hong Kong, to Siu-chu’s hometown in rural Hunan. When they traveled in the winter, Siu-chu would bring a big nylon bag bulging with thick clothes for her and Bing-bing in addition to a backpack filled with baby formula and other daily necessities. Like Siu-chu, most other wives I knew took extra supplies such as milk formula and diapers for their accompanying children as they were concerned about the quality of baby food and items made and sold in mainland China (see also footnote 70 in this chapter). The bus ride home for Siu-chu and Bing-bing took 10 to 14 hours when traffic was congested. Long-distance buses in China are not commonly equipped with bathroom facilities. In the shortest trips, the driver only stopped

twice to let passengers use bathrooms at road stations. While the bus was in motion, children in urgent need used plastic bags. As the bus ran along the curvy road up the mountain in rural Hunan, Siu-chu and Bing-bing often suffered from dizziness and Bing-bing always vomited from motion sickness. After arriving at the bus terminal in Hunan, they got on a small, three-wheel, motor-drawn vehicle, a ubiquitous type of transportation in the countryside, to go to Siu-chu's natal family's home. Commenting on her ongoing border-crossings, Siu-chu said:

I really feel very tired of it. I am very tired. When the expiration date of my permit is approaching, I feel anxious and upset. I feel that I don't want to return [to China]. But when I am in my village, I feel that I don't want to go back to Hong Kong! I think one reason why I feel tired of going back and forth across the border is because I need to bring my daughter with me. You see, I am just a petite woman but have to bring this naughty child with me. I feel very tired [of the recurrent trips].

Like Siu-chu, many wives with children I knew shared different degrees of anxiety about the date of permit expiration. By contrast, childfree women generally expressed less anxiety about regular border-crossings but instead viewed their temporary departure from Hong Kong rather positively as "taking a vacation or break for family visit in the mainland," "an escape from the hectic Hong Kong life and the often unpleasant living conditions in Hong Kong," and "a return to the places in which they are more familiar." Such different positive and negative attitudes toward recurrent border-crossings are due in part to women's different motherhood statuses, or in other words whether they are free or not free from motherly duties for their children (see section 3.2 in this chapter).

To Ong, the "cultural process of subject-ification" in relation to citizenship is a process of "self-making and being made," in the Foucauldian sense, "by power relations that produce consent through schemes of surveillance, discipline, control, and administration" (1996:737). Here, the specific temporality of TWP permit expiration periodically reminds women of the end of their temporary stay in Hong Kong. Border practices do not only occur at the moment of

passing through border check points. Rather, the sovereignty effect can emerge at any time through women's internalization of the temporal condition of their permits. As "visitors," they are required to observe the temporal condition involved in immigration regulations; when time is up, they must go. Women's "visitor" status is legally defined in such temporal condition of the permit, and reinforced through their repeated observation of such condition. Furthermore, Siu-chu's statement that "I feel that I don't want to return [to China]. But when I am in my village, I feel that I don't want to go back to Hong Kong!" reflected her ambivalence of belonging to both sides of the border in a certain sense. For some women, emotional anxiety emerging from their internalization and repeated observation of the TWP temporal condition, together with physical tiredness resulting from recurrent border-crossings, have made them feel less attached to both sides of the border, contributing to their feeling of "in-betweenness" during the long transitional period of formal settlement in Hong Kong.

### **3.1.2 Submission of Renewal Application**

Depending on the location of her household registration, a woman can submit her application directly to the city's exit-entry office. Between 2008 and early 2012 women from rural areas of Jiangxi, Hunan, Hubei, and Hainan Provinces I met faced more complicated procedures. This can be revealed from Siu-chu's experience below.

The morning after their arrival, Siu-chu and Bing-bing went to the local police station in the village to conduct the first step of their TWP renewal. Siu-chu filled out and submitted their application forms and other supporting documents<sup>64</sup> for the chief police officer to sign and stamp on the forms, before submitting the paperwork to the county's exit-entry office for further

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<sup>64</sup> These include copies of the applicant's TWP booklet, mainland household registration record book, mainland identity card, marriage certificate, Hong Kong spouse's identity card, and the child's birth certificate.

processing. What appeared to be a simple step, however, could be difficult because of the chief police officer's bureaucratic attitude and regular absence during office hours. In many cases, the officer's absence was due not to work duty but personal matters. "Every time I need to seek a signature and stamp from the chief police officer, the officer is not at the station. Sometimes I can only get the signature and stamp after several days. It is very troublesome," said Siu-chu. Yet, even if the officer was at the station, she needed to deal with the officer's *guanjiazi* (Mandarin, literally government officials' superior attitude), an attitude of treating civilians as inferior to the official and therefore performing their government task as if "doing a favor" to the civilian rather than viewing it as his or her job responsibility. In China's social and cultural contexts, this attitude has fostered government officials' arbitrariness in handling requests based on *guanxi* (Mandarin, literally interpersonal relations and networks) and *songli* (Mandarin, literally gift-giving or bribery). For TWP wives, interactions with border practices included additional cultural practices and social relations in daily life than merely dealing with immigration rules and state agents.

The ability of TWP wives to negotiate the local and even arbitrary practices of state agents depends on whether and what sorts of enabling social and economic resources they possess. These include personal networks (*guanxi*) and financial means (the practice of *songli*). To cope with the problem of chief police officers' regular absence from the office, some TWP wives I knew sought help from *shuren* (Mandarin, literally acquaintances), persons whom they may or may not know personally but have connections to the officers, so as to make advance arrangements for them to meet the officers in the office. Otherwise, TWP wives end up taking days to get necessary signatures and stamps on their applications.

Corruption has been a widespread social problem in China. Many TWP wives from rural China, involuntarily or voluntarily, gave officials gifts such as cigarettes or money in order to facilitate the “smooth” processing of their application requests. While some wives consciously condemned *songli* or bribery as a social ill, others viewed it as part of the cultural principle of reciprocity, and still some others involuntarily or voluntarily offered bribes as an instrument to avoid problems such as delays in their application processing. A TWP wife from rural Jiangxi Province said that when she applied for the TWP for the first time, she was asked to pay 800 *yuan* (approx. USD127) for the application form which is officially free of charge. “If you don’t have a *shuren* [to negotiate the amount for you], you have to pay 1000 *yuan* [approx. USD159, for the form]! Because I have a *shuren*, I paid 200 *yuan* [approx. USD32] less!” she stressed. Although she was not asked for money in her subsequent application form requests, she was still forced to give the official gifts such as cigarettes to “smooth the process.” Initially she bought a cheaper brand but found out the official did not like it. After that, she always bought premier cigarettes for that official.

In comparison, Siu-chu was relatively lucky she had never been asked, explicitly or implicitly, for a gift because the chief police officer realized that she had a close cousin working in the local Public Security Bureau who occupied a higher rank than his. Although Siu-chu’s *guanxi* to her close cousin protected her from being asked for *songli*, she still faced the officer’s *guanjiazi*. As she said, “It is just an easy task for him—signing his signature and stamping the form. But it [whether I can get the paperwork done efficiently] really depends on his mood.” Again, practices of border control in China are complicated and shaped within the mutually reinforcing dynamics of discipline and regulations which are set by state power, cultural practices, and social relations.

### 3.1.3 Waiting for Approval

Normally, after Siu-chu finished the initial renewal paperwork at the local police station, she submitted it to the county's exit-entry office for further processing. This stage required her to wait at least 20 days, and up to a month, to hear back about her and Bing-bing's applications and to receive the renewed documents if granted. It took longer than the average ten business days to process TWP renewal applications in Siu-chu's hometown because the county's exit-entry office usually waited to receive at least three to four such applications, before forwarding them together to the city's exit-entry office (the next higher administrative level) for final approval. If the application was granted, the renewed endorsement would be first returned to the county's office and then sent back to the applicant's home address via regular mail. For some women I knew, instead of submitting their applications directly to the exit-entry office, they authorized *shuren* to submit on their behalf. In addition to the standard rate of 100 *yuan* (approx. USD16) for the application, they gave the *shuren* 200 to 500 *yuan* (approx. USD32 to 80) as a "tea-drinking" perk for the officials who helped expedite the process. Some women could thus receive their renewed permits in five days or less.

Siu-chu and Bing-bing stayed at her parents' home while they waited for their applications to be processed. Because of a lingering cultural ideology of gender inequality which can be well reflected in such an old Chinese saying, "[a] married daughter is like water spilling out of a bucket" (Han 2001:794),<sup>65</sup> TWP wives' regular returns to their natal families' homes may cause tension and conflict with their parents. I knew a few women opted to stay at moderate hotels instead of their natal homes to avoid conflict. In this regard, Siu-chu felt lucky that her

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<sup>65</sup> This old Chinese saying means that after marriage women become culturally "divorced from their birth families" (Han 2001:793). This reflects the unequal gender values and relations prevailing in traditional agrarian and patriarchal societies, in which sons are viewed as having a better ability to "continually contribute to the family's wealth and to continue the family name" (ibid.:794).

parents did not view negatively her regular returns and relatively long stays on each visit. Rather, Siu-chu's parents sometimes offered to help look after Bing-bing so Siu-chu could be free to go out with her old friends. Furthermore, it was common for women to give gifts and cash to their families when they visited. Some entrapped by gender norms and calling themselves "water spilling out of a bucket" felt pressure to give a bigger amount of cash as compensation for their regular returns. Gender ideology in China's familial context plays a salient role in shaping TWP women's "transitional" subjectivity while they involuntarily move back and forth across the border. For those who lacked a welcoming home in the mainland, they found themselves as "visitors" simultaneously, officially to Hong Kong and unofficially to their PRC homes. During their transitional period of formal settlement in Hong Kong, TWP wives are "betwixt-and-between" (V. Turner 1967) individuals across the border.

### **3.1.4 Additional Hardships Facing Ex-wives and Widows**

Scholars argue that even the same border practice can have different effects on different migrants (Carling 2002; Fassin 2011). In this regard, TWP wives' permit renewal experience can vary greatly according to their marital status. Although there is generally little difficulty for most women with a valid marital status to obtain a three-month TWP endorsement to go to Hong Kong, this is not always the case for divorced, deserted, and widowed ones (cf. W. S. Chan 2011).

As of 2012 many local mainland exit-entry authorities rejected ex-wives' and widows' applications for a three-month TWP endorsement to go to Hong Kong, stating that they no longer had spouses in Hong Kong to visit. While a few lenient officials occasionally exercised discretion and granted endorsement to some women, other corrupt officials often charged 1,000 to 2,000 *yuan* (approx. USD160 to 320) for the endorsement. In many cases, ex-wives and



widows were forced to accept a 14-day endorsement every three months or even a seven-day tourist endorsement (cf. W. S. Chan 2011). Under the recent TWP One-year Multiple Exit Endorsement for Visiting Relatives policy (see section 2.3.3), ex-wives and widows are, in principle, eligible for the application on the grounds of their “special family difficulties.” However, since the introduction of such type of exit endorsement in late 2009 until early 2012, only a handful of ex-wives and widows I knew had successfully obtained the endorsement on their own, while most other applications were rejected.<sup>66</sup>

In order to remain in Hong Kong to take care of their children beyond the duration of the TWP exit endorsement, ex-wives and widows frequently applied for an extension of stay with the Hong Kong Immigration Department. In many cases, they received a seven- to 21-day extension on the grounds of childcare, although immigration officers vetting their cases routinely persuaded them to return to China for TWP renewal, and some officers even “threatened” them that this would be the last extension they would be granted. Clearly, the immigration and border policies on both sides—in Hong Kong and China—mutually created a vicious cycle: the Hong Kong government wanted them to leave while the mainland Chinese government was reluctant to renew the three-month TWP endorsement. This meant there was a very high risk that their Hong Kong citizen children would become “motherless.” Not surprisingly, this was a powerful motivator for ex-wives and widows I knew to participate in political organizing so as to struggle for formal settlement in Hong Kong through collective actions (see Chapter 6).

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<sup>66</sup> Social workers of MHKFRA argued that the central PRC government had not yet had a clear definition and guideline of what were considered “special family difficulties” and whether ex-wives and widows with young children to take care of in Hong Kong fell into this special category. This shortcoming on the part of the central policy caused different interpretations of the new endorsement policy and thus different practices among local governments in the mainland (personal conversations with the MHKFRA social workers 2011).

### 3.1.5 Pregnant Wives' Encounters of Hong Kong Border Practices

Hong Kong border control practices also complicate TWP wives' experience of being mobile. Compared to other wives, pregnant wives were more careful about timing their border-crossings, because they had to return to Hong Kong well before their delivery. Women were well aware that a Hong Kong-born child automatically obtains Hong Kong permanent residency, greatly reducing the burden on the parents who would otherwise need to acquire an OWP for the child if he or she was born in the mainland. As a TWP wife from Hainan Province said:

When I was three months pregnant, I went back to my Hainan hometown to renew the TWP in person. When I was six months pregnant, I returned to China again [for TWP renewal] but at that time I stayed at my younger sister's home in Shenzhen. When I was eight months pregnant, I needed to return again but I was in fear this time. I gave an extra 600 *yuan* [approx. USD95, to the official] in an attempt to expedite the processing of my TWP renewal! But I still ended up waiting for half a month! I was in fear during the waiting period because I was afraid if my baby would be born earlier than expected in the mainland, and if any problems would come up that could prevent me from going back to Hong Kong [for delivery].

Since early 2007 pregnant TWP holders experienced more difficulties re-entering Hong Kong as they were directly affected by the Hong Kong government's restrictive childbirth and border policies that were originally aimed to curb the influx of mainland expectant mothers, the vast majority of whom did not have marital ties to Hong Kong men, coming to Hong Kong to give birth. Between 2007 and 2012, the policies regulated that a non-local expectant mother who wished to give birth in Hong Kong must make advance arrangements and obtain a Confirmation Certificate for Delivery Booking from a Hong Kong hospital. As visitors are only allowed to stay in Hong Kong for 90 days at a time, in accordance with the Hong Kong Immigration Ordinance, pregnant visitors must also leave the Hong Kong territory every 90 days to renew their visitor status. Upon re-entry into Hong Kong, pregnant visitors are required to present the original Confirmation Certificate and all necessary travel documents to the Hong Kong Immigration

Department officers at the immigration stations at points of entry. Non-local women in their seventh month of pregnancy or later who do not present the Certificate are not allowed to enter Hong Kong.<sup>67</sup>

During the year-long fieldwork, the Hong Kong government also substantially reduced maternity quotas for non-local pregnant women to give birth in public hospitals. Coupled with a skyrocketing rise of delivery costs in private hospitals, TWP pregnant wives encountered enormous difficulties making an advance delivery booking and securing a maternity place in Hong Kong (see Chapter 5). Without the necessary certificate issued by a local hospital, pregnant wives were worried about leaving Hong Kong for permit renewal in China, because they realized that they would face a high risk of denial for re-entry into Hong Kong.

Despite the seven-month-pregnancy rule, TWP pregnant wives I knew said that the actual border control practices were more stringent than the policy. During fieldwork, Hong Kong immigration officers basically questioned any woman visitor who seemed to be pregnant no matter whether she was actually more or less than seven months pregnant. In some cases, TWP wives re-entered Hong Kong when they were less than seven months pregnant, but the officers only gave them a seven-day instead of a 90-day stay in Hong Kong, and urged them to make a delivery booking with a local hospital. Only after that could the women reclaim the remaining days of stay with the Immigration Department. Between late 2011 and early 2012 more and more Hong Kong husbands I spoke to complained that immigration officers at the Hong Kong border check points denied their TWP pregnant wives' re-entry into Hong Kong, even though they were less than seven months pregnant. Under the central PRC's relaxed Hong Kong-China border

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<sup>67</sup> Beginning in January 2013 until early 2014 the government implemented a new policy of banning non-local mainland women whose husbands are not Hong Kong locals from giving birth in the city, while TWP wives are allowed to give birth in private hospitals but banned from giving birth in public hospitals (see also section 4.3.2 in Chapter 4).

policy, eligible mainland wives who have valid marital ties to Hong Kong residents are allowed to go to Hong Kong for recurring three-month intervals. However, their privilege of exit from mainland China was infringed upon by the Hong Kong government's border policy, and by local immigration officers' increasingly stringent border practices. Reproductive issues complicated the condition of being mobile and the "visitor" status that TWP wives are subject to. Because of TWP wives' "visitor" status, the obstetric and border policies that originally targeted mainland expectant mothers, the majority of whom did not have marital ties to Hong Kong men, also placed pregnant TWP wives in the same condition of "rejectability." As Nyers and Rygiel argue, "[the] [b]order thus makes certain populations governable by rendering their status more vulnerable to bordering practices" (2012:3).

Facing a high risk of denial for re-entry into Hong Kong, many TWP pregnant wives I knew during fieldwork opted not to return to China for permit renewal when their exit endorsement expired, but instead tried to apply for an extension of stay with the Hong Kong immigration authorities. Yet there was no guarantee they would succeed. TWP wives needed to submit supporting documents, such as a doctor's reference letter stating that their health condition was not good enough for long-distance travel (i.e. returning to the mainland). In my observations of TWP wives' doctor visits, such application requirements worked to school TWP wives on how they should appear to "feel" and to make statements about their bodily conditions, so as to allow the doctor to write the letter in such a way that it would fit the criteria for an exceptional extension of stay application. However, even if their application was eventually granted, the length of the extension was usually very short, usually for only a week at a time. TWP wives needed to keep applying for such extensions, often suffering enormous emotional, financial, and physical strains. For instance, some women living in Tin Shui Wai, a district in

northwestern Hong Kong, had to get up early in the morning to get to the Wan Chai Immigration Tower located in southern Hong Kong early enough to secure a slot within the daily quota of 150 applications. Besides the transportation costs, they also needed to pay HKD160 (approx. USD21) for the extension, if granted, and another HKD220 (approx. USD28) for a medical visit.

On the other hand, other wives opted to return to China for TWP renewal and attempted to re-enter Hong Kong by using different tactics. During the year-long fieldwork, I knew of mainland wives who would wear very loose shirts or dresses in the summer, several layers of clothes in the winter, used handbags, and/or carried a child in front of her, all in an attempt to conceal their pregnancy when passing through the Hong Kong immigration check points. Some avoided entering Hong Kong through the busiest land border control port in Lo Wu, where the authorities had stepped up the inspection of pregnant visitors. Instead, they entered Hong Kong from other land ports with less people traffic or even from sea ports and airports where the scrutiny was comparatively less severe. Some paid 500 to 700 *yuan* (approx. USD80 to 112) to take a cross-border car to enter Hong Kong because the immigration authorities did not necessarily ask passengers to get out of the vehicle for a physical inspection at the point of entry.<sup>68</sup> Still a few others I knew chose to take the biggest risk of violating their immigration condition, overstaying their permits in order to remain in Hong Kong, and later sought admission to public emergency rooms for delivery. Clearly, practices of Hong Kong's border control against non-local pregnant women (including TWP wives) extended well beyond the point of entry; it stretched into the city's territory and even penetrated into the women's intimate bodily realm and their everyday lives.

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<sup>68</sup> There are a total of 11 border control points in Hong Kong, including seven land ports, three sea ports, and one airport. Among the seven land ports, three allow cross-boundary vehicles to pass through (Hong Kong Immigration Department). <http://www.gov.hk/en/residents/immigration/control/location.htm>, accessed May 21, 2012.

### **3.2 FREE VS. NOT FREE FROM MOTHERLY DUTIES**

As discussed above, TWP wives' experiences of regular border-crossings for permit renewals can vary significantly as their motherhood or marital status changes due to different life-changing events, such as pregnancy, becoming a mother, getting a divorce, or becoming a widow. Different motherhood statuses require different degrees of childcare. In many cases, once women became pregnant and subsequently became mothers, their regular permit renewal trips to China became increasingly problematic, partially because their periodic absences from Hong Kong made it difficult to fulfill their domestic and motherly duties (cf. W. S. Chan 2011).

The situation for childfree women was, at least initially, very different from those who were pregnant or those who had a child immediately after marriage. The permit requirement of regular returns to China was comparatively easy for childfree women. They did not need to worry whether their children were properly taken care of by their husbands or others in Hong Kong, nor did they need to bring the children with them for the often exhausting journey to China in case no alternatives for childcare could be arranged in Hong Kong. While most TWP wives I knew were in the process of adapting to the new living environment of Hong Kong, among childfree women the condition of mobility was viewed rather positively and facilitated the transition in their lives.

The notion of temporarily departing from Hong Kong as "taking a vacation back home" can be well demonstrated from Ying's experience. Ying, originating from Heilongjian Province, had a master's degree from a prestigious university and worked as a writer in the mainland before living temporarily in Hong Kong on a TWP. By taking advantage of her favorable credentials, after a year living in Hong Kong on a TWP, Ying was granted a work visa by the Hong Kong Immigration Department allowing her to work there legally even before her OWP

was approved. Ying and her Hong Kong husband, who is also a writer, loved traveling in search of inspiration. During the year when she periodically returned to China for permit renewal, her husband accompanied her to China due to his flexible work schedule. The couple usually first went to Shenzhen in Guangdong Province, where Ying mailed her documents and supporting materials to her parents in Heilongjian. Her parents then submitted the renewal application on her behalf to the local exit-entry office. While waiting for the application to be processed for two to three weeks, Ying and her husband traveled around in China. They had visited many places in Hunan, Yunnan, Zhejiang, Xinjiang, and Gansu Provinces. After the application was approved, Ying's parents sent the renewed document to her friends in Shenzhen or Guangzhou, and Ying would pick up the document from her friends at the end of their journey.

In contrast to childfree wives' relatively carefree border-crossing experiences, once women got pregnant, they became substantially more concerned about the safety and health issues revolving around the required regular trips to China. In one case, a TWP pregnant wife from Jieyang in Guangdong Province returned to her hometown for permit renewal during a swine flu outbreak. Concerned about the risk of infection in a crowded bus for four to five hours, she took a taxi from Shenzhen all the way to her hometown despite the much higher cost. Moreover, as discussed previously (section 3.1.5), pregnant women became more careful about timing their border-crossings because they had to return to Hong Kong well before their delivery.

After children are born and start to grow up, the regulation of mobility becomes increasingly difficult to manage as women—in their typical gendered roles as care-givers—need to find ways to sustain their motherly duties during their periodic absences from the household. In a pioneering study of mobile mothering tactics among TWP mothers, W. S. Chan (2011) analyzed three types of tactics commonly used by women while they are in China, namely:

replacement mothering, co-present mothering, and distance mothering.<sup>69</sup> Similar to W. S. Chan, my research found that TWP wives drew on one or more of these tactics to maintain their motherly duties, and that the use of tactics changed in relation to the ages of their children. Teenagers generally require less intensive care-giving whereas infants and young children demand more. Most women brought their infants and toddlers with them to China in order to sustain the intensive, around-the-clock childcare during the TWP renewal process. Yet, in doing so, their trips were more exhausting and stressful (e.g. see section 3.1.1 for Siu-chu's experience), not only because they needed to take extra supplies such as milk formula and diapers for the children,<sup>70</sup> but also because the long distance and harsh travel conditions coupled with the differences in climate and food in their hometowns often caused their children to get sick, adding extra stress and worry for the mothers (cf. W. S. Chan 2011).

Once children reached school age, it became more difficult for them to go with their mothers to China as they would be absent from school for too long (ibid.). TWP wives who had more resources, personal networks, and/or financial means could find substitutes such as a domestic helper and/or a family member to provide childcare for their school-age children while they went to China. Po, a TWP wife from Jiangmen in Guangdong Province, used to have both a live-in domestic helper and her elder sister, who had already immigrated to Hong Kong through marriage migration, to look after her son and daughter when she went to China for permit

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<sup>69</sup> According to W. S. Chan (2011), "replacement mothering" refers to the situation in which a helper, who can be the husband, a close relative, or a friend, takes up the childcare obligations temporarily while the mother is absent from the child. "Co-present mothering" means that the mother brings the child with her to travel to China in order to sustain the childcare. Finally, "distance mothering" refers to the situation in which the mother guides her child to take care of himself or herself via phone and/or other communication devices.

<sup>70</sup> The vast majority of TWP wives I knew were very concerned about the quality of baby food and items made and sold in mainland China. An infamous food scandal known as the crisis of "kidney-stone babies" occurred in 2008. In the crisis, an estimated 300,000 babies in mainland China suffered from kidney stones or other kidney damage from being fed infant formula adulterated with melamine that was produced by a PRC-based baby food manufacturer (*South China Morning Post* 2010). Therefore, TWP wives always brought baby food and items from Hong Kong, that were believed to be of better quality, with them to China.



renewal (i.e. “replacement mothering”). However, after Po’s husband deserted her, she could no longer afford the domestic helper. As of early 2012, when Po left for permit renewal, she left her 13-year-old son home alone while providing guidance by phone (i.e. “distance mothering”), and she left her younger, 9-year-old daughter with her elder sister (i.e. “replacement mothering”).

When unable to make childcare arrangements, TWP wives might have no choice but to take their children with them to the mainland, even if it meant interrupting the child’s schooling. This problem was more pervasive among ex-wives and widows who had weaker family support networks in Hong Kong compared to those who had an active conjugal and familial relationship with their Hong Kong husband and their husband’s family. Ting, a widowed wife from southern Guangdong Province, had a five-year-old son who stayed in Hong Kong. Her son started to go to kindergarten at the age of three. However, Ting could not always find a substitute to provide childcare for her son, so she had to bring him with her every time she returned to China. Ting had noticed that her son’s periodic absence from school negatively impacted his learning. Ting was afraid that the impact would be exacerbated when he started elementary school.

In order to mitigate the problem of childcare arrangements among TWP wives, the PRC introduced a new TWP One-year Multiple Exit Endorsement for Visiting Relatives (OYMEE) in December 2009 to allow eligible wives, who must have a valid marital status and need to take care of young Hong Kong citizen children in Hong Kong,<sup>71</sup> and other individuals who have “special family difficulties,” to renew their exit endorsement in their hometown only once a year (see also footnotes 61 and 62 in Chapter 2). The TWP wives who were able to obtain this new type of exit endorsement found that the new policy greatly reduced the physical and financial burden of long-distance travel back and forth to their PRC hometowns. However, as of early

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<sup>71</sup> There is no official guideline for the children’s age limit. However, local nongovernmental organizations found that TWP women whose Hong Kong citizen children are over age 14 are generally denied of the OYMEE (Society for Community Organization and Concern Group on Mainland and Hong Kong Split Families 2011).

2012 this policy had not yet been fully implemented throughout all provinces in China. Also, even though some provinces carried out the policy, TWP wives, especially ex-wives and widows, encountered problems with their applications. Even those who came from Guangdong Province, where government practices are deemed the most “civilized” in China, encountered difficulty getting the new type of endorsement, even though they met the eligibility criteria of having a valid marital status and young Hong Kong citizen children who needed to be taken care of in Hong Kong. A TWP wife from Zhanjiang in Guangdong Province who had two Hong Kong-born children, said that she knew women marrying Hong Kong men in her hometown were able to get the new type of endorsement, but her applications had been repeatedly rejected without a reason. Although she had made complaints to the chief officer of the local exit-entry office, her attempts of getting this endorsement still failed.

### **3.3 OTHER EFFECTS OF PERIODIC BORDER-CROSSINGS**

As of early 2012, mainland wives who were ineligible or unable to benefit from the new TWP OYMEE policy,<sup>72</sup> continued to be required to repeatedly renew their three-month TWP in their PRC hometowns, in order to maintain their legal temporary “visitor” status in Hong Kong. The women’s periodic border-crossings for permit renewal not only required regular stressful encounters with state agents and sets of bureaucratic and cultural practices, but also impacted their family relations, social participation, and sense of belonging to Hong Kong. The problems faced by TWP wives, due to their regular and frequent periods of family separation are in many ways similar to those commonly experienced among transnational women migrant workers

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<sup>72</sup> These included childfree wives, wives whose children were born in China and had not yet become Hong Kong citizens, and most ex-wives and widows.

(Dreby 2006; Gamburd 2000; Pratt 2012; Parreñas 2001, 2005, 2010). Parreñas has argued that “migration destabilizes families,” because “it forces the transformation of households from nuclear to transnational structures, challenges the traditional gender division of labor, and imposes the barrier of geographical distance on marital and intergenerational relations” (2010:1825).

Siu-chu, the wife from rural Hunan Province, was ineligible for the new type of TWP exit endorsement because her daughter, Bing-bing, was born in the mainland and had not received her OWP.<sup>73</sup> As of early 2012, mother and daughter had been making regular permit renewal trips to rural Hunan for four years. Siu-chu and Bing-bing’s regular separation from Ah Tak (the Hong Kong husband and father) for 20 to 30 days every three months was difficult. Bing-bing always cried and yelled, “Daddy! Daddy! I want to go home [i.e. their Hong Kong home]!” when Ah Tak saw them off at the local bus stop. Although Siu-chu said she did not have “a sad feeling” or miss her husband during their periods of separation, she did feel “insecure” about whether she and Bing-bing would be “abandoned” by him while they were away. Siu-chu said, “While I am in China, he usually calls me every day or every other day. If I can’t receive his call, I will feel very insecure and I will call him instead.”

When TWP wives leave their children behind in Hong Kong while they are in China, mothers and children often suffer some emotional strain due to the separation. “What mother is willing to leave her child behind? In fact, it hurts a lot to be separated,” a TWP widow said. Painful feelings of mother-child separation and concerns about a trustworthy substitute for

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<sup>73</sup> OWP applications are normally processed in the mainland independently so family members seldom receive OWPs all at the same time. In most cases, mainland children born to Hong Kong permanent residents can receive an OWP faster than mainland spouses (Ho 2004; Newendorp 2008; So 2003). However, since the early 2000s, a change in the OWP system has allowed mainland spouses whose OWP was approved to bring along a mainland-born child below age 18 to immigrate to Hong Kong, even if the child’s own OWP application was not yet approved (Security Bureau 2009a). In the case of Siu-chu and Bing-bing, Bing-bing’s OWP approval might have been delayed by the authorities in order to synchronize with the timing of her mother’s OWP approval, allowing them to immigrate to Hong Kong together.

childcare were more common among ex-wives and widows due to their generally weaker family support networks in Hong Kong. Shan, a widow from western Guangdong Province, had a seven-year-old Hong Kong citizen son born in Hong Kong. When her son was three or four and in kindergarten she would bring him with her to China for permit renewal, but as he got older the periodic absences from school had more of an impact on his schooling. Instead, Shan began to leave her son with her friends also from her PRC hometown living in Hong Kong. Once, her son was scolded by his care-giver because he accidentally damaged something. Since then, he was afraid to be left behind in Hong Kong. Shan said:

Some friends from the church are concerned about my situation. They offer to take care of my son when I return to China... But my son is scared of being left behind. One time after my son heard [of someone offering to take care of him], he talked to me very seriously, 'Mommy. Don't leave me to this and that aunt's home! I don't like staying at other people's home!' Then I asked him, 'Then, what do you want?' He said, 'I go wherever you go. If you go to the mainland, I also go to the mainland! I will not take school exam! I will not go to school!' Then I said, 'If you don't go to school, how can you live your life? Do you want to be poor like me for the rest of your life?' He said, 'Whatever! I go wherever you go. If you die, I die too!'

TWP wives' regular mobility can limit their access to the already scant social services available for them in Hong Kong. During the period of my fieldwork, a social work student conducted her training placement with MHKFRA where I conducted fieldwork. She established a photo-taking interest group for the TWP wife members. Unfortunately, only a few women joined her group. Some wives told me that they hesitated to join the interest group because they anticipated that they would be absent for periods of time when they needed to renew their permit in China.

Last but not least, regular movements across the border are a disruptive force to TWP wives' sense of belonging to Hong Kong. As Shan said:

In my daily life [in Hong Kong], I view myself as a member of Hong Kong. Yet the moment when I pass through the border check point, I find myself having no such

identity. I do not leave [Hong Kong] voluntarily. When I return [to Hong Kong,] I start to count down my days [of staying here] again.

Some wives said that they often felt like strangers in Hong Kong after they returned from China. Although some adapted quickly, others took a longer time to get used to life there all over again. Like Shan, women's "visitor" or "stranger" subjectivity to Hong Kong is constructed not simply because they are TWP holders but also through periodic disruptions in the process of building their sense of belonging to Hong Kong. The state-initiated and state-controlled condition of being mobile serves as a surveillance apparatus that periodically reminds women of their "visitor" status and how they still differ from Hong Kong "locals," because "visitors" to Hong Kong are required to observe immigration regulations, and when time is up, they must go.

Despite the negative effects of increased mobility, the TWP policy undoubtedly has also brought about opportunities and benefits for the women. As the main premise of the policy, it is beneficial for cross-border families' spousal and parent-child relationships. As I will discuss in Chapter 4, striving for an earlier family reunion before obtaining a permanent OWP was the prime driver for the mainland wives I knew to live temporarily in Hong Kong on a TWP. After coming to Hong Kong, the condition of mobility can facilitate women's transition in their lives as a temporary departure from Hong Kong allows them to "escape from the hectic Hong Kong life and the often unpleasant living conditions in Hong Kong," and "return to the places with which they are more familiar." As a childfree wife in her early thirties from Dongguan in Guangdong Province said:

I like going back to the mainland. I go back relatively often. I would say this is caused by *you* [i.e. her husband whom she complained of having not made her life happy in Hong Kong]. If I were happy with my life here, I would not have often wanted to go back. It seems troublesome to keep renewing the permit, but for me, it gives me more opportunities to go back to my natal family. Normally, you don't go back without a reason. But now you've got a legitimate excuse.

[Me: Is your natal family happy to see you?] Of course, they are happy [to see me]. When I return home, I am like a king! I don't need to do anything! But here [in Hong Kong] I am like a servant [for my husband's family]. My mother doesn't work outside the home so she takes care of all household chores. My mother is younger than my mother-in-law so she can handle all household chores. Even I offered to help, my mother criticized me as inept.

A few women I knew made use of their regular permit renewal trips back to China to engage in "parallel trade." They bought mainlanders' favorite products such as perfumes and cosmetics from Hong Kong and then re-sold the products to their friends in the mainland. They made profits not only by charging their buyers prices that were higher than the original prices but they also benefited from the exchange rate.

In sum, under the relaxed TWP policy, mainland migrant wives were "empowered" in some ways due to their increased mobility to cross the border which was previously restricted to them. However, they also found themselves bound by sets of border practices and problems related to their periodic border-crossings. Friedman (2012) argues that the contemporary anthropological approach to the border must explore "the fluidity of the term border" and "the performativity of border practices." The former stresses that the border is not only in relation to a national frontier but may extend in everyday interactions, and the latter reflects how bureaucratic and other substantive practices constitute the border and can be embodied and experienced by migrants and other travelers (*ibid.*). This chapter has discussed that some of the ways in which TWP wives' interactions with practices of border control and state agents occurred beyond border check points and extended into their own PRC hometowns and the territory of Hong Kong, and were closely intertwined with social relations, cultural practices, and gender norms in the contexts of both China and Hong Kong. At the same time, Hong Kong's obstetric and border policies have complicated the border practices such that the sovereignty effect even penetrated into the women's intimate bodily realm and their everyday lives.

Finally, women's increased mobility is a "cultural process of subject-ification" in relation to citizenship (Ong 1996). The condition of mobility, due to its specific temporality and recurrent and disruptive natures, serves to construct and reinforce women's "visitor" subjectivity to Hong Kong, differentiating who is and who is not a Hong Kong "local." As discussed in the beginning of this chapter, to some TWP wives the experience of increased mobility is akin to "imprisonment" as they are "confined" to specific, institutionalized spatial and temporal experiences, similar to the life conditions of prisoners. In the next chapter, I will turn to examine the other "imprisonment-like" effects denying or highly restricting women's social rights during their conditional stay as "visitors" in Hong Kong.

#### **4.0 LIVING AS LIMINAL CITIZEN-SUBJECTS**

This chapter looks at how a state-defined “visitor” immigration status has impacted various aspects of TWP women’s long periods of transitional stay while awaiting approval of their formal settlement in Hong Kong. It situates women’s everyday personal struggles that result from their “visitor” status within the post-1997 context. This context is linked to Hong Kong’s political-economic and socio-cultural ambivalence toward China. As we will see in the following sections, on the one hand, the Hong Kong government embraces the core value of familial and social harmony and the normative principle of citizens’ rights of family reunion; it welcomes the PRC’s relaxed TWP policy which allows mainland wives to live temporarily in the city before they receive a permanent OWP. On the other hand, largely lacking control over Beijing’s migratory policy decisions, coupled with prolonged negative perceptions of mainland immigrants and Hong Kong-China marriages (see Chapter 2), Hong Kong’s immigration policy and recent social welfare reforms reflect the reluctance of the state to accept and integrate the new wave of mainland family-visitors into mainstream society. Restrictive immigration and citizenship rules notwithstanding, Hong Kong has not blindly rejected every mainlander who enters and seeks citizenship. Such opportunities are open for high-tech talents, professionals, and the rich who fit the city’s contemporary ideals of citizenry who contribute to its “competitiveness and dominance as Asia’s World City” in an era of neoliberal global economy (Pun and Wu 2006:141; see also section 4.1 in this chapter and section 5.1 in Chapter 5).



Like mainland “boat brides” of the 1980s, contemporary TWP migrant wives are subsumed under an unrecognized citizen-subject category—a condition that, in exchange for their long-term physical presence in the city, ensures the women’s vulnerability to the state and their ineligibility for rights and resources which are allocated according to a membership/citizenship-based system. These women arguably fall into what Brysk and Shafir (2004) call a “citizenship gap” in which non-citizens or ambiguous citizens “lack basic membership in the [receiving] state” and “may be ineligible for rights of political participation, social services, and sometimes even international recognition of their status” (ibid.:6). This chapter first investigates the Hong Kong government policies in relation to the immigration rule of conditions of stay and denial of public resources and benefits for TWP holders. Second, it examines women’s motives and expectations of living in Hong Kong despite the imposed policy constraints, in addition to their general everyday struggles in the city. Third, women’s experiences of the impacts of a “visitor” status on their labor force participation and access to subsidized public resources in the realms of healthcare, welfare, and housing are examined. These are not the only dimensions of women’s lives that are affected but they illustrate how their immediate day-to-day lives are impinged upon by the state, making their adjustment in Hong Kong difficult. The final section focuses on the issue of citizenship politics. Instead of stressing only the power of the state in shaping the lives and identities of women as “visitors,” it explores women’s ability to reclaim some sort of authority over how their identity should be defined socially and politically. It examines how women’s familial ties to Hong Kong citizen men and children, as well as their social participation in MHKFRA, provide them with meaningful resources to become more than just “visitors.” In the course of redefining social membership and

citizenship in their own terms, women come to feel entitled to certain rights and resources and feel empowered to make demands on the state.

#### **4.1 POLICIES IN RELATION TO VISIT PERMIT HOLDERS' RIGHTS**

When the PRC introduced the relaxed TWP policy in November 2002 to allow mainland spouses to visit their families in Hong Kong more frequently, the Hong Kong government welcomed the policy as a way to “reduce the pain of separated families” (Task Force on Population Policy 2003:49). Moreover, as stated in the 2003 Population Policy, the government encouraged mainland spouses to “visit Hong Kong as soon as they have applied for an OWP so that they may familiarize themselves with Hong Kong’s way of life and the living conditions of their spouses in Hong Kong” (ibid.). From the government’s perspective, sufficient exposure to and familiarization with Hong Kong’s living environment is beneficial for marriage migrants to make an informed decision of whether they wish to permanently settle in Hong Kong when their OWP is approved (ibid.).

Although the Hong Kong government welcomed the PRC’s border policy modification and recognized the benefits of the TWP for improving cross-border familial relations and broader social harmony, as of early 2012 the government had provided very little or no resources to facilitate TWP wives’ familiarization with Hong Kong. While there are extensive social welfare services provided by the government and many local NGOs to facilitate the integration of mainland “new arrivals” (the official term for new legal immigrants) to Hong Kong (Newendorp 2008), TWP migrant wives’ requests for assistance and services are often turned down by state and non-state welfare agencies on the grounds that these women are not Hong Kong permanent residents, or that they “do not have Hong Kong Identity Cards”—indicating that

they are not “local” residents at all (personal conversations with social workers and TWP wives 2011-2012). Moreover, as “visitors,” TWP wives are subject to the conditions of stay in accordance with Hong Kong immigration law. According to Regulation 2(1) of the Immigration Regulations (Chapter 115A, Laws of Hong Kong), a person who lands in Hong Kong as a visitor is prohibited from taking any job, whether paid or unpaid; from establishing or joining any business; and from studying at any educational institution. Those who breach these conditions of stay face high fines and imprisonment (Immigration Department 2011a).

Nonetheless, the conditions of stay are applied unevenly across different mainland migrant groups, contributing to differentiated migratory experiences. Under the similar rhetoric of facilitating spousal and familial harmony, mainland dependants (i.e. spouses and unmarried children under age 18) accompanying their spouses or parents who are admitted to Hong Kong for the purposes of professional employment, investment to establish or join a business, or training, are “not prohibited from” working and studying in Hong Kong (Immigration Department 2011b). Those more privileged immigrants need not first obtain an OWP from mainland authorities; the dependants of privileged immigrants can apply for Hong Kong permanent residency directly to the Hong Kong Immigration Department after having ordinarily resided in the city for a continuous period of not less than seven years (*ibid.*). Therefore, mainland dependant spouses of privileged migrant groups may save at least four years (the minimum time for obtaining an OWP) along the long path of acquiring Hong Kong permanent residency.

Besides being subject to the conditions of stay, TWP women witnessed increasingly restricted access to subsidized public resources since 2003. Around the same time when the relaxed TWP policy was implemented in late 2002, the Hong Kong government proposed to

tighten eligibility for subsidized public benefits among different categories of residents living in the city. In February 2003 the government released the first Population Policy in Hong Kong's history. The policy report identified one of the major challenges to Hong Kong's short- and medium-term development as the "considerable discrepancy in the eligibility for various privileges among residents with different lengths of residence" (Task Force on Population Policy 2003:vi). As stated in the Population Policy's Chapter III "Concerns and Challenges":

The Government heavily subsidizes many public services in Hong Kong. These subsidized services include welfare, public health, security, judicial and legal aid services, infrastructure, environment, recreation and culture, etc. *While some of them, such as housing and social security payments, require prospective applicants to meet a residence requirement, others such as education and public health do not. For public healthcare services, the heavily subsidized services are available not only to permanent residents, but also foreign domestic helpers, migrant workers and Two Way Permit [TWP] holders who are spouses or children under 11 years of age of Hong Kong Identity Card holders.* Furthermore, for those services that stipulate a residence rule, the length of residence required varies from one year, in the case of CSSA [i.e. Comprehensive Social Security Allowance], to seven years in the case of public rental housing. In sum, while people living in Hong Kong generally enjoy the same fundamental political and human rights, there is considerable discrepancy in the eligibility for various privileges among residents with different lengths of residence. (ibid.:39-40, paragraph 3.23; emphasis added)

For the Hong Kong government, the financial implications of considerable discrepancy in the eligibility for subsidized public benefits "have become an issue of major concern" (ibid.:66). To resolve the problem, the Population Policy proposed the following principles:

*To adopt the principle of "seven year" residence requirement for providing social benefits heavily subsidized by public funds. To consider tightening up the eligibility criterion for CSSA so that such benefits should, from a future date, be available only to residents who comply with the seven-year residence rule (except for children under the age of 18; current residents in Hong Kong will not be affected by this rule); to apply the same principle in respect of public healthcare services to Two Way Permit holders and other visitors and to consider how this policy could apply and be implemented for the rest of the population; to review in the longer term access to subsidized benefits by residents absent from Hong Kong for a long period of time.* (ibid.:68; emphasis added)

Following the Policy's recommendations, different government bureaus and departments subsequently tightened eligibility for public benefits among different types of residents based on

their length (below or above seven years) and nature (visitors, foreign workers, non-permanent residents, etc.) of residence in Hong Kong. In April 2003, for instance, the Hong Kong Hospital Authority applied a residence requirement to the provision of public healthcare services. It restricted the eligibility for healthcare services at highly subsidized rates to “Eligible Persons,” who include Hong Kong Identity Card holders (i.e. both permanent and non-permanent residents, loosely understood as “local” residents), children under age 11 with a Hong Kong resident status, and other persons approved by the Chief Executive of the Hospital Authority (Hospital Authority 2007). On the other hand, persons who are not “Eligible Persons,” or understood as “non-locals,” are classified as “Non-eligible Persons.” These include TWP spouses and children of Hong Kong residents but exclude those married to or parented by Hong Kong civil servants. Here again, differential treatment is given to different groups of mainland migrant wives and children based on their relations to “ordinary” or “privileged” (usually male) sponsors. Such differential treatment reveals the classist nature of government policies against Hong Kong-China families.

As Werbner and Yuval-Davis argue, “[a]ny notion of citizenship, even a gendered notion, which does not take into account women’s additional identifications with various racial and ethnic collectivities, as well as their class, age, religion, sexuality and ability, would fail to understand some of the ways in which a liberal polity organizes relations with its individual subjects” (2005:17). Among the groups of mainland women entering Hong Kong on marital grounds, the government seemingly adopts the concept of “graduated citizenship” (Ong 2006a) to exercise differentiated “technologies of disciplining, regulation, and pastoral care” (ibid.:79) on different groups of migrant wives based on their own and their husbands’ value according to market calculations. Under the forces of globalization and economic restructuring, Hong Kong’s immigration policies have long centered on allowing the importation of workers in response to

shifting economic circumstances and shifting labor demands. With the ascent of a neoliberal discourse of governmentality, mainland wives of Hong Kong civil servants and prospective professional or rich migrants are also valued by the state due to their husbands' professional and financial capabilities, as if these women, somehow like their husbands, are "human resources" having the potential to contribute to Hong Kong's economy. These women seem less likely to become free loaders, but are more likely to be "enterprising individuals" themselves after entering Hong Kong. Hence, these prospective "worthy" or "high-priority" migrant wives face less restrictive "technologies of disciplining and regulation" in terms of immigration restrictions; they are not prohibited from working and studying when they arrive in Hong Kong. By contrast, most Hong Kong-China marriages involve ordinary Hong Kong men and mainland women. Mainland immigrant women have been thought of as low-skilled, low-educated, unproductive, and highly dependent on government welfare (see Chapter 2)—a host of characteristics that are abhorred in the neoliberal capitalist market. Even among those who work, many occupy low-skilled jobs such as part-time domestic work that are not highly valued and not currently lacking foreign workers willing to do it full-time even for less payment (Constable 2014). Hence, "unworthy" or "low-priority" mainland marriage migrants are subject to restrictive state "technologies of disciplining and regulation" limiting their eligibility for rights and resources while living in Hong Kong on a TWP. Moreover, in line with the discourse of neoliberal governmentality, Hong Kong's government has increasingly reduced its role in welfare provision and showed very little to no interest in taking care of "unworthy" or "low-priority" migrants' needs (as reflected from the 2003 Population Policy). For instance, when mainland wives decide to give birth in Hong Kong on a TWP, they must expect to be self-reliant to make "appropriate plans to meet their medical needs" (Legislative Council Secretariat 2011:2).

## 4.2 POST-MARITAL LIVES

Between the late 2000s and early 2010s, many TWP wives in their twenties and thirties I met had personal experiences of visiting Hong Kong via tourism and/or short-term family visits prior to their post-marital relocation. Before their long-term stay, Hong Kong generally gave them the impression of a civilized and wealthier place with democracy and rule of law which contrasted with their places of origin in China. Simultaneously, they noticed that Hong Kong is a high-cost, crowded, tiny place and that many local people are prejudiced against mainlanders. After women had lived in the city for a longer time, they started to realize that there are more social problems and injustices, such as huge disparities between the rich and the poor as well as monopolies by real estate developers that dominate many aspects of ordinary people's lives. As the socio-economic gaps have narrowed between Hong Kong and China's major booming cities in the late 2000s, fewer young and educated women originating from major cities, particularly in the Pearl River Region in Guangdong Province, thought of moving to Hong Kong "as if moving to a special place" in the social and economic senses. Jessie, a university-educated wife in her early thirties from Dongguan in Guangdong articulated her view of relocation to Hong Kong from the geopolitical, social, and linguistic perspectives:

I didn't have special expectations about moving to Hong Kong. I didn't think of moving to Hong Kong as if moving to a special place. I just thought that I would move to a different city [within China]. Hong Kong is basically part of Guangdong, and the lifestyle and use of language are more or less similar between places in the Pearl River Region.

Overall, striving for an earlier family reunion before obtaining a permanent OWP was the prime driver for the mainland wives I met to live temporarily in Hong Kong on a TWP. As they were aware of the conditions of stay imposed on them, they (and their Hong Kong husbands) did not expect to work outside the home but expected instead to assume full-time domestic roles. Hence, many had expected a "mundane" post-marital life in Hong Kong. After their marriages,

some opted for an immediate relocation to be with their spouses and for what they described as “emotional needs,” or because they were already pregnant at the time of marriage and they wished to be with their husbands for long-term support. Others chose to remain in China to work. After marrying a Hong Kong professional working in the information technology industry in 2007, Emily, then a wife in her mid twenties from Jieyang in Guangdong Province, had kept her job for a year as a contract yoga instructor for luxury hotels’ fitness centers in Shenzhen before moving to Hong Kong. This was because Emily wanted to keep her own income and flexible work schedule, and the couple did not have an initial plan for a child. During the first year following their marriage, the couple maintained separate homes across the border and visited each other twice a week. Initially, Emily enjoyed continuing her pre-marital independence but gradually found it unpleasant:

I felt bored. I found it difficult to be alone. I worked to kill time and to avoid boredom. When I worked, I felt successful and happy, but no one was there ready to share the joy with me. When I felt unhappy, there was no one to console me either. Every day after work, I returned home, watched TV alone, and cooked for myself. If my family was around me, life would be different. But when there is no one to be with you, you lose joy, and might start to be depressed.

Over the years, long periods of spousal separation due to the OWP has been cited as a root problem that places many Hong Kong-China marriages at risk (*Ming Pao* 2007c, 2009a and b). To mitigate this problem, the relaxed TWP policy was first introduced in late 2002. Not surprisingly, the mainland wives I knew utilized the relaxed TWP policy to live temporarily in Hong Kong in order to strengthen their conjugal relationships and to satisfy their emotional needs for spousal company.

Yet, did the women think it was a waste of time to live in Hong Kong on a TWP while subject to the conditions of stay, since the time could otherwise be used for working and making ends meet in China? Many women I met had, at least initially, viewed the “suspended time”



rather positively as an “opportunity” to do something meaningful in Hong Kong. In line with the state rhetoric, they expressed their wish to make use of the time “to adapt to Hong Kong’s society,” as well as “to learn skills” that could help them land a job more easily after they became eligible to work. Others said “it is a good time” to try to get pregnant. Women calculated that because an OWP generally takes at least four years to be processed and approved, during the waiting period they can focus on providing intensive care for infants and toddlers. If the timing works out, after an OWP is approved it will be about time for children to go to kindergarten. At that point women will be less tied to childrearing so that they can engage in a part-time or even a full-time job.

Upon arrival in Hong Kong, TWP wives, like many new immigrants of other kinds, faced a new living environment and tried to figure out how to adapt to it. Some wives I knew had developed different degrees of emotional distress such as homesickness, loneliness, and depression especially during the initial period of relocation. After Emily moved to Hong Kong in 2008, she became depressed. Despite describing herself as “a happy, very active and optimistic person,” Emily noticed the move to Hong Kong caused emotional strains and she became depressed. She explained the reasons:

First of all, different cultures. Second, different environments. Third, no family or friends being around me. Fourth, when I wanted to find someone to chat with me, I found no one. [Me: Do you have any friends who also married into Hong Kong?] No. No friends at all. You know what? Initially, I even wanted to post a notice in the lobby of this apartment building asking whether there are any newly arrived mainland women [who would like to make friends with me]. Finally I didn’t do so because it might not be allowed [by the property management]. Then I asked the security guard [of the building whether he knew any mainland women living in the building]. He said he didn’t know any.

Some women, at least initially, did not have any natal family members, acquaintances, or friends in Hong Kong other than their husbands and their husbands’ families. Even those who had friends and/or family members in Hong Kong generally said they did not often see each

other or keep in touch. Some realized the importance of building a social circle on their own and “stepping outside the home” to make friends such as through joining leisure classes organized by community-based organizations. Not surprisingly, the attempt to make friends was generally one of the main reasons women joined MHKFRA. Overall, whether women can lead an active life in Hong Kong or not depends not only on their personalities and motivation, but also on whether their husbands and/or husbands’ family members are supportive and actively help them to get to know the new living environment.

In an interest group activity organized by a social work student intern at MHKFRA, women participants were asked to take pictures of their daily lives and then to share the stories behind the pictures with other women. When Fong, a wife in her early thirties from Sichuan Province, showed other women the hundreds of pictures she had taken with her stylish digital camera over time, women were amazed to see the many different places around Hong Kong she had visited with her husband, parents-in-law, and other family members. One picture depicted Fong and her 3-year-old, Hong Kong-born son posing in front of Reptile House in Tuen Mun Park. As Fong did not live in the Tuen Mun district, I spontaneously said, “Wow! It is in Tuen Mun!” (the place I lived during fieldwork). Siu-chu, the wife from Hunan Province who also lived in Tuen Mun, heard me and responded bitterly, “Tuen Mun? Where in Tuen Mun? I don’t know that place.” After moving to Hong Kong in 2008, Siu-chu had been living with her husband and their mainland-born daughter, Bing-bing, in a public rental apartment in Tuen Mun. On different occasions she complained to me that her husband seldom took her and Bing-bing anywhere outside the housing estate where they lived. Even when they dined out on weekends, her husband always wanted to eat at the same restaurants within the housing estate. Without her

husband or his family's help, Siu-chu's participation in MHKFRA was her only way to get to know Hong Kong beyond her immediate living space.

Some wives said they seldom went out on weekdays except to shop for groceries in a nearby market. Fear of being discriminated against by Hong Kong locals was one factor they identified as deterring them from going out alone more often. Women were aware that Hong Kong people's hostility against mainland immigrants had intensified in recent years. Women who spoke in accented Cantonese (due to their non-Guangdong origin) were afraid their accents revealed their mainland origin. From the mid 2000s to early 2010s Hong Kong people seemed to develop increasingly contradictory attitudes toward mainlanders. Women's experiences of interacting with Hong Kong locals reflected locals' differentiated attitudes toward affluent mainland visitors and underprivileged immigrants. Women's use of the same spoken languages of Mandarin and accented Cantonese in different contexts caused different reactions. Siu-chu, the woman from Hunan, talked about her unpleasant encounters:

My Cantonese is very poor. I feel I am discriminated against by Hong Kong people. When I initially moved to Hong Kong, I didn't like going outside the home. I felt I was being charged more when I bought food in the wet market. One time I bought a fish costing some twenty [Hong Kong] dollars, but another person paid a different price for the same [type of] fish. I had another unpleasant encounter when I bought *qiezi* [eggplant in Mandarin]. Because I didn't know how to say it in Cantonese, I said *qiezi* [to the grocer] while pointing at the veggie. [The grocer] pretended not to understand me and kept asking "What? What? What?" This made me mad because I was pointing at the veggie as well. When Hong Kong people travel to the mainland, their Mandarin is very poor, but we don't laugh at them!

Women speaking in Mandarin and accented Cantonese in lower-end food markets in the districts in which many mainland immigrants live spoke of many unhappy encounters that they described as discrimination by locals. Paradoxically, the use of the very same languages in upscale districts where affluent mainland visitors shop for brand name luxury goods can suddenly transform women from a disadvantaged social position of "unwanted immigrants" to a privileged position

of “wanted guests” who are cordially welcomed by retailers to boost sales. One afternoon after the MHKFRA’s protest in front of the then government’s headquarters in Central—one of the most upscale districts in Hong Kong—ended, Siu-chu and Lai-wan took the opportunity to explore the district otherwise they would not likely see it, given how far away Central is from their homes in Tuen Mun and how much it would cost to get there. Taking advantage of being there, the two women walked around a shopping mall and into some shops, even though they knew they could not afford to buy anything. As they were walking and talking to each other in Mandarin (neither was from Guangdong Province), they were amazed at how politely and enthusiastically they were greeted by well-groomed smiling salespersons saying *huanying guanglin* (welcome in Mandarin). Anecdotes about women’s interactions with Hong Kong locals in recent years reflect Hong Kong people’s ambivalence toward China.

As discussed in Chapter 2 (section 2.3.1), while China has emerged as a world power house, Hong Kong is not only losing its previous economic superiority relative to China but also facing an increasing dependence on the latter for its own economic survival amid a new era of global economic crisis. On the one hand, the city’s dominant retailers and real estate developers have considerably benefited from mainland visitors’ rising buying power. On the other hand, local people at the community level have felt their everyday lives being increasingly encroached upon by mainlanders’ overwhelming socio-economic activities. With escalating fear of “mainlandisation” (Chugani 2012) in relation to different political, economic, and social issues, many Hong Kong people have turned their complex feelings of frustration, fear, and anger toward China to the disadvantaged group of mainland immigrants as scapegoats for their increasing fear of the loss of Hong Kong’s autonomy and the disappearance of the uniqueness of Hong Kong *yan* identity and culture.

Certainly, not all experiences discussed in this section are specific to TWP women; many are commonly experienced by other immigrant groups and mainland immigrant wives in Hong Kong on OWPs. In the following sections, I will focus on the experiences more particular to TWP women due to their “visitor” immigration status.

### **4.3 THE “LIMINAL” EFFECTS**

#### **4.3.1 Employment**

“After having lived in Hong Kong for a period of time, I started to feel like a walking corpse. I somehow attained higher education, but what I can do is largely household chores. My life is so mundane here, just like wasting time,” said Jessie, a university-educated woman, who had remained in her decently paid accounting job in China for a year before moving to Hong Kong to be with her husband. The condition of stay prohibiting TWP holders from working outside the home (whether paid or unpaid), has had personal, financial, and familial implications for the women I met.

First of all, for young and educated mainland wives like Jessie, who previously had white-collar jobs in China, the transition from being a full-time working woman to a full-time homemaker for a long period might have negatively affected their confidence and self-worth. Jessie regarded herself as a useless “walking corpse” who wasted her time doing nothing but household chores. Other women also described feeling low self-esteem because they did not have a job or any source of income. As Chiu and Lee argue, working women’s retreat back to domesticity easily fosters “demoralization” and “the day-by-day sapping of confidence and a prolonged weakening of the will” (2003:123). Apart from achieving financial autonomy and/or

providing support for the family, TWP women also viewed employment as an avenue to feel useful, to promote self-esteem, and to remain motivated in life. In mainland China, the link between women working outside the home and the notion of valued female subjectivity has emerged in modern China's history. Early in the Republican era (1912-49) Chinese reformers had used a Western-inspired concept, *nuxing* (Mandarin, literally woman), to name the women population and reconsider their social roles and positions, advocating against the seclusion of women from public life "as a major reason for China's relative weakness and backwardness" (Brownell and Wasserstrom 2002:28). Later, under the PRC party-state socialism spanning from the 1950s to the Cultural Revolution era (1966-76), women's liberating images such as "Iron Girls" who could do everything men could do appeared as an integral part of nationalist and class campaigns (Honig 2002), in order for the party-state to realize its promise of women's liberation by mobilizing women for labor production. As Rofel argues, in Chinese Marxist discourse "work" (*laodong* in Mandarin) was constructed as a "functional metaphor" upon which human worth was measured and one "must look on it as glorious" (1999:75). Thus, women in mainland China have been encouraged to gain human worth and "free themselves from the tradition of feudalism" through work (ibid.:76).

Surely, the experience of being a long-term "unemployable" liminal citizen-subject in Hong Kong varies greatly among women depending on their household financial backgrounds and the relationship with their husbands. Some women had what appeared to be relatively good middle-class lifestyles even though their husbands were the sole breadwinners. For example, some families lived in privately owned apartments, owned a car, hired a foreign domestic worker, and traveled abroad. For those whose husbands had irregular jobs or became unemployed for a period of time, women expressed concern about their household financial situations and wished

they could work to share the burden. Some women I met used other methods to bring themselves and/or their families some financial gain. Emily and Jessie had learned how to analyze the stock market and traded stocks. As mentioned in Chapter 3 (section 3.3), a few women I knew made use of their regular permit renewal trips back to China to engage in “parallel trade.” Therefore, although a visitor status prohibits TWP women from participating in the “formal” labor market, the suspended time due to the condition of stay and their increased mobility paradoxically create new opportunities for women to generate income.

With respect to family dynamics, the prohibition of TWP holders from obtaining employment has caused most women to rely on their husbands financially. This places women in a subordinate and dependent position vis-à-vis their husbands within the family power structure. This is particularly evident in relation to household financial authority. Siu-chu often told me that her husband, Ah Tak, did not treat her well because he gave her too little money to run the household. The following case demonstrates how dependent Siu-chu was on Ah Tak in relation to household financial management. This is contrary to the norm, for many Chinese women expect to control the family’s purse strings, especially with regard to the household budget (Constable 2003). In early 2011 the Hong Kong government decided to give a HKD6,000 (approx. USD769) cash handout to all Hong Kong residents aged 18 and above. Siu-chu said Ah Tak was thrilled at the news: “He was jumping up and down, cheering, ‘Yeah! I have money for great fun in China!’ But I asked him, ‘Why not save the money to pay for our daughter’s future tuition?’ He replied, ‘It is my money! I will do whatever I want!’” Siu-chu was upset about Ah Tak’s irresponsible attitude since he earned little and had no savings. In another case, a woman I knew suffered from domestic violence and wanted a divorce, yet her husband refused. He told her that since she had not worked for three years while in Hong Kong on a TWP, she would need

to work and in turn would have “to support his life for three years” after obtaining a Hong Kong identity card. Only on such condition would he agree to a divorce.

Compared to married women, ex-wives and widows were more negatively affected by the employment prohibition. The vast majority relied on the meager social security allowance that was provided for their Hong Kong citizen children, while the mother remained ineligible for social security. These additionally disadvantaged women generally had great financial needs. Mei-feng, an ex-wife in her mid forties, expressed her eagerness to participate in the paid workforce and her frustration at being prohibited from working for the foreseeable twenty years:

How can I wait [for an OWP]? I really want to work! I really want to have a Hong Kong identity card so that I can work! If I had an identity card, I [could find a job and] could do [it] better than Hong Kong people do. I’ve got skills in the beauty industry where I previously worked. I can talk eloquently, so I could be a salesperson. I am hard-working. I have strength. If I had an identity card, I would not die from hunger!

Some ex-wives and widows I knew collected cardboard cartons and other recyclable items in the streets and then sold them to recycling companies to earn a little cash. Kwan, a deserted wife, had tense relations with her teenage daughter who was ashamed of her mother collecting cardboard because she was afraid she would be looked down on by others. Kwan had also worked informally (illegally) as a janitor. She got to know the team leader of cleaning workers collecting trash from several factories near where she lived. Kwan was sometimes called to “help out” the team and received a little cash in return. However, except Kwan, none of the other ex-wives and widows I knew had overtly admitted to working illegally. Rather, they expressed their fear of engaging in illegal employment because if they got caught, they could be imprisoned and



as a consequence their applications for TWP renewals and even the future OWP would be at risk.<sup>74</sup>

TWP women attempted to make use of their suspended time to “learn skills.” However, subject to the conditions of stay, they could not study at regular educational institutions, such as local universities, evening schools, and other professional and continuing educational institutions. Many local NGOs offer vocational training such as security guard and domestic helper training programs. However, these programs are often government-subsidized and require proof of Hong Kong residence to join, thus remaining inaccessible for TWP wives. Some women registered instead for leisure classes provided by community-based organizations such as Hong Kong Federation of Trade Unions. However, not every community organization allows non-local Hong Kong residents to register for classes. In one case, when I went to a woman’s home for an interview, I saw there was a community organization located on the ground floor of her public rental building. During the interview I asked her whether she had taken classes there. She replied:

That is the Tuen Mun Women’s Association. It offers a lot of classes but requires [applicants to have] an identity card to join. I have previously asked about registration, but the staff member was very arrogant and told me that, “You don’t have an identity card so you cannot register for the class. You can register only if you have an identity card!”

Many women tried to get pregnant. After Emily moved to Hong Kong, she and her husband had decided not to have a baby for the first few years. However, when Emily found herself becoming depressed and having “no goal, no motivation” in life, the issue of childbearing came to mind. She discussed the idea with her husband and the couple agreed to first renovate their privately owned apartment and then try to get pregnant. Eventually Emily got pregnant and her first daughter was born in a Hong Kong private hospital in late 2009. At the time when Emily

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<sup>74</sup> However, I speculate that some TWP women, especially ex-wives and widows who faced the biggest financial strains, probably did work in the informal sector such as domestic work or caring for children or elderly for neighbors. They were likely very cautious about admitting it or too frightened to do so.

was pregnant, the government's restrictive measures against non-local women giving birth in Hong Kong public hospitals had already been in effect (see section 4.3.2 below). Compared to most TWP pregnant wives I met, Emily was lucky that she faced less hassle in her birthing experience since the couple could afford the high medical fees for delivery in a private hospital, and the competition for making delivery bookings was not as fierce in 2009 as it was in 2011 and 2012 when I conducted the bulk of my fieldwork. In the following section I will outline the history of the government's measures to increasingly make it more difficult for non-local women, including TWP wives, to give birth in Hong Kong.

#### **4.3.2 Public Healthcare and Obstetric Services**

As mentioned earlier, following the 2003 Population Policy's recommendations, the Hong Kong Hospital Authority applied a residence requirement to the provision of public healthcare services. Since April 2003 the eligibility for healthcare services at highly subsidized rates was restricted to "Eligible Persons," whereas "Non-eligible Persons," including TWP wives but excluding those married to Hong Kong civil servants, could access services by paying specified charges. For example, since April 2003 "non-eligible" persons are charged HKD3,300 (approx. USD423) for a night of stay in a public hospital. This rate is significantly higher than that of HKD100 (approx. USD13) charged to "eligible" persons.

Around the same time the Hospital Authority first revised its medical service fees for "Non-eligible Persons," increasing numbers of non-local pregnant women from China had come to Hong Kong to give birth, the vast majority of whom had no marital ties to Hong Kong men. In order to control the numbers of non-locals going to public hospitals for delivery, between 2005 and 2012 the Hospital Authority adopted the strategy of charging non-eligible women considerably higher obstetric service fees and setting annual quotas for their maternity bookings.

It is important to note that the Hong Kong government solely considers the medical service user's individual identity—whether one holds a Hong Kong identity card—as the only criterion to determine who is subject to the restrictive obstetric policy. Therefore, if a Hong Kong citizen-woman marries a mainland Chinese man, she is still considered an “eligible person” and is not subject to the restrictive obstetric policy, but the opposite is not true.

In September 2005 the Hospital Authority first introduced an obstetric service package charging non-eligible women a rate of HKD20,000 (approx. USD2,564). In February 2007 it revised the obstetric service arrangements: Non-eligible women were required to make an advance delivery booking and pay for a package charge of HKD39,000 (approx. USD5,000); for those who did not have a confirmed booking and needed to deliver in an emergency room, and/or had not undergone any prenatal checkup provided by the Authority during the pregnancy, the charge was HKD48,000 (approx. USD6,154). Non-eligible women were also subject to an annual quota of 12,000 women who could give birth in public hospitals. On April 8, 2011, the Hospital Authority announced—with immediate effect—that public hospitals stopped accepting new delivery bookings from non-eligible women until the end of the year. In June, it further announced that the annual quota of maternity admissions for non-eligible women in public hospitals would be reduced by about 72 percent from 12,000 to 3,400 in 2012, whereas private hospitals would cut admissions by about four percent to 31,000 from some 33,000 in the same year. Beginning in January 2013 until early 2014 the government implemented a new “zero delivery quota” policy banning “double non-[local]” mainland women (*soeng fei* in Cantonese, i.e. non-local mainland women whose husbands were also non-Hong Kong locals) from giving birth in the city,<sup>75</sup> while TWP wives were allowed to give birth in private hospitals but banned

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<sup>75</sup> Foreign, non-PRC citizen wives were allowed to give birth in the city provided that they used their foreign, non-PRC passports when they registered at hospitals.

from giving birth in public hospitals (note that previously TWP wives were allowed to deliver in public hospitals under the category of “Non-eligible Persons”). Although this new policy reflects that the government appears to be willing to separate TWP wives from those mainland women who have no marital ties to Hong Kong men, it is still clearly reluctant to separate TWP wives from the category of “Non-eligible Persons.” Worse still, under the new policy, TWP wives face higher medical costs for delivering in private hospitals.

Between 2011 and 2012 most pregnant TWP wives I met during the year-long fieldwork had tremendous difficulties making delivery bookings. On the one hand, TWP women were subject to restrictive policies for delivery in public hospitals as they were considered “Non-eligible Persons.” On the other hand, many of them were unable to afford the high cost of giving birth in private hospitals even though there were maternity beds available. Private hospital authorities had planned for the provision of obstetric services for mainlanders as a lucrative business and had considerably increased the prices anticipating many willing customers. Groups of Hong Kong-China families, rights groups, and legislators had urged the government to lift the restrictions against pregnant TWP wives who wished to give birth in public hospitals and to separate them from the category of “Non-eligible Persons” by recognizing their familial ties to Hong Kong. Despite the families’ pleas and efforts of concerned groups, politicians, and individuals rallying behind them, as of early 2014 the government has no plan to re-categorize them. Again, in line with the principle of neoliberal governmentality, Hong Kong’s government stands firm and insists that “the onus should be on those couples who engaged in cross-boundary marriages to make appropriate plans to meet their medical needs” (Legislative Council Secretariat 2011:2). Chapter 5 will examine Hong Kong-China couples’ collective struggles to

give birth in the city and the implications of their struggles for reproduction and citizenship politics in contemporary Hong Kong.

#### **4.3.3 Social Welfare Services**

While there are extensive social welfare services provided by the Hong Kong government, and many NGOs work to help facilitate the integration of formal mainland immigrants to Hong Kong (see Lau 2008; Newendorp 2008), TWP women's requests for assistance are often turned down by state and non-state welfare agencies on the grounds that they are not "local" residents (personal conversations with social workers and TWP wives 2011-2012).

During a weekly MHKFRA meeting, women members shared their experiences of seeking aid from the government social service sector. Most women sitting in the conference room had sought different types of assistance ranging from family matters to legal and financial help. While lower-class Hong Kong and new immigrant women seeking government welfare services often face state agents' tough attitudes (Pun and Wu 2006), TWP wives expressed the view that their "visitor" status caused additional prejudice by state agents who were not willing to offer help. As a widow in her late thirties said:

I had contacted the Social Welfare Department for assistance. When the social worker learned that I don't have an identity card, he became indifferent to me. The social worker was just listening [to what I said] but did nothing to help me. What a waste of time and saliva! The social worker could not help at all! At that time I was so depressed and wanted to jump out of a building [to kill myself].

Likewise, for a period of time the husband of Kei, a woman from Hunan Province, was unemployed so that the family budget was tight and sometimes they could not afford to buy infant formula for their mainland-born son who was also in Hong Kong on a TWP. Through a friend's referral Kei contacted a NGO that provided free infant formula for children in need. To assess the family's qualifications for the aid, the NGO's staff member asked about Kei's

household income, the child's age, where they lived, and so on. Everything looked fine, but when the staff member asked Kei in the end, "Is your son a Hong Kong *yan*? [i.e. is he a Hong Kong local?]" Kei replied, "No." Then the staff member told her that her child was disqualified as only Hong Kong local children were eligible for the aid. After hearing Kei's story, a few MHKFRA women started to criticize the NGO, arguing that they should not take the child's identity, whether he was a local or not, as the deciding factor for eligibility for food assistance while ignoring the child's pressing needs. However, Kei seemed to have reluctantly internalized the liminal effects that a "visitor" status had imposed on her and her son. She said, "My son was born in the mainland. Even his recent applications for studying at a local kindergarten were rejected [due to the conditions of stay for a TWP holder]. Thus, when the staff member said no [to my infant formula application], I didn't think it was wrong. I got used to this situation." To understand Kei's internalization of her liminality and her powerlessness relative to the welfare agent, we can draw upon Pun and Wu's (2006) insights from their research on lower-class and new immigrant women's lives in Hong Kong. They argue that "new immigrants often lack the persistence and adequate language to articulate their rights and needs. Faced with complicated bureaucratic procedures and tough attitudes from government [and non-state] agents, they are easily intimidated and become less confident in their appeals" (ibid.:147).

However, not all TWP women I met were willing to succumb to the daily life problems and challenges that emerged from their liminality. Among ex-wives and widows, their desire to improve their children's well-being had often made them conscious of the negative effects of their "visitor" status, and fueled them to fight for Hong Kong residence to escape from the monolithic OWP system. At a different meeting, Yi, a widow in her mid thirties, expressed her

complaint about how her “visitor” status had adversely affected her Hong Kong citizen son’s accessibility to a public service:

My son has longed for a public library card. But for four years it [his wish] has not come true! Because my son is less than 18 years old, his application requires a parent’s signature. As a TWP holder, I cannot sign the application form for him. It [This signature requirement] cannot be waived even though I have a [supporting] letter from the Social Service Department! My [visitor] status has caused my son to be unable to enjoy Hong Kong’s welfare!

After hearing Yi’s grievance, Lai-ping, an ex-wife in her late thirties sighed, “If [we] have an identity card, everything can be done!” Shan, a widow also in her late thirties agreed and said from a mother’s perspective, “We are all here to fight for an identity card! [With an identity card], our children’s lives can be improved!”

#### **4.3.4 Public Housing**

Mainland migrant wives I met usually lived with their husbands when they arrived in Hong Kong on a TWP. For those whose husbands already lived in a public rental apartment provided by the Hong Kong Housing Authority, they could apply for a temporary stay to live in the same apartment (Housing Department 2010a:2). Problems in relation to TWP women’s housing needs often emerge when their husbands pass away or divorce them, causing the women to struggle to find accommodation on their own if they opt to remain in the city to take care of their Hong Kong children.

Doubly bound by their “visitor” status and financial difficulty, most ex-wives and widows lived in very poor housing conditions. TWP holders are not eligible to apply for public rental housing on their own because their stay in Hong Kong is considered “only temporary and conditional in nature” (ibid.). Women’s Hong Kong citizen children, furthermore, are often too young to meet the minimum age requirement of 18 years old to apply for it themselves. Denied a

state-sponsored “safety net” for public housing support, the ex-wives and widows and their children were forced to face one of the most expensive real estate markets in the world. With the meager social security allowance provided primarily for the citizen children from the Social Welfare Department, most single mothers and their children could only afford to live in inadequate housing such as cubicle units (usually between 30 and 50 square feet), tiny subdivided and partitioned apartments (usually between 100 and 200 square feet), and roof-top houses, and faced a range of housing-related problems such as small living spaces, poor ventilation, and unaffordable rents.

In principle, the current Housing Authority’s Compassionate Rehousing Policy is also applicable to TWP ex-wives and widows provided that they have grave difficulties in meeting their imminent housing needs. As an official document reads:

As regards the divorced PRH [public rental housing] tenants, if either spouse is a two-way exit permit holder with substantial grounds to stay in Hong Kong, such as the dire need of looking after his/her young children in the territory, HA [Housing Authority] may, upon consideration of the case and its justifications, grant the spouse temporary stay in a PRH flat on individual merits. If a tenant has deceased and the surviving spouse is a two-way exit permit holder with substantial grounds to stay in Hong Kong, such as the need to take care of his/her Hong Kong-born young children genuinely living in a PRH flat, HA may allow him/her to stay in the flat temporarily. In this case, HA may grant the tenancy to an adult relative or a legal guardian of the children. (Housing Authority 2010b:2)

The written policy sounds promising but is rarely practiced. As Pun and Wu observe, “criteria for compassionate housing are very strict” (2006:153). In practice, the Housing Authority authorizes the Social Welfare Department to assess and approve applications for the Compassionate Rehousing category. However, social workers of the welfare department frequently follow the guidelines set out by the Housing Authority to make assessments and final decisions. These guidelines include whether applicants meet application criteria for public rental



housing which creates a “catch 22” situation.<sup>76</sup> More importantly, the guidelines consider whether the family has already been living in the public rental apartment and whether the Hong Kong citizen children have already been added into the tenancy prior to their fathers’ death or divorce (Mainland-Hong Kong Families Rights Association 2010). There are cases in which the Hong Kong deceased fathers did not list their Hong Kong children as tenants, the surviving wives and children were forced to move out of the apartments and even the welfare department could not do anything for them (ibid.).

Over the last ten years, Yuk, a widow with three sons, struggled to find stable and affordable accommodation in Hong Kong. For several years the mother and sons had moved from one shelter to another provided by different charities for short-term stay, and had even slept on the street at night. Currently they were living in a less than 100-square-foot small sub-divided apartment in a shabby building in the Tsuen Wan district. Facing a rent increase, they probably would have to move again. Yuk had tried to apply for public rental housing through the Social Service Department but the welfare agent was indifferent to her plea. As Yuk said, “Instead, the social worker asked me, ‘You are from the mainland. Why don’t you go back to the mainland?’”

Local rights groups have brought the issue of TWP women’s housing problems to the attention of the government and politicians. At a Legislative Council meeting in July 2010, legislative councilors and rights group deputations (including a TWP widow) urged the government to handle TWP single mothers’ and their citizen children’s demand for public

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<sup>76</sup> For example, the applicant must be 18 years of age or above; a person under the age of 18 must apply together with his or her parents or a legal guardian; at the time of flat allocation, at least half of the family members must have lived in Hong Kong for seven years and are still living there (a person under the age of 18 will be deemed to have fulfilled the seven-year residence rule if he or she has established permanent resident status by being born in Hong Kong, or one of his or her parents has lived in Hong Kong for seven years); and satisfy income and asset limits (Housing Department 2010b).

housing support more flexibly.<sup>77</sup> Nonetheless, the Housing Department representative dismissed their pleas, claiming that “having housing difficulties is not the sole criterion” to make one eligible for public housing support—the government must “give the priority to Hong Kong [adult] citizens” when available resources are limited and demand is high (transcribed from field notes of the Legislative Council meeting on July 13, 2010; original in Cantonese). Once again, women’s “visitor” status had placed them, and often their citizen children, in a disadvantaged position relative to the locals in a membership/citizenship-based welfare system.

#### **4.4 CITIZENSHIP POLITICS: VISITORS OR MEMBERS OF HONG KONG FAMILIES?**

Clearly, the categorization of TWP women as “visitors” reflects how the Hong Kong state has excluded their substantive relationships and activities from consideration as marks of citizenship and social membership. The narrow and formal treatment of citizenship, both in theory and in practice, has confined the concept to conventional, political and juridico-legal relationships between individuals and the state, lacking substantive and processual considerations of citizenship as a “social construct”—a result of complex relationships and interactions between “individuals and groups in the state, market, family and community” (Dobrowolsky and Tastsoglou 2006:11-12). Hence, by ignoring women’s complex relationships with others and the multiple roles they play in everyday life, the Hong Kong state has arguably reinforced the “popular cultural notions that see the realms of family, subjectivity, and citizenship as separate domains” (Coll 2010:98). Furthermore, by categorizing women as unrecognized citizen-subjects, the state, intentionally and unintentionally, denies or restricts the rights and resources the women

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<sup>77</sup> The specific meeting of the Legislative Council’s Subcommittee to Study Issues Relating to Mainland-HKSAR Families was held on July 13, 2011 to discuss public housing support services for Hong Kong-China families with members holding TWPs ([http://www.legco.gov.hk/yr08-09/english/hc/sub\\_com/hs52/agenda/hs5220100713.htm](http://www.legco.gov.hk/yr08-09/english/hc/sub_com/hs52/agenda/hs5220100713.htm)).

need to sufficiently perform their roles in the family and community. Nevertheless, instead of stressing solely the power of the state in shaping women's identity as "visitors," this final section explores women's individual and collective agency to reclaim some sort of authority over how their identity should be defined socially and politically, even if only in small ways.

My experience of accompanying individual women to apply for an extension of stay with the Hong Kong Immigration Department sheds insight into how women's perception of their identity has complicated the meaning of "visitor" as defined by the state. As part of the application, women are required to fill out a form in which they indicate their "current condition of stay in Hong Kong." Without much hesitation, they tend to check the box "Visitor" right away amongst other options such as "Residence/Dependant," "Student," and "Employment." Below is an extract from my field notes depicting one episode:

I asked Hung [the wife's name] why she checked the "Visitor" box on the application form. She said, "I check this box automatically." I probed her about whether she really felt she was a "visitor." She replied, "There are different types of visitors. One type is the visitors who basically come here just for fun, go shopping, and what not. We are visitors, but our families are here, and we will become residents of Hong Kong one day. The visitor status we are in now is just a transition."

Hung's narrative and action revealed how she bent to, and simultaneously attempted to redefine and reclaim the power to define herself as a certain type of "visitor." At a formalistic, normative level in which citizenship is defined in its narrowest, ideal sense as a political and juridico-legal term, Hung opted to echo the state's definition to view herself as a "visitor." However, Hung's perception of close ties to her Hong Kong family, coupled with her expectation of becoming a formally recognized Hong Kong resident in the near future, have provided meaningful socio-cultural resources for her to view herself as more than just a "visitor" in a certain sense. Beyond their daily life, women also used "their position as wives, mothers and guardians of family and domestic life" (Werbner 2005:236) to create a cogent counter-discourse of "legal deservingness"

(Coutin 2003a) in the public sphere to claim a legitimate place in the state's hegemonic membership/citizenship-based welfare system from which they have been excluded. As Coutin argues, immigration (and citizenship) categories are always predefined by laws. One way for immigrants to negotiate with and redefine these categories is to try to "make their own life narratives conform to a 'deserving' prototype" (Yngvesson 1993 cited in Coutin 2003a:11). Judgments regarding the morality and legitimacy of family relationships between the immigrants and their citizen family members are central to the debate over the immigrants' legal deservingness (ibid.).

In two weekly MHKFRA meetings, women members and two social workers of the rights group discussed having a representative speak for TWP women's needs and interests at an upcoming Legislative Council meeting regarding the government's long-term social welfare planning.<sup>78</sup> Below are some of their conversations reflecting how women used private relationships to reconstitute their social and political identity in Hong Kong:

*Tom (social worker)* Do you all know what social welfare is?  
*asked the women:*

*Mei-feng (ex-wife):* It is something given for all people [living in a particular state].

*Lai-ping (ex-wife)* Are you a Hong Kong *yan*? If it is about Hong Kong *yan*'s social  
*asked Mei-feng:* welfare, you aren't counted!

*Qing (wife):* But it can be given for our children!

*Mei-feng:* For us too!

*Lai-wan (wife):* Right! We will become a Hong Kong *yan* someday. We are  
mothers of our [Hong Kong citizen] children; [and] wives of Hong  
Kong *yan*!

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<sup>78</sup> The specific meeting of the Legislative Council's Panel on Welfare Services was held on June 26, 2010 to discuss the government's long-term social welfare planning (<http://www.legco.gov.hk/yr09-10/english/panels/ws/agenda/ws20100626.htm>).

Meanwhile, Tom was looking at the government's consultation paper, and said:

The paper has talked about Hong Kong-China marriages. Looking from a broader perspective, Hong Kong-China families are part of Hong Kong families. We must recognize that we are a part [of Hong Kong families]! If we don't recognize [this point], then the game [i.e. our activism] is over. We must affirm our identity, our connections to Hong Kong! We must have our position!

After hearing Tom, Emily (wife) said:

Newspapers always use "mainland women" to address us. But we have double identities! We must assert our position that we are not simply "mainland women" but rather *gong yan noi dei pui ngau* [Cantonese, literally Hong Kong *yan*'s mainland spouses]!

In a different meeting, Tom asked the women again:

How will the government's long-term social welfare planning affect us? Although we don't have an identity card yet, does this issue [of the government's social welfare planning] still matter to us? If we think it matters to us, we should discuss this issue more seriously! Why is this long-term social welfare planning relevant to us?

After hearing Tom, the women discussed:

*Qing:* This is relevant to us because of our marriage. Our children are Hong Kong *yan*. They will go to school here. However, we don't have an identity card yet. Will the government care what we say?

*Tom:* While it is a fact that you don't have the identity card, it is also a fact that you are living in Hong Kong.

*Lai-wan:* Although we don't have an identity card, we are living here. We should fight for the rights we are entitled to!

Werbner (2005) has argued that "political motherhood," a term originally adopted by Schirmer in her study of "motherist" movements in Latin America (1993), has historically challenged "established notions of civic legitimacy and created the conditions for the feminization of citizenship: the reconstitution of citizenship in terms of encompassing qualities associated with women's role[s] as nurturers, carers, and protectors of the integrity of the family and its individual members" (2005:221-222). In the case of TWP women, their marriage and motherhood, as well as their ongoing physical presence and expectation of formal settlement in

Hong Kong, are crucial socio-cultural resources which they have drawn upon in constituting their own narratives of “legal deservingness” (Coutin 2003a) to affirm their social and political position. In the course of redefining a state-imposed visitor identity and forging a sense of social membership and belonging in their own terms, women came to feel entitled to the rights and resources that have been taken away from them, and arose to make claims of certain rights and resources for themselves, their families, and children. As Emily said:

I joined MHKFRA not because I have any special needs but because I wanted to make friends, to find someone having a similar mindset and interests as mine... [After joining MHKFRA,] I started to find out that I should have many rights [but they are denied by the government.] Even though I am not entitled to these rights, I know I can still fight for them! I can speak at the Legislative Council! I can go for protest marches! I can go for demonstrations and express my testimonies! I can talk and share with students at universities. I am ignited and happy!

Social participation in MHKFRA has become an important platform for TWP women’s self and collective empowerment, and has provided them with a meaningful new avenue to gain a different sort of lived experience in the public and political realms of Hong Kong. For many women, as Lister argues, “involvement in community organizations and social movements can be more personally fruitful than engagement in formal politics which is often more alienating than empowering” (1997:31). Local activism strengthens self-esteem and develops political consciousness and a sense of personal agency, both essential attributes of citizenship (ibid.:39). Through social participation in MHKFRA, TWP women obtained mutual support; they learned new perspectives from social workers and other women regarding their identity, social membership, and rights; and more importantly, they learned and equipped themselves with “adequate language” (Pun and Wu 2006) to articulate their needs and interests in the public sphere. Certainly, the personal trajectory of becoming rights-bearing individuals and citizen-subjects, or the process of personal “political transformation” in Coll’s (2010) term, varies

among TWP women. As we have seen in different cases, some women were vulnerable and less confident in making claims to state and non-state agencies, because they considered themselves not having the “legitimate” identity that would entitle them to have their voices heard and demands met.

This chapter has demonstrated some of the impacts of a state-defined “visitor” immigration status on the lives of TWP women marriage migrants. TWP women’s everyday struggles as “liminal” citizen-subjects presented here have attested to the power of the state in defining who is included and excluded from the membership/citizenship-based system allocating rights and resources. Nevertheless, these women are not simply passive victims but also active agents in attempting to shape their destinies, even in small ways. To negotiate social membership and belonging, women have organized to advocate for their rights since mid 2006. In the following two chapters I focus on their collective efforts to challenge hegemonic orders and the liminal conditions in which they have lived.

## 5.0 STRUGGLES FOR THE RIGHT TO GIVE BIRTH

One rainy Sunday afternoon in early 2012, thousands of Hong Kong local women and men draped in raincoats and raised umbrellas marched along Gloucester Road, a major financial street at the heart of the city. The protestors were mobilized by a popular online group advocating against the influx of pregnant women from mainland China to come to Hong Kong to give birth on a visitor permit.<sup>79</sup> The police had previously approved the protest and thus temporarily blocked the traffic for the march to proceed safely.

Marching behind a huge leading banner declaring “Reclaim the Rights for HK [Hong Kong] Moms & Children; Defend Order & Culture of Our Home City; Stop the Abuse of HK Public Resource[s],”<sup>80</sup> the high-spirited women and men echoed the lead of uniformed organizers and volunteers to cry out vehement slogans ranging from “Against mainland pregnant women coming to Hong Kong to give birth!” (Cantonese original: *faan deoi noi dei jan fu loi gong can zi*) to “We are angry!” and “Hong Kong is dying!” Many women protestors who were pregnant or pushing their babies in strollers endeavored to complete the nearly two-hour-long march in company with their families or friends. Most protestors placed colorful stickers, on top

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<sup>79</sup> The online group was established by a group of Hong Kong people on Facebook, a popular social media website, in early 2011. It aimed to express Hong Kong people’s discontentment about the influx of mainland pregnant women to give birth in the city as well as to urge the government to come up with tougher policies to stop the influx. The group, declaring itself as having no relationship with any political party or group of political background, had once been closed by the Facebook administration (reason unknown) but was reopened in July 2011. Shortly after its reopening for merely four days, it attracted nearly 20,000 Hong Kong netizens to join. As of August 13, 2013, a number of 116,679 netizens had “liked” the group, showing support for the group. <https://www.facebook.com/itstimetosayno>, accessed August 13, 2013.

<sup>80</sup> To strive for wider international media coverage, the protest organizers produced bilingual banners and placards in both Chinese and English and distributed to participants. Unless otherwise indicated, all wordings of banners, placards, and slogans cited here were originally in English.



of their clothes and around baby strollers provided by the protest organizers, illustrating a red slash across a presumed mainland pregnant woman's body, on top of which read "Time for Us to Say 'No'!" Protestors also carried provided or self-made placards making demands to the state ranging from the pragmatic "Fix Immigration Policy Loop-Holes Now; No Birth Cert[ificates] to Mainland Babies" to the pointed "No More Mainland Invasion; 'Decent' Immigrants Only." The march ended in the new government headquarters in the Admiralty district and protestors filled the plaza in front of the main building. The ending ceremony started with a rousing speech by the organizer-in-charge followed by a petition to a government representative. Amid protestors' fiery chants of "Get out! Get out!" the ceremony culminated in a dramatic action of tearing a fabricated, oversized Hong Kong birth certificate issued to a child born to mainland parents, sarcastically named "FAKE, Kong-kid" (i.e. a fake Hong Kong kid). As the fabricated birth certificate was torn apart, protestors broke into rapturous applause.

In sum, the messages revealed from protestors' public acts and use of language are clear—by positioning themselves as being "local" and defending "their own rights," Hong Kong protestors centered on the assumed association of two conceptual parameters in the notion of *citizenship rights* to reassert their "right to have rights" (Somers 2008) in the Hong Kong home city to which their citizenship belongs, and to exclude those who do not have citizenship there from infringing upon the locals' rights.<sup>81</sup> The language of rights, as the hallmark of Western liberalism, highlights the normative Western liberal notion of citizenship as a legal status differentiating who are and who are not recognized members for entitlement to rights in a particular social and political body (Heater 1999; Shafir 1998). Lacking legal membership and

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<sup>81</sup> As mentioned in footnote 15 in Chapter 1, Hong Kong is now part of the PRC and both Hong Kong and mainland residents are ruled by the same PRC Chinese Nationality Act since July 1, 1997. However, the peculiar sociopolitical contexts of "One Country, Two Systems" in Hong Kong, among other factors, contribute to a convention among Hong Kong permanent residents to view themselves as "citizens" of the HKSAR vis-à-vis mainland residents in the rest of the PRC.

status, mainland Chinese pregnant women are not deemed to have equal rights and moral worth as the Hong Kong “citizens” do to use the city’s resources. Hence, their massive utilization of Hong Kong’s medical resources for childbirth is condemned as an “invasion” and their offspring’s Hong Kong birthright citizenship, albeit lawful,<sup>82</sup> is considered morally illegitimate and “fake.”

In previous chapters I have discussed the social and historical background of the skyrocketing increase of mainland pregnant women’s cross-border childbirth in Hong Kong on visitor permits since the early 2000s.<sup>83</sup> Across the border, despite the increasingly restrictive obstetric and border policies imposed by the Hong Kong government since 2007, the desire of mainland mothers to give birth in Hong Kong strongly persisted. The numbers of babies born to “double non[-local]” women (*soeng fei* in Cantonese, i.e. both the woman and her husband are not Hong Kong locals) from mainland China surged dramatically from 16,044 in 2006 and more than doubled to 35,736 in 2011, constituting almost 38 percent of the total number of live births in Hong Kong in 2011 (Census and Statistics Department 2012). The intensifying problem of mainland women’s cross-border childbirth exacerbated the existing pressure on Hong Kong’s medical infrastructure, such as an acute shortage of beds in maternity wards in hospitals. Hong Kong people were aggravated that their access to obstetric and other related medical services—or as they put it “the right to give birth”—was imperiled and yet ineffectively shielded by their government’s policies, as they still had to compete fiercely with the “outsiders” for obstetric services in the land they called “home.” The protest march described in the beginning of this

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<sup>82</sup> Article 24 of The Basic Law of the Hong Kong Special Administrative Region (SAR) prescribes the categories of individuals who are Hong Kong permanent residents and confers on them the right of abode, or commonly understood as citizenship among Hong Kong locals. One such category pertains to “Chinese citizens born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region” (Article 24, paragraph 2(1), Chapter III of the Basic Law. [http://www.basiclaw.gov.hk/en/basiclawtext/chapter\\_3.html](http://www.basiclaw.gov.hk/en/basiclawtext/chapter_3.html)).

<sup>83</sup> See section 2.3.1 in Chapter 2 for the “pull and push” factors contributing to the influx of mainland pregnant women coming to Hong Kong for childbirth; see also section 4.3.2 in Chapter 4 for Hong Kong’s state policy since 2007 that aimed to curb the influx.

chapter was one of the largest-scale collective actions stormed by Hong Kong expectant mothers and their families and supporters between 2011 and early 2012. They urged the government to come up with a tougher policy barring mainland pregnant women from giving birth in Hong Kong.<sup>84</sup>

The controversy of mainland women's cross-border childbirth has inevitably had direct implications for mainland migrant women who are married to Hong Kong citizen men and are temporarily living in Hong Kong on a TWP. As TWP women are *de jure* visitors while living temporarily in Hong Kong, it is not uncommon for Hong Kong people to confuse them with those mainland women whose husbands are not Hong Kong locals, but come to the city specifically to give birth while on a visitor permit. Also, in relation to the obstetric policy at the time of this research in 2011 and 2012, the Hong Kong government considered the service user's individual identity as the sole criterion for eligibility for highly-subsidized obstetric services in public hospitals. As TWP women are regarded as "non-local" residents, they have long been treated by the government in the same manner as those mainland women whose husbands are not Hong Kong locals, and therefore were subject to the same obstetric policy that aimed to block primarily the latter from giving birth in Hong Kong (see section 4.3.2 in Chapter 4).

This chapter focuses on Hong Kong-China couples' everyday experiences of contesting birth and their collective struggles for the right to give birth against the backdrop of the height of Hong Kong's social hostility toward mainland pregnant visitors in 2011 and 2012. The complex power relations between individuals, society, and the state over the question of who has and who does not have the right to give birth, provide an important foundation on which the politics of reproduction and questions of citizenship in post-1997 Hong Kong can be further discussed.

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<sup>84</sup> Beginning in January 2013 until early 2014 the Hong Kong government implemented a new "zero delivery quota" policy banning non-local mainland women whose husbands are not Hong Kong locals from giving birth in the city.

Theoretically, while *citizenship* and *rights* have formed a conceptual pair in the Western liberal model of citizenship for centuries (Heater 1999; Shafir 1998), scholars discerned the problematic association of the two concepts (Arendt 1966; Brett 2003; Somers 2008). This chapter looks at the conflict between the state and society of Hong Kong over the linkage between *citizenship* and *rights* in relation to reproduction. While Hong Kong people have strived to uphold the association between *citizenship* and *rights* as the key cultural and moral rationale which they draw upon to shield their rights against the invasion of mainland pregnant “outsiders,” at the state level *citizenship* and *rights* are becoming disarticulated from one another and re-articulated with norms defined by global economy, market logics, and neoliberal values (Ong 2006b). As Hong Kong’s government is striving to maintain the city’s socioeconomic status as Asia’s World City amid its ultra-low fertility rates and an aging population, human reproduction and citizenship are configured as key instruments for the state’s “flexible accumulation” (Ong 1999) of potential “human resources” for it to remain competitive in the global economy. Since 2007 Hong Kong’s state policy has turned reproduction into a privilege for some groups of individuals and a denial for others, such as TWP migrant women and their Hong Kong husbands. In particular, Hong Kong husbands grieved that their social inclusion and moral worth as Hong Kong “citizens” was imperiled as they were transformed into “socially excluded internally rightless persons” (Somers 2008:2) in relation to their reproduction.

Hence, the question of “who has the right” to give birth in contemporary Hong Kong has been complicated by differences in, and contestations between, state, societal, and personal narratives and interests. Reproductive questions in Hong Kong are not only about inherent rights of citizenship, but also are increasingly tied with market logics,<sup>85</sup> and linked to the state

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<sup>85</sup> In *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights* (2008), Somers has forcefully examined how the rise of market fundamentalism has reorganized the relationship between civil society and the state.

engineering of a new citizenry that fits the city's long-term development, as well as the negative cultural baggage of Hong Kong-China marriages.

### **5.1 THE CONFLICT BETWEEN STATE AND SOCIETAL PERSPECTIVES ON MAINLAND WOMEN'S CROSS-BORDER CHILDBIRTH**

Before discussing Hong Kong-China couples' birthing experiences, I first examine the roles of Hong Kong's civil society and state government in the politics of reproduction and citizenship over the issue of mainland women's cross-border childbirth. This issue has created many social tensions particularly since the mid 2000s.<sup>86</sup> One of these tensions occurred between civil society and state government as the Hong Kong public was very upset with then lame duck Tsang's administration's inability to effectively block the influx of mainland pregnant women. After C. Y. (Chun-ying) Leung succeeded Donald Yam-kuen Tsang to become the new chief executive of the Government of the HKSAR in July 2012, he announced plans to implement, starting in January 2013, a new "zero delivery quota" policy allowing no delivery bookings for "double non[-local]" mainland women in all public and private hospitals. New policy notwithstanding, until early 2014 many Hong Kong people are still discontented with the government for not having worked to fix what they described as the "loophole" in the current citizenship policy. They sought to nullify Hong Kong birthright permanent residency from being automatically conferred on children born in Hong Kong to Chinese citizens when both the mother and father are not Hong Kong permanent residents, by seeking a modification of Article 24 of the Hong

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According to Somers, "The growing moral authority of both market and contract makes social inclusion and moral worth no longer inherent rights but rather earned privileges that are wholly conditional upon the ability to exchange something of equal value"(2008:3).

<sup>86</sup> The issue of mainland women's cross-border childbirth went largely unnoticed in the first couple of years of the 2000s. Nevertheless, social awareness, concern, and debate about the issue suddenly heightened after a protest march held by a group of Hong Kong pregnant women in mid November 2006.

Kong Basic Law, or by the Hong Kong Court of Final Appeal's self-correction of its judgment on *The Director of Immigration v. Chong Fung Yuen* case (FACV26/2000 [2001]) that vindicated Article 24 (see footnote 50 in Chapter 2).<sup>87</sup> The tension between civil society and state government over the *proper* way to tackle the problem of cross-border childbirth reveals a conflict between the two parties' differentiated imaginaries of a *proper* citizenry that fits Hong Kong's social order and culture as well as its long-term economic growth. While the general public largely disapproves of most mainland pregnant women, the state government has approved certain groups of them to give birth in Hong Kong. The production of different hegemonic ideas and perceptions of mainland pregnant women by the two parties, or in Said's (1978) notion of the making of "the Other," implies a simultaneous process of creating different images of "the Self." The different images of "the Self" in turn reflect the two parties' focus on different values to define a proper citizenry that fits Hong Kong's current and future needs. Certainly, there are diverse backgrounds of mainland women who have come to Hong Kong to give birth. Hong Kong society and the government have respectively constructed their hegemonic ideas and perceptions based on different social classes of these women.

Popular discourse in Hong Kong on the cross-border childbirth phenomenon approached a social panic between 2011 and early 2012 when the numbers of babies born to "double non[-local]" mainland women accounted for almost 38 percent of the total number of live births in Hong Kong in 2011. Not only were local newspapers laden with news reports, feature articles, and editorials on this issue, but it was also a popular topic of discussion in radio talk shows and many discussion forums on the Internet. Local television stations periodically broadcasted documentaries on the issue and interviewed different social sectors regarding the problems they

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<sup>87</sup> Hong Kong people widely believe that most mainland mothers coming to Hong Kong to give birth are attracted by a Hong Kong birthright permanent residency for their offspring. Thus, ultimately eliminating this "lure" would dampen mainland mothers' desire of coming to Hong Kong to give birth.

faced caused by the influx of mainland pregnant women. In the media representations, these women were condemned as the culprits for causing an acute shortage of obstetric and other related medical services (such as neonatal intensive care unit [NICU] services), and a range of existing and foreseeable challenges in the aspects of immigration, health care, social welfare, education, housing, and labor market as a result of a sharply rising Hong Kong population born to these women.<sup>88</sup> Hong Kong people's negative perceptions of mainland pregnant women can be vividly reflected from an illustration which appeared on the group page of a Hong Kong anti-mainland pregnant women community on the Facebook website.<sup>89</sup> The illustration depicts five wicked-looking mainland pregnant women who are either standing up or sitting down in front of the entrance of a Hong Kong hospital, connoting their "blocking" the entry of Hong Kong women into a local hospital for childbirth. The narrative of each woman is translated below from Chinese:

*Woman in blue dress:* You Hong Kong people have been arrogant for so long! Now we sleep in hospital rooms and you all sleep in corridors! You all deserve being humiliated!

*Woman in green:* Ha! My son will be a Hong Kong *yan* [Cantonese, literally person]! I am so happy whenever I think about this!

*Woman in purple holding a Two-way Permit:* Ha! Going to Hong Kong to give birth is very safe and secure. In case I give birth to a defective baby, I can abandon it in Hong Kong where the taxpayers will raise it for me!

*Woman in orange holding a Two-way Permit:* Giving birth in Hong Kong is so expensive; are you [hospitals] trying to cheat me of my money? You *Kong Chian* [i.e. Hong Kong *Ah Chian*, see section 2.1.2 in Chapter 2, referring to Hong Kong poor parents who cannot afford to give birth in private hospitals], don't complain anymore; otherwise I will not pay my bills!

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<sup>88</sup> Nevertheless, there are also scholars and politicians who suggest that the increasing number of babies can actually help attenuate the intensifying population problems in Hong Kong, such as the continuous birth rate decline among local couples along with the increasing life expectancy of the elderly (*Ming Pao* 2006).

<sup>89</sup> [https://www.facebook.com/itstimetosayno/photos\\_stream](https://www.facebook.com/itstimetosayno/photos_stream), accessed September 2, 2013.

*Woman in yellow:*      You Hong Kong people want to give birth? Want to go through this hospital entrance? Have you asked us [mainland women] first? No availability here! Go away!

These narratives illustrate several major negative perceptions of the mainland pregnant visitors from Hong Kong people's perspective: they are "invaders" depleting Hong Kong's resources such as hospital services (they fully occupy hospital rooms forcing local women to sleep in corridors); they are "locusts" relying on Hong Kong's social welfare for raising their Hong Kong-born children, particularly when the children have health problems; they are "irresponsible parents" who may abandon their defective babies in Hong Kong rather than raise them on their own; last but not least, they are "dishonest customers" who may escape from paying their bills after receiving services. In public discourse between 2007 and 2012, mainland pregnant women were often "demonized" and accused of conducting dangerous, illegitimate, and even unlawful activities in their attempts to secure limited places in Hong Kong's maternity wards. For instance, representatives of the medical sector reflected that as compared to the local women, mainland women did not normally conduct antenatal checkups and they rushed to public emergency rooms at the last minute for labor. A novel term "gate-crashing" (*cung zaap* in Cantonese) was created by Hong Kong society to criticize such dangerous behavior. Also, since 2007 the Hong Kong Immigration Department has ruled that non-local women who are over 28 weeks pregnant are only allowed to enter Hong Kong if they have an advance maternity booking with a Hong Kong hospital and present the official copy of the "Confirmation Certificate for Delivery Booking" to immigration officers. However, lawbreaking mainland women were reported to attempt to slip through the border check points in various illegitimate and even illegal ways, for example, by lying about the number of weeks of their pregnancies or by presenting fake Confirmation Certificates for Delivery Booking or other fabricated medical records to



immigration officers. Moreover, after entering Hong Kong, some women violated their immigration status by overstaying their visitor permit, hiding at their families' homes or in illegally operated apartments provided by middle agents, and later "gate crashing" public emergency rooms to give birth.<sup>90</sup> In short, all these dangerous, illegitimate, and unlawful activities conducted by mainland mothers were geared toward an ultimate goal—Hong Kong birthright citizenship for their children. The public largely disapproved of mainland people's immigration to Hong Kong utilizing such methods, especially when achieved illegitimately or illegally. A male protestor I met at one anti-mainland pregnant women protest in Hong Kong in 2011 said:

Personally, it is very important to be 'in compliance with sentiment, reason, and law' [*hap cing, hap lei, hap fat* in Cantonese]. If these people come here [to give birth] via illegitimate routes like overstaying their permits, paying a lot of money to hire unscrupulous middle agents, and 'gate-crashing,' Hong Kong people won't accept them and their illegitimate activities! On the other hand, [there are] those mainland children born to Hong Kong parents are eligible for a Hong Kong residence by law, and they come to Hong Kong via a lawful route [i.e. the One-way Permit Scheme]. Hong Kong people can't dismiss their right [to Hong Kong residence] because this is their right conferred on them by law.

A woman protestor I met at the same occasion had a similar comment:

There are different ways for immigration. Their way of immigration [to Hong Kong] is not legitimate. Globally, if you immigrate to Australia or Canada, you will need to make a pledge of allegiance and learn their national anthem. Do these *soeng fei* ["double non-local" mainland women] comply with these [international standards]? No. There are loopholes in our immigration policy. Why doesn't our immigration policy require them to pledge allegiance [before coming here]? Who can become a Hong Kong *yan*?

Such question of "who can become a Hong Kong *yan*" reflects a dialectic process in which Hong Kong's civil society is constructing its own proper citizen images through the production of hegemonic ideas and perceptions to fashion specific depictions of "the Other"—in

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<sup>90</sup> Mainland pregnant women who engaged in illegitimate and illegal conduct and "gate-crashed" to give birth in emergency rooms at public hospitals were mainly less wealthy individuals, whereas wealthier women usually chose to give birth at private hospitals and made delivery bookings in advance.

this case, the mainland pregnant women and their Hong Kong-born children. As Said (1978) argues, the making of “the Other” always implies a simultaneous creation of “the Self.” Thus, by constituting a demonizing discourse onto the mainland women subjects who are discursively described as “immoral,” “irresponsible,” “dangerous,” “lawbreaking,” and lacking in allegiance to Hong Kong, Hong Kong people are mutually constructing law-abiding, responsible, and moral images of themselves. These positive images suggest that Hong Kong people have embraced order and the rule of law as cultural core values for its society and citizenry. “[T]hat principle of modern, Hong Kong-style ‘democratic’ life,” as Newendorp argues in her notion of “political difference” between Hong Kong and mainland China, “was assumed to be foreign to mainlanders” (2008:256). As she explains:

Most important, Hong Kong people show that they are ‘civilized’ by acting ‘responsibly’ as individuals, citizens, and family members. They do not rely on government welfare; if they do, they still contribute to the greater social well-being by volunteering their unpaid services in exchange for any state support. These ideologies of belonging in Hong Kong, which focus on law-abiding behavior, ‘family life education,’ ‘self-help,’ and ‘entrepreneurship’ (Ku and Pun [2006]) were all begun through British colonial policy aimed at creating a stable and prosperous Hong Kong society. In post-1997 Hong Kong, these discourses continue to be deployed through government policy as well as through social work programs directly subsidized by the Hong Kong government, but they have also gained wide currency among Hong Kong people in general and are inextricably linked to the social imaginary of belonging in the Hong Kong polity... [T]he key tenets in the social imaginary of Hong Kong social and political life all focus around the idea of maintaining and sustaining social stability in Hong Kong (ibid.:257-258).

Following the negative cultural images of illegal mainland immigrants in the 1970-80s, low-quality legal immigrants since the 1980s, as well as immoral “second wives” in the 1990s (see Chapter 2), current Hong Kong society is fashioning new stigmatized images of its mainland counterpart as vividly characterized by contemporary pregnant women subjects, who are seen as too “dangerous” and “irresponsible” to reproduce part of the next generations of Hong Kong. Such demonizing discourse imposed on mainland pregnant women reveals how a sense of Hong

Kong cultural superiority is re-articulated amid Hong Kong's socio-cultural and political-economic ambivalence toward China. Although Hong Kong is politically and increasingly economically subordinated to China, Hong Kong people make use of the city's "cultural capital," such as social order and the rule of law that are credited to its prior British colonial rule, to reinforce the cultural boundary between Hong Kong *yan* and mainland *yan*, or in Wu's words, for them "to acquire the position of colonizer culturally" (2003:146) vis-à-vis their mainland counterparts.

To a certain extent, Hong Kong's government shares the public view that the influx of mainland women coming to give birth poses serious challenges to the city's medical infrastructure. The government has argued that these women "exerted heavy pressure on the obstetric services in the public hospitals and deprived local expectant mothers from accessing such services" (Legislative Council Secretariat 2011). However, between 2003 and 2012, the actual government policies used to tackle the cross-border childbirth problem reflected that the government seemed to be less concerned about its citizens' accessibility to local obstetric services than about formulating a strategic population policy that fit the city's development and maintained its competitiveness during its transformation to a knowledge-based economy. Since the first population policy report, *The Report of the Task Force on Population Policy*, was released in February 2003, the government's policy considerations in relation to population issues have been largely dominated by an economic-centric perspective of how to sustain the city's long-term development in the face of pressing population concerns (Task Force on Population Policy 2003). Such economic-centric perspective of population policy formulation continued to dominate the mindset of the government for almost a decade when it released a population policy progress report in May 2012, which, once again, emphasized that:

The key objective of the population policy of the Hong Kong Special Administrative Region (HKSAR) is to secure and nurture a population which sustains our development as a knowledge-based economy. Accordingly, our population policy should strive to improve the overall quality of our population to meet our vision of Hong Kong as a knowledge-based economy and world-class city... Among the key parameters for success are quality people. (Steering Committee on Population Policy 2012:1)

In contrast to Hong Kong people's widespread antagonism toward mainland pregnant women in general, the government seemed to hold the outsider parents, especially those who could afford high fees for private medical services, and their Hong Kong-born children, dear as new "human resources" amid the city's ultra-low fertility rates and an aging population. As of mid 2013 different high-ranking government officials respectively cited the data of the Census and Statistics Department surveys, which indicated that many "double non[-local]" mainland parents actually had good educational standards and careers, to justify the government's positive stance on cross-border childbirth.<sup>91</sup> For instance, in early 2012 then Chief Secretary for Administration, Stephen Sui-lung Lam, told Hong Kong people "to be positive towards this group of children, as they will be the 'new blood' of Hong Kong, providing manpower for the future development of the city" (Tsoi 2012). Similarly, during a Legislative Council meeting in mid 2013, the current Chief Secretary for Administration, Carrie Yuet-ngor Lam Cheng, regarded mainland parents as a potential "new labor force" rather than "locusts." She told the attending council members "not to focus merely on their use of public resources" but rather to "consider ways to turn them into manpower resources for Hong Kong" (Legislative Council 2013:15274). In contrast to the government's positive statements on the labor potential of mainland parents and their Hong Kong citizen offspring, some Hong Kong people thought of the population policy with suspicion, arguing that Beijing has an upper hand in the issue in an

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<sup>91</sup> For instance, the educational level of these parents is pretty high. Nearly 60 percent of them attained post-secondary education. A large proportion of the fathers are managers and administrators or professionals. Meanwhile, many mothers are also economically active. Among these economically active mothers, most are managers and administrators or professionals (Census and Statistics Department 2011b).

attempt to “colonize” Hong Kong by allowing large numbers of mainlanders to come to Hong Kong so as to “dilute” the native local population (personal conversations with Hong Kong protestors at two anti-mainland pregnant women protests, October 26, 2011 and January 15, 2012).

In April 2009 the government’s Task Force on Economic Challenges, which was established to study the impact of the 2008 Global Financial Tsunami on the local economy, identified six industries to be the most promising for Hong Kong’s economic development in the long run.<sup>92</sup> In view of its neighboring countries such as Thailand, Singapore, and India having vigorously promoted medical tourism, the Hong Kong government saw the city’s high-quality medical infrastructure having great potential to be a “new economic pillar,” as Hong Kong has a clear advantage of attracting large numbers of potential clients from mainland China to receive treatment in Hong Kong (Task Force on Economic Challenges 2009b). Between 2007 and 2012, despite rising calls for a tougher policy against cross-border childbirth, the government adopted a less effective policy of channeling mainland women’s demand for obstetric services to the private sector and letting the industry itself assess the demand and plan for service expansion (Legislative Council Secretariat 2011). As a newspaper editorial in support of such policy commented:

Since the government has identified the city’s medical service as one of the six pillars for the future economic prosperity, there is a strong case for better accommodating mainland mothers by expanding the capacity of our obstetric services in private hospitals in the longer term. But the mindset of ‘us and them’ has prevented Hong Kong people from taking full advantage of the rising demand across the border. (*South China Morning Post* 2011)

Benefiting from the state-led “new economic pillar” policy, provision of obstetric services for mainlanders had overtly become a lucrative business for private hospitals. Between

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<sup>92</sup> These six industries are testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industry, and educational services (Task Force on Economic Challenges 2009a).

2007 and 2012, due to a rising demand for obstetric services by mainland women and a reducing supply of public services, private hospitals took full advantage of “an acute imbalance of supply and demand” (A. Cheng 2011) to substantially raise medical fees and charges. According to the Hong Kong-China couples I met during fieldwork, in 2011 and 2012 private hospitals charged mainland women, regardless of whether their husbands were Hong Kong locals or not, a range of HKD80,000 to HKD100,000 (approx. USD10,256 to USD12,820) for delivery. Yet, maternity ward places in private hospitals were also limited and tended to be quickly filled by “double non[-local]” mainland women, some of whom paid as much as HKD200,000 (approx. USD25,641) to hire middle agents who were believed to have “special connections” with private hospitals and obstetricians to secure a delivery booking. Such peculiar phenomenon of commercializing maternity services and reproduction has been criticized by concerned local politicians and individuals. As a political commentator said:

The proposed quota system [i.e. the government’s obstetric policy since 2007] has given private doctors and hospitals the financial incentive to further expand their services for mainland women. As a result, the needs and basic rights of local pregnant women will be overlooked. The fact is that the government measure has not eased the problem but created a man-made shortage and given private hospitals an opportunity to raise fees due to an acute imbalance of supply and demand. Furthermore, the so-called maternity agents, who help pregnant mainland women secure hospital beds in Hong Kong, have already taken advantage of the restrictions and propose to raise their fees by up to 20 percent. No wonder so many local pregnant women and mainland women married to Hong Kong men took part in the July 1 rally. (A. Cheng 2011)

The Hong Kong government’s stance and policy on cross-border childbirth reflected its attempt of constructing a new citizenry through the process of commodification of maternity services and birthright citizenship—two instruments that are configured for the state’s “flexible accumulation” (Ong 1999) of new “human resources” for it to remain competitive in the global economy. On the one hand, the relatively simple principle of birthright Hong Kong citizenship

has helped the Hong Kong state obtain new sources of citizens rather effortlessly.<sup>93</sup> On the other hand, by utilizing the marketized policy of channeling mainland women to give birth in private hospitals, the government easily distinguished between those who were and who were not financially capable of competing for a maternity ward place, so that the government could acquire better-off potential migrants. The biopolitics reflected in the government's cross-border childbirth policy between 2007 and 2012, in parallel with its economic-centric perspective of population policy, has commodified human reproduction and citizenship and turned the right to give birth into a privilege for the resourceful and a denial for the impoverished.

Pun and Wu argue that the nature of the Hong Kong state's "new urban Imagineering"—in their words, "the state-led imaginary of building a global city" based on "a new governmentality of its citizen-subjects"—is "a kind of global colonialism" (2006:140) which has proceeded at the expense of "*the social*" as it marginalizes those who do not fit in this imagineering while it further opens its economy to global capital and elites (ibid.:141). As said by a Hong Kong local husband I met at MHKFRA who criticized the state-led commodification of reproduction and citizenship:

We need to rethink how much is considered reasonable [for obstetric services]. For some mainlanders, paying HKD100,000 or even HKD200,000 [approx. USD12,820 and USD25,640 respectively] for a maternity ward place is not a problem. But is it also equally fine with me? I hope the government must understand a point that *reproduction is not a commodity. Baby is not a commodity. Reproduction is a social and even a national matter*. If you [the government] treat reproduction as a commodity and allow the businessmen [i.e. private hospitals and middle agents] to raise fees unreasonably, then what will this world become? I disagree with what the government has been doing. If the government still doesn't think its current policy is problematic, this means it supports [the notion that] a maternity ward place is a commodity. This is wrong! Very wrong! [Emphasis added]

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<sup>93</sup> As mentioned earlier, under the aegis of Article 24 of The Basic Law, a child born in Hong Kong to a Chinese citizen is automatically conferred on him or her the Hong Kong permanent residency.

According to Pun and Wu, forces of globalization and marketization not only have posed a “challenge to a modernist discourse of humanity” but also disrupted “the conventional platform for the social formation and praxis of citizenship rights” (ibid.:140). As they argue, “[h]uman,’ in the global informational age, can only be made sense of when it is transformed into ‘human resource’ or ‘human talent,’ if not a ‘cyborg’ servicing the high-tech economy” (ibid.). Somers (2008) has forcefully examined how the rise of market fundamentalism—in her words, “the drive to subject all of social life and the public sphere to market mechanisms”—has reorganized the relationship between civil society and the state, and has distorted the meaning of citizenship “from that of shared fate among equals to that of conditional privilege” (ibid.:2-3). Due to the prevalence of market-driven governance, citizenship has been “contractualized” in increasing numbers of states today, and there have been growing numbers of once rights-bearing citizens who transformed into “socially excluded internally rightless and stateless persons” (ibid.:2). In the case of Hong Kong, where human reproduction and citizenship have become key instruments for the state’s pragmatic use and increasingly been reorganized with market norms and neoliberal values, many Hong Kong people found their moral worth as rights-bearing citizens in relation to their reproduction was imperiled and yet, ineffectively protected by the state. In some ways, in relation to reproduction, citizenship in today’s Hong Kong is arguably becoming less about a mechanism for allocating certain rights and claims from the perspective of the normative liberal notion of citizenship, because it has increasingly been governed by the principles and practices of market exchange and neoliberal norms.



## 5.2 HONG KONG-CHINA COUPLES' STORIES AND NARRATIVES

As mentioned earlier, between 2007 and 2010 the Hong Kong government imposed an annual quota of 12,000 for all non-Hong Kong locals who wished to give birth in public hospitals. Shortly after I started the year-long fieldwork in early 2011, the Hospital Authority suddenly announced the “stop-gate” measure on April 8—with immediate effect—that required public hospitals to stop accepting new bookings from non-local women for delivery in the rest of 2011. It further announced in June that the quota for maternity admissions of non-eligible women in public hospitals would be reduced by about 72 percent from 12,000 to 3,400 in 2012, whereas private hospitals would cut admissions slightly by four percent from some 33,000 to 31,000 in the same year. In general, many Hong Kong-China couples opted to give birth in public hospitals due to the lower costs relative to private hospitals.<sup>94</sup> The “stop-gate” measure of April 2011 together with a sharp cut in the public maternity quota for non-eligible women for 2012 caused tremendous difficulties for many Hong Kong-China couples I met when I conducted the bulk of my fieldwork.

Being unable to secure a maternity bed space, TWP wives and their Hong Kong husbands and parents-in-law were stressed. Typically, a couple worried about a range of things, such as where to give birth (Hong Kong or mainland China), the risks for the woman and her baby if she rushed to an emergency room for delivery in Hong Kong, how the wife could re-enter Hong Kong without a confirmed delivery booking document during her recurring permit renewal trips to the mainland, and how she could maintain her legal immigration status in Hong Kong when

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<sup>94</sup> According to the Census and Statistics Department (2011b), in 2010, for example, there were 88,000 babies born in Hong Kong, about 46 percent of whom were born to mainland women (40,648). Specifically, 6,169 (seven percent) were so-called “Type I babies” whose fathers were Hong Kong residents whereas 32,653 (37 percent) were “Type II babies” whose parents were both non-Hong Kong residents. In the same year there were 42,606 babies born in public hospitals. Specifically, 3,581 (eight percent) were “Type I babies” whereas 10,695 (25 percent) were “Type II babies.”

her TWP endorsement expired. In the following sections I will focus on the stories and narratives of TWP wives and their Hong Kong husbands to understand what their birthing experiences were like during this difficult time and how they utilized individual struggles and collective actions to give birth in the city.

### **5.2.1 The Chans: Who Can Get a Waiver?**

On April 7, 2011, Mrs. Chan, a TWP wife from Guangdong Province, consulted a Hong Kong doctor who verified that she was seven weeks pregnant. Mr. Chan, a Hong Kong man, was exhilarated about the news and the couple planned to make a delivery booking with a local hospital as soon as possible. However, the next day (April 8) the government abruptly announced the “stop-gate” measure which seriously disrupted the couple’s plan. They still called all the public hospitals, but hospital staff confirmed that they had stopped accepting maternity bookings for non-local women. Mr. Chan asked if there was a waiver for Hong Kong husbands. One hospital staff member told him, “No. But, if you are a civil servant, I can still make a booking for your [mainland] wife!”

Since the Hospital Authority applied a residence requirement to the provision of public healthcare services in 2003, TWP wives who are married to Hong Kong ordinary men and those who are married to Hong Kong civil servants are not treated on equal footing in regards to eligibility for public healthcare services. As part of the employment benefits given to civil servants, their TWP wives are eligible for subsidized obstetric services and are not subject to the quota constraint. This privilege is based on the woman’s marital ties to a civil servant, rather than her own immigration status as a “visitor.” This privilege conferred on civil servants’ TWP wives arguably contradicts the government’s population and obstetric policies’ main objective of setting out the eligibility criteria for public resources based on the nature and length of residence

in Hong Kong. Again, this unequal application of the restrictive obstetric policy toward different groups of mainland wives shows how the state exercises differentiated “technologies of disciplining, regulation, and pastoral care” (Ong 2006a:79) on different groups of migrant wives based on their own and their husbands’ value to the state according to market calculations. Under the concept of “graduated citizenship” (ibid.), “worthy” or “high-priority” migrant wives (or those whose husbands are more valued) face less restrictive “technologies of disciplining and regulation,” whereas “unworthy” or “low-priority” wives are not only subject to restrictive policies but also must expect to be self-reliant to make “appropriate plans to meet their medical needs” (Legislative Council Secretariat 2011:2).

Being faced with no waivers for “ordinary” Hong Kong-China couples, the Chans continued to try to secure a maternity bed. They checked out some private hospitals but only a few could put Mrs. Chan on a waiting list, and they were told that the chance for a confirmed place was slim. The couple also contacted some mainland middle agents but they were informed that it would cost HKD100,000 to HKD200,000 [approx. USD12,820 to USD25,640] to secure a bed in a private hospital. Mr. Chan told me, “We can’t afford such a price for maternity services—it is too much for any ordinary family!”

### **5.2.2 Amy and Derek’s “Twins Trouble”**

Compared to the Chans, Amy and Derek were a better-off cross-border couple, both in their early 30s, university graduates, and held managerial jobs. The government’s “stop-gate” measure did not preclude them from making a reproductive plan because they could afford to give birth in a private hospital. As soon as Amy found out that she was four weeks pregnant in July 2011, she had already started to look for a maternity bed. However, all private hospitals she contacted told her that they did not have a place available near her expected due date. At eight weeks, Amy

conducted an ultra-sound screening and found out that she was pregnant with twins! After only a short period of joy, Amy learned that her pregnancy was considered to be high-risk. Under a further policy put forward by the government to relieve pressure from the neonatal intensive care units (NICU) in hospitals, non-local women with high-risk pregnancies—including multiple births—were barred from giving birth in all public and private hospitals.

Making use of specific medical science and knowledge, the Hong Kong government further stratified maternity services for different types of pregnant women based on their pregnant condition apart from other factors. Rapp defines the term “stratified reproduction” (Ginsburg and Rapp 1991, 1995) as “the hierarchical organization of reproductive health, birth experiences, and child rearing that supports and rewards the maternity of some women, while despising or outlawing the mother-work of others” (Rapp 2001:469). The operation of stratified reproduction in Hong Kong is complicated by different combinations of factors such as gender, class, occupation, nationality, immigration status, and women’s pregnant condition. Between 2007 and 2012 the stratification of obstetric service provision in Hong Kong arguably worked to place affluent Hong Kong and mainland pregnant women at the top, because they could afford the best obstetric services provided by the private healthcare providers in the city. They were followed by Hong Kong ordinary women, Hong Kong civil servants’ mainland TWP wives, PRC and non-PRC immigrant wives who had already become Hong Kong residents, and even migrant workers such as foreign domestic helpers who held Hong Kong identity cards. Although these women were protected by a “safety net” given by the government in the form of the priority to use public obstetric services, the services that they could actually receive were very often deemed inadequate. At the bottom of the hierarchy were Hong Kong ordinary men’s TWP wives,

and all non-Hong Kong local women.<sup>95</sup> These women were subject to stringent obstetric policies and were forced to engage in a fierce competition for very limited and costly maternity beds provided by private hospitals. At the very bottom of the bottom were non-local mainland wives with high-risk pregnancies, like Amy. These women were barred from giving birth in all Hong Kong hospitals.

Amy and Derek also explored the possibility of giving birth in mainland China. However, they found it would not be feasible at all. Reproduction is highly regulated in the PRC. For a mainland woman to give birth legitimately, she is required to apply for a Service Permit for Planned Reproduction (*jihuoshen yu fuwu zheng* in Mandarin), commonly known as Permit for Childbirth (*zhunsheng zheng* in Mandarin). Amy said that her attempt to get such a permit was already hindered at the first step of getting an approval from the neighborhood committee where her household registration was kept in the mainland. The committee rejected Amy's application on the grounds that she had changed her household registration. Amy worried that if she gave birth without a permit in mainland China, her twin babies would not be added to her mainland household registration. Without a household registration, the babies would have no legal identity in the mainland, and therefore would have difficulty applying for a One-way Permit (OWP) and even a seven-day visitor permit to go to Hong Kong. The babies would essentially be "stateless."<sup>96</sup>

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<sup>95</sup> Since migrant workers such as foreign domestic helpers hold Hong Kong identity cards, and are granted maternity benefits under the Employment Ordinance by virtue of their work (Constable 2014), they are entitled to use public healthcare services so that they are even hierarchically above TWP wives in terms of access to hospital beds.

<sup>96</sup> I eventually lost contact with Amy and Derek. Thus, it is unknown how the couple ended up arranging their childbirth.

### **5.2.3 Giving Birth in a Public Emergency Room: Wei-wei's "Gate-Crashing" Story**

Without a confirmed maternity booking with a local hospital, some TWP wives I knew during fieldwork eventually opted for "gate-crashing" to give birth in public emergency rooms. Here is a story of Wei-wei, a wife in her mid twenties from Jiangxi Province. She suffered from low blood pressure and even under medication her blood pressure was still at a very low level. The doctor warned her that if her blood pressure continued to be low, she would need to have a blood transfusion during her delivery. In view of a possible health risk during delivery, Wei-wei did not return to China when her TWP expired. She kept applying for an extension of stay with the Immigration Department, and luckily, she was able to get a one-week extension each time. Wei-wei stayed in Hong Kong for five weeks in this way in late 2011.

A whole week beyond her expected due date, there was still no sign that Wei-wei would go into labor. The doctor suggested she check into a hospital immediately for induced labor to avoid any health risks to the baby. Wei-wei went to a public emergency room with her husband and mother-in-law. However, the hospital staff member would not admit Wei-wei for emergency services, claiming that her water had not yet broken, and that because she had not made an advance delivery booking with the hospital since she was not a local Hong Kong resident, the obstetric unit of the hospital would not serve her at all. The staff member suggested Wei-wei check into a hospital in the mainland. However, how could Wei-wei return to China? The family was clearly worried about the safety of mother and baby. They decided to try a different public hospital, and fortunately, the emergency room of the second hospital was willing to admit Wei-wei. Her labor was induced the next day and her daughter was safely born in Hong Kong.

## 5.2.4 Overstaying a TWP Permit for Childbirth in Hong Kong

Despite higher risks, a few TWP wives I knew eventually overstayed their permits and later gave birth in public emergency rooms in Hong Kong.<sup>97</sup> Out of a strong desire to give birth in Hong Kong, although the couples realized that overstaying their permit was illegal and could result in imprisonment, they also knew that until early 2012 the Hong Kong court judges usually treated first offenders leniently, giving them a period of probation, and that the woman's offense record in Hong Kong would not likely affect her future applications for TWP renewals and OWP. A 60-year-old remarried Hong Kong man who came to Hong Kong illegally in the early 1960s spoke about his 38-year-old TWP wife's experience of giving birth in Hong Kong by overstaying her permit:

When my wife was seven months pregnant, her TWP expired [but she continued to stay in Hong Kong]. Until she needed to go into labor, she never went far away from home but only went for a short walk in the hallway outside our apartment. During this period, I did all the grocery shopping. She stayed at home doing household chores, cooking, washing clothes, sweeping the floor, etc...

Ten days before her expected due date, her water broke. Then, I called 999 [the Hong Kong police emergency hotline] to send her to an emergency room... After calling 999, the ambulance and the police arrived together. The people might have already speculated that my wife overstayed her permit. Three policemen came to my home. They asked to look at my wife's identity document, and stated she had overstayed her permit. I also said yes. The police took my wife's document, and then sent her to a hospital. They said that after my wife leaves the hospital, I should bring her to report to the police station in the Cheung Sha Wan district. They told me that my wife was being arrested. I was not nervous at that time because I had expected this to happen.

Later, the police sent my wife's document to the Immigration Department. A day after childbirth, four immigration officers came to the hospital to take photos [of her]. On the spot, they issued an Immigration Recognizance Form [i.e. a temporary identity document] to my wife which was valid for a couple of days. After she left the hospital, she was required to go to the Immigration Department in the Kowloon Bay district to apply for an

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<sup>97</sup> I speculate that there could be more TWP wives overstaying their permits in order to give birth in Hong Kong, but they were likely to be very cautious about admitting it or too frightened to do so. Some couples eventually disappeared from the social functions where I had previously met them or asked me to stop contacting them. I speculate that they tried to avoid having illegal status known or discovered.

extension of stay in Hong Kong. Each extension just lasted for a week so she needed to extend her permit every seven days...

When my wife had already extended her stay in Hong Kong for two months, the Immigration Department scheduled a time for her to leave Hong Kong to return to the mainland [i.e. deportation]. Before her departure, she was required to attend a court hearing. The court judge ruled that she would be imprisoned for four weeks but was instead given three years probation [i.e. a suspended sentence].<sup>98</sup> The judge also told her the details of her departure, for example, she was required to leave Hong Kong before noon and go to a specific immigration station in the Lo Wu border check point where she would be given back her PRC identity document, and then leave Hong Kong.

So far, there has been no impact on her applications for TWP renewals and OWP.

### **5.3 COLLECTIVE STRUGGLE**

Since mid 2006 MHKFRA has advocated for Hong Kong-China families' rights. In particular, the group has endeavored to confront the restrictive obstetric policy that has affected Hong Kong-China couples' reproduction. The overarching claims of MHKFRA are: 1) to reassert Hong Kong citizen men's (assumed) reproductive rights in Hong Kong; 2) to urge the government to distinguish the two groups of mainland pregnant women between those who have and who do not have marital ties to Hong Kong locals; and 3) by acknowledging the marital ties of TWP wives to Hong Kong locals, the government should remove the migrant wives from the category of "Non-eligible Persons" and treat them on equal footing with Hong Kong local women for obstetric services. Over the years these claims have attracted more than five hundred individuals, who are primarily Hong Kong-China couples, their family members, and supporters,

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<sup>98</sup> This means that his wife could not violate her immigration status again within three years. If she violated it a second time, she would be imprisoned immediately. The Hong Kong husband also mentioned that on the day of his wife's court hearing, there were other offenders who had also overstayed their permits, some of whom did it to work illegally in Hong Kong. The judge noticed that an offender had violated [his or her] immigration status for the second time within three years. He ruled that the offender would be imprisoned for six weeks for this second violation, in addition to the four-week sentence incurred from the first violation, meaning that the offender would be imprisoned for a total of ten weeks.



to join a range of campaign activities including rallies, protest marches, sit-in protests, petition drives, candlelight vigils, lobbying activities with government officials and legislators, street mobilization and promotion activities, press conferences, and initiating judicial reviews.

Besides protest actions, MHKFRA also organizes regular member meetings. From creating mutual support and fostering solidarity to coordinating efforts for political maneuvers, these meetings have provided an important platform for Hong Kong-China couples to learn and discuss up-to-date affairs and policies pertinent to them; to share their personal experiences of searching for maternity beds and dealing with problems involved in the wives' re-entry to Hong Kong when they did not have a confirmed delivery booking document; and to propose future campaign activities. Through collective discussions and actions, MHKFRA members learned new perspectives from the group's organizers/social workers and other members to make sense of their social position and reproductive rights vis-à-vis the state and other social actors, and equipped themselves with "adequate language" (Pun and Wu 2006) to articulate their needs and interests in the public sphere.

When I interviewed individual couples about their experience of searching for maternity beds and views about their rights, most shared ideas and statements that I often heard at the MHKFRA meetings and public rallies, linking to the goals and interests of the activist group in which they participated. Like the Hong Kong local protestors depicted in the beginning of this chapter, the Hong Kong husbands I met commonly strived to uphold the association between *citizenship* and *rights* as the key cultural and moral rationales which they drew upon to reclaim their (assumed) rights deprived by the state's obstetric policy. As a husband told me in early 2011:

Why should I lose the rights to which I am entitled as a Hong Kong citizen when marrying a mainland woman? It is nonsense that you [the government] asked me to

deliver my child in mainland China. Why must my child be born in mainland China in the first place? You [the government] said it is because my wife is a mainlander. In other words, if your wife is African, would you ask her to go back to Africa to give birth? ... What I am discontented about is that your [the government's] policy deprived me of my rights!

During fieldwork, I also met many Hong Kong husbands' family members who also drew upon the linkage between *citizenship* and *rights* to reclaim rights for their sons, arguing that their sons were "Hong Kong citizens" so "why their children can't be born here?" As a mother of a Hong Kong husband voiced out at a member meeting:

When a family member gets pregnant, this should be a happy family matter. I only have a son and daughter. My son is a Hong Kong citizen, why can't his child be born here? He is a Hong Kong citizen after all. We must step out to fight for our rights!

To reclaim their assumed *citizenship rights* lost to state policy, Hong Kong husbands drew upon a crucial resource—their Hong Kong Permanent Resident Identity Card—to reaffirm their legal membership and status in Hong Kong. In a few different demonstrations and rallies organized by MHKFRA, Hong Kong husband members publicly presented their identity cards together in front of the media and general public as a highlight during their protests. They regarded such action as "showing the pass" to "reveal our true identity."

For TWP wives, their marriage to Hong Kong citizens and their motherhood were the crucial socio-cultural resources which they drew upon to redefine their "visitor" status and to claim a legitimate identity and position in the state's hegemonic membership/citizenship system from which they have been excluded. They struggled to challenge the legitimacy of the state in defining who can give birth in Hong Kong based on their own terms of social justice and family relations rather than a person's legal status or economic value. As a TWP wife said at a meeting with a high-ranking government official after the "stop-gate" measure in April 2011:

We are a group that is different from the couples in which both husbands and wives are non-Hong Kong locals. You [the government] need to treat these two groups

separately! ... Our husbands belong here. Why can't our babies be born here? We pay HKD39,000 [for delivery in a public hospital]. Those parents who are both mainlanders also pay HKD39,000. Now, you [the government] don't accept us [for new maternity bookings in public hospitals]... If my husband doesn't belong here, then I can't come here to give birth. This is plausible. But look, one of us belongs here, why can't I come here to give birth? Don't you think the policy is unfair? We are really suffering so much!

As mentioned in Chapter 2, Hong Kong public discourse largely lacks discussions on the salient connections that TWP migrant wives have to Hong Kong. The Hong Kong public in general has often conflated “mainland pregnant women,” “visitors,” “non-locals,” and “non-eligible persons,” and confused them with TWP wives. Like Emily said at a MHKFRA meeting (see section 4.4 in Chapter 4), “Newspapers always use ‘mainland women’ to address us. But we have double identities! We must assert our position that we are not simply ‘mainland women’ but rather *gong yan noi dei pui ngau* [Cantonese, literally Hong Kong *yan*’s mainland spouses]!” Thanks to the efforts of Hong Kong-China couples’ activism, since the second half of 2011 the general public and media started to increasingly distinguish between mainland women who have and those who do not have marital ties to Hong Kong men, and called the former *daan fei* (single non[-local]) and the latter *soeng fei* (double non[-local]). However, even before these terms started to become popular, Hong Kong-China couples had created the even more politically and socially correct term *gong yan noi dei pui ngau* to emphasize the mainland wives’ close connections to Hong Kong based on their marriage, and to challenge the homogenization of “mainland women” in public discourse. The term *gong yan noi dei pui ngau* turned out to be an empowering term that provided TWP wives with an extra meaningful linguistic resource to articulate their identity as more than just “visitors” or “mainland women” in certain senses. The political organizing of TWP wives and their husbands is not only concerned with struggles for pragmatic goals. It is also a process of new identity and political subjectivity formation among socially marginalized women members, reflecting a broader socio-cultural and political

significance of identity politics in society. During fieldwork I noticed that the term *gong yan noi dei pui ngau* was increasingly adopted by the local media to refer to TWP wives as the media coverage of MHKFRA's campaign activities significantly increased in 2011, until the term *daan fei* became more popular in 2012. Although *daan fei* seems to be a less socially correct term, it still serves to facilitate a change in public discourse which had problematically homogenized all "mainland pregnant women."

The notions linking *citizenship*, *rights*, and familial relationships that MHKFRA members often referred to in discussing their sense of rights and belonging, constituted their particular "citizenship discourses, or vernaculars of citizenship" (Coll 2010), about their ideas of citizenship vis-à-vis the state. As Coll argues, "[c]itizenship processes became visible in actions but also in the way they told their own stories and the particular language of citizenship that they developed in conversation with one another" (ibid.:32). "These narratives," as she argues, "highlighted the ways in which citizenship concerns and claims were constituted at the points of intersection, tension, and conflict within or between the domains of the family and the state" (ibid.).

Despite collective efforts of MHKFRA members and other concerned groups, politicians, and individuals rallying behind them since 2006, the government had no plan to re-categorize TWP wives based on their marriage to Hong Kong citizens. In April 2011 the government even claimed that "it would be difficult for the [Hospital Authority] staff to check [the] information" on the legal status of Hong Kong husbands and the authenticity of their marriage certificates with mainland wives (Lee and Yau 2011). This excuse was harshly criticized by MHKFRA: how could it be difficult for the state to check its citizen-husbands' legal identity and marriage documents which were certified and issued by its own (or PRC) state agencies? Furthermore,

during a local radio station's call-in show on June 25, 2011, Dr. York Yak-ngok Chow, then Secretary of the Food and Health Bureau and the highest-ranking official in charge of Hong Kong's obstetric policy, responded to a Hong Kong husband's grievances about his difficulties in getting a maternity bed for his mainland wife and the potential problems he foresaw in obtaining an OWP for his child if he or she had been born in China:

Your encounters are worth sympathy. But as I mentioned earlier, our top priority is given to local pregnant women. Mainland pregnant women have the choice of giving birth in the mainland. What you have mentioned about the burdensome procedures of dealing with paperwork in order to have a baby come to Hong Kong, as far as I know, the waiting time for a mainland-born baby to come to Hong Kong for family reunion is very short, normally speaking, as we understand, as short as several months. [Cantonese original]

At the same time as the Secretary participated in the radio talk show, MHKFRA members staged a protest outside the radio station. Listening to the Secretary's statement, MHKFRA members were enraged, arguing that the so-called "choice of giving birth in the mainland" was "a choice out of no choice," and that the Secretary did not understand how the OWP and household registration systems worked in China. A TWP wife in her second pregnancy refuted the Secretary with her own experience when she was interviewed by a newspaper reporter during the protest:

I am from Hunan [Province]. My first baby was born in the mainland. When I applied for the baby's OWP, the process took four years. How could it just take several months? The procedure may be faster in Guangdong [Province], but in my hometown it normally takes a long time. Paperwork needs to go through from the township government to the city government and to the provincial government. In other words, there are multiple levels of authority involved in getting OWP approval. It takes a couple of years. My hometown is troublesome. My own OWP will be approved very soon. If I get my OWP [and settle in Hong Kong first,] how could I take care of my [second] baby if it had been born in the mainland? Our family would then be separated.<sup>99</sup>

The government's perspective of Hong Kong-China families having the choice of giving birth in China is widely shared in mainstream society. In public discourse, there have been many

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<sup>99</sup> The wife's interview appeared on a local Chinese-language newspaper the next day (June 26, 2011). [http://orientaldaily.on.cc/cnt/news/20110626/00176\\_005.html](http://orientaldaily.on.cc/cnt/news/20110626/00176_005.html) [in Chinese].

critics questioning why these non-local mainland wives cannot return to China for childbirth instead of competing with local women for limited obstetric services. Many others ask why Hong Kong men married mainland women in the first place, arguing that the men should blame themselves for being unable to afford a local wife rather than complaining to the government when their mainland wives are restricted from using public healthcare services. Clearly, state and societal discrimination against Hong Kong-China couples' choice to give birth in Hong Kong does not occur in a cultural vacuum but closely links to the negative cultural baggage of Hong Kong-China marriages. As mentioned earlier, the image of "loser" imposed on Hong Kong men who marry mainland wives has roots in Hong Kong immigrants' history (see section 2.2.1 in Chapter 2). Such images are reinforced as these men "have lost" again in the current fierce maternity bed competition. The situation in which many of them could not afford a private maternity ward bed for their wives echoes a prolonged social perception of these men being "losers" and "poor." Furthermore, the prevailing argument that Hong Kong-China couples have the choice of giving birth in the wives' PRC hometowns reflects a social perception of these marriages as they always involve separate homes and long-time spousal and familial separation due to immigration restrictions. Such perceptions lack any sensitivity to social and policy changes, but are instead hegemonic ideas and perceptions of these marriages as inferior and subordinate to other local marriages—so that "it is not a problem" if the mainland wives continue to give birth in the mainland, and the women and mainland-born children need to wait a long time to come to Hong Kong for family reunion. However, contemporary Hong Kong-China couples have emerged to demand their rights to give birth in the city and for husbands and wives to enjoy the birthing experience and delivery together. They support a system in which a husband and wife are together before, during, and after childbirth. These demands challenge prolonged

state and societal hegemonic ideas about cross-border couples' separate lives and reproduction. The question of whether TWP wives have the right to give birth in Hong Kong or not reveals a broader cultural (re)construction of Hong Kong-China marriages.

A small success for MHKFRA finally came in mid July 2011, when the government agreed with the Private Hospital Association to provide a one-time limited quota of 95 beds for Hong Kong citizen men's mainland wives who would be permitted to give birth at four designated private hospitals for the remainder of 2011. These women would be charged the same rate of HKD39,000 that they would otherwise have paid for delivery at a public hospital before the "stop-gate" measure; it would also be much lower than they would otherwise have previously paid at a private hospital. A small success notwithstanding, the activist group continued to stage protests urging the government to cover all affected TWP wives whose deliveries were due in 2011, as well as to re-categorize TWP wives as "Eligible Persons" so that they could use public maternity services in subsequent years. Special government measures were later put forward to "assist" Hong Kong-China couples if they opted to give birth in Hong Kong. In April 2012 the government lifted the quota for TWP wives to deliver at the same four designated private hospitals for the remainder of 2012, although the medical rates would be set by individual private hospitals. The government continued such "special treatment" (i.e. lifting the quota) for Hong Kong-China couples in 2013 and 2014, while all "double non[-local]" mainland pregnant women were banned from giving birth in the city.<sup>100</sup> However, as of early 2014 the doors of public hospitals are still closed for TWP wives.

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<sup>100</sup> Reactions from private hospitals and doctors to the new "zero delivery quota" policy for "double non[-local]" mainland women were relatively positive. According to a local newspaper report, the chairman of the Private Hospital Association regarded the policy as "good news to patients" as the ban on "double non[-local]" women from giving birth in Hong Kong can ease the hospitals' overload burden. He mentioned that private hospitals can reorganize their resources to improve and develop other medical services, and they can also provide incentives to attract more local pregnant women to use private obstetric services. A local private doctor said that despite the new

In sum, the major problem faced by Hong Kong-China couples is the Hong Kong government's categorization of TWP wives as "non-local" residents and "Non-eligible Persons." The government insists on such categorization on the grounds that TWP wives are *de jure* "non-local" residents because they live temporarily in Hong Kong on a TWP and move back and forth across the border for permit renewal. Obviously, the government's definition of citizenship is based on a formalistic, legal perspective, excluding the women's substantive relationships and activities as marks of citizenship and social membership. On the contrary, TWP wives and their Hong Kong husbands view the women's identity as not just a "visitor" (i.e. based on a legal status) but rather as a "family member" (i.e. based on a substantive relationship). The fact that TWP wives are recurrently present in a range of family-related and social activities in Hong Kong should substantively indicate their ongoing participation and the significant roles they play in society. If citizenship is understood more broadly as "a more total relationship" (Werbner and Yuval-Davis 2005:4) that involves complicated interactions between individuals and groups in the state, community, and family, then mainland TWP migrant wives should be regarded as "locals" in Hong Kong, a status that is expressed and displayed through a variety of activities and familial relationships.

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policy, the industry is still making profits but less than before as local demand for private obstetric services remains strong (*Oriental Daily* 2012).



## 6.0 EX-WIVES AND WIDOWS' YEARNING FOR SETTLEMENT

One afternoon in early January 2012, a group of MHKFRA ex-wife and widow members staged a demonstration in front of the new Legislative Council complex in the Admiralty district of Hong Kong, urging the government to exercise discretion to allow them to formally settle there on the grounds of “special familial circumstances.” Suk-kuen, a deserted wife in her late thirties from southern Guangdong Province whose husband had disappeared before her OWP was approved, represented the group to speak in front of the public and media:

My name is Suk-kuen. We are MHKFRA members. We have once been Hong Kong people's wives. Our day-to-day lives, consumption patterns, and all other activities conducted here [in Hong Kong], big or small, such as taking our children to and from schools, are basically the same as those of other Hong Kong people. But due to different reasons—some of us have divorced or others' husbands passed away or went missing, we now have become cross-border single mothers.

Over time, both mainland and Hong Kong governments didn't give us attention or assistance. In order to remain in Hong Kong to take care of our [citizen] children, we make regular trips back to the mainland for permit renewals and run around different government department offices across the border to appeal our cases. Some wait in the entrance of [the local mainland exit-entry offices] for a whole day just to be given a 90-, 14-, or even seven-day TWP. Only a few lucky ones are granted a One-year Multiple Exit Endorsement [OYMEE]. This arbitrary practice of [permit approval on the part of the PRC] has made us so confused and exhausted. [By contrast,] for the sake of economic purposes, the governments across the border have allowed [eligible] residents in Shenzhen, old or young, deaf or blind, to easily obtain the OYMEE to enter Hong Kong.<sup>101</sup> But for us, a needy group of single mothers, who need family reunion and need to nurture the next Hong Kong generation, we haven't received the government's attention at all. Please stop citing the [Hong Kong] Basic Law or “this and that” policy [as an excuse] to deny us your [the government's] responsibility. Although we are poor

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<sup>101</sup> Since April 2009 the PRC has allowed 2.68 million permanent residents of Shenzhen to potentially apply for a multiple-exit TWP for individual visit to Hong Kong. See footnote 49 in Chapter 2.

and powerless, you [the government] should not assault our love for our children as mothers.

When we return to the mainland for permit renewals, our children need to take a leave of absence from school in order to go with us [if no arrangement can be made for someone to look after them in Hong Kong]. Some take two weeks off while some take a month or even one and a half months off. After returning to school, our children can't catch up with the class and start to lose confidence in studying. They also lose a sense of security in other matters. Their childhood has been negatively affected.

We are helpless and are always under enormous stress causing many of us to have chronic illnesses. Do you [the government] really want us to eventually give up our children and hand them over to you [for the government to raise]?<sup>102</sup> Neither you nor we want this to occur. We don't want our children to become orphans.

We strongly demand [formal] residence in Hong Kong or a channel for us to apply for an OWP right now, and an OYMEE or half-year multiple exit endorsement [before a long-term solution can be made].

In this nearly three minute long testimony, Suk-kuen articulated the many different everyday struggles of taking care of their Hong Kong citizen children that TWP ex-wives and widows face while living temporarily in Hong Kong as “visitors.” As mentioned in Chapter 1, returning to live in mainland China with their Hong Kong children is not an option for them because their children do not have a household registration in the PRC. Furthermore, under existing immigration rules, ex-wives and widows' eligibility for settlement in Hong Kong via OWP, based on spousal reunion, is nullified because their marital status has changed. However, their need to take care of young children in Hong Kong is not considered state-sanctioned grounds for OWP approval. Legally, the only way out for these women is to wait until they reach the age of 60, and then apply for OWP based on elderly dependence to reunite with their Hong Kong children. When they finally reach eligibility, they then can expect to wait another several years until the OWP is approved. Sadly, this would translate into an incredibly long waiting period for

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<sup>102</sup> Some ex-wives and widows said that they had once been advised by social welfare agents to consider giving the custody of their children to the Social Service Department of the SAR government, which refers children in need of adoption to Po Leung Kuk, an accredited social service organization in Hong Kong providing adoption referral services for potential adoptive parents in Hong Kong and overseas.

the women's formal settlement in Hong Kong, in some cases up to 30 years or more. The substantial prolongation of TWP ex-wives and widows' liminal status has created deleterious effects on their already vulnerable situation.

Having said that, however, something salient that is reflected in the demonstration above, and that is at the heart of this chapter, is how marginalized non-citizen women like Suk-kuen, usually too afraid to speak at their first couple of MHKFRA meetings, later felt empowered to step out and speak for themselves and their children in the context of collective struggle. For many women, as Lister argues, "involvement in community organizations and social movements can be more personally fruitful than engagement in formal politics which is often more alienating than empowering" (1997:31). Local activism strengthens self-esteem and develops political consciousness and a sense of personal agency, both essential attributes of citizenship (ibid.:39). In the case of TWP ex-wives and widows, most face extra hardships in daily life as compared to their married counterparts, but still work together to generate a larger collective power to challenge hegemonic orders.

This chapter looks at the trajectories of ex-wives and widows I met at MHKFRA to emerge as new political and "citizen-like" subjects in Hong Kong. Despite lacking political membership, TWP women transformed themselves into "citizen-like" subjects by developing political consciousness and gaining a particular political subjectivity in the course of activism. They learned about the idea of claiming rights and "enacted" (Nyers and Rygiel 2012) their personal and collective agency to negotiate rights and belonging in Hong Kong, transforming themselves into "visible" political subjects and reworking their "legal nonexistent" (Coutin 2003a) situation. Certainly, the personal trajectory of becoming a rights-bearing individual varies among women. Some women were less confident in making claims to state and non-state

agencies, at least initially, because they considered themselves not to have the “legitimate” identity that would entitle them to have their voices heard and demands met (see Chapter 4). But for others, their experience of living in Hong Kong where the “protest space” (Kuah-Pearce and Guiheux 2009) is larger and more socially and politically tolerant than in China, coupled with their social participation in MHKFRA, have allowed them to view their individual-state relationship differently from the past when they lived in China. Their changing view of the individual-state relationship has had positive implications for their sense of political subjectivity in relation to the state. This chapter first examines women’s “additional marginalization” (Narayan 1997) in society due to their marital status constraint. Then it considers how women’s social participation in MHKFRA has provided them with an opportunity to get out of their isolated, usually cramped living quarters; to be in company of fellow women with similar concerns and experiences; to learn and equip themselves with “adequate language” (Pun and Wu 2006) to articulate their needs and interests in the public sphere; and equally important, to develop a positive sense of self and personal agency, despite their poverty and “visitor” status, in the course of activism.

## 6.1 WOMEN’S ADDITIONAL MARGINALIZATION

One hot summer day in 2011, I interviewed Hoi-king at her home, a less than 150-square-foot *tong fong* (Cantonese, literally a subdivided room unit)<sup>103</sup> within a run-down building in the old

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<sup>103</sup> *Tong fong* is a type of ultra-tiny habitation (usually less than 200 square feet) prevailing in Hong Kong where housing costs are among the most expensive in the world. According to the Building Department of the Hong Kong Government, *tong fong* “generally refers to the subdivision of a flat as shown on the original approved plan of a building into two or more individual rooms. The associated building works commonly involve the removal of the original non-structural partition walls, erection of new non-structural partition walls, installation of new toilets and kitchens, alteration or addition of internal drains, thickening of floor screeding [i.e. the act of applying a mixture of cement and water to a floor base in order to form a sturdy sub-floor] to accommodate the new/diverted drain pipes,

Tsuen Wan district. Originating from western Guangdong Province, Hoi-king had divorced her Hong Kong husband because of his extramarital affair, and the divorce court awarded her custody of the children. Hoi-king chose to remain in Hong Kong on a TWP to raise her children, who went to an elementary school close to home. After I entered her cramped home and sat on a small folding stool, Hoi-king at first wanted to keep the door open because it would allow better ventilation. A few seconds later, she closed the door, saying “because we are going to talk,” then she offered to make lunch. After she finished reheating leftovers from the previous night, she went to open the door to get some fresh air. As I started to speak, she immediately shut the door, telling me that she did not want her neighbors to accidentally overhear our conversation. “None of my neighbors and friends in Hong Kong know that I am a divorcee and that I have not yet become a Hong Kong resident, although I have been living here for many years,” Hoi-king said in a very low voice. We then had lunch while she told me about her life as a TWP ex-wife and single mother, with the door closed the whole time.

Compared to married women, ex-wives and widows are more vulnerable and marginalized in Hong Kong society and encounter greater hardships due to their *triple identity constraints*: they are simultaneously single mothers, temporary TWP holders, and generally poor people, most of them relying on a meager social security allowance provided primarily for their Hong Kong children, while they themselves remain ineligible for government-provided social welfare. The triple identity constraints usually lowered women’s moral worth and shaped how they interacted with other people in daily life. They generally refrained from talking about their

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addition of door openings or ventilation openings, etc. The building safety and environmental hygiene may be adversely affected if these associated building works are not properly carried out, including addition of unauthorized door openings which contravene the regulations on means of escape, additions of openings for ventilation affecting the integrity of fire resisting construction, improper drainage works causing water seepage, and overloading of the building due to addition of non-structural partition walls and thickened floor screeding” [http://www.bd.gov.hk/english/services/index\\_faqJ.html](http://www.bd.gov.hk/english/services/index_faqJ.html), accessed October 17, 2013.

personal backgrounds with neighbors and friends, because they were concerned that they and their children would be negatively judged and discriminated against if the women's "alien" identity and non-married status had been disclosed. Suk-kuen, the deserted wife and mother of two, did not mention her "visitor" and marital status to other parents at her children's schools, except for two friends whom she regularly sought help from to look after her children when she returned to China for permit renewals. As she said, "I don't want others to know about my identity because I want to protect my children from being looked down on and becoming the target of teasing by their peers. I am concerned about how people judge [us]. There are so many social biases in society." Some ex-wives and widows fabricated their family life to avoid other people's prejudice. Mei-feng, a divorcee from southwestern Guangdong Province and mother of three, also did not want her neighbors to know about her "dual identity" (her own term; *soeng cung san fan* in Cantonese) as a single mother and TWP holder. Mei-feng told her neighbors that her "husband" worked and lived in Cheung Chau, a Hong Kong outlying island at least two hours away from her home in urban Kowloon as the excuse for why her "husband" was never home.

Women's concerns about the negative impact of their identity disclosure on themselves and their children extended beyond their private lives into the public realm. In the course of activism, although most ex-wives and widows I met at MHKFRA participated in protests and voiced their difficulties and demands to the state, many were still cautious about being captured on camera by media reporters. They were concerned that in case their faces appeared in newspapers or on television, their neighbors and friends would easily recognize them. To avoid revealing their identities, women usually raised signs in front of their bodies high enough to cover their heads, or they wore face masks (the ones typically worn by medical staff to cover the

facial area below the eyes) or sunglasses during protests. In one case, a university student requested permission from MHKFRA to film one of its meetings for her class project. The organizers/social workers of the group first asked for permission from the members and suggested that those who did not want to be captured should sit in the rear of the meeting room. Immediately, all ex-wife and widow members rose from their chairs and moved to the rear, leaving me, the two organizers/social workers, and some other married women continuing to sit in the front. By contrast, married TWP women and their Hong Kong husbands and family members were generally much less concerned about being photographed or filmed during protests. Some newcomers wore face masks during their first public participation but soon learned from the “unmasked” majority that it was not necessary to hide their identity. As a mother of a Hong Kong husband said:

Some people are afraid of being recognized. I do not fear that! We are not doing something illegal. We are fighting for justice, aren't we? We are not stealing or looting. We just want to give birth [here in Hong Kong], this is a legitimate claim. We are just fighting for our rights.

Moreover, lacking a valid marital status, ex-wives and widows worried more about how others would judge them compared to their married counterparts. Scholars of cross-border marriages have examined that the reasons for state regulation of cross-border marriages and many of the social misconceptions about these marriages are largely attributed to the concerns about the authenticity of these love bonds (Charsley 2009; Constable 2003; Hsia 2009; H. K. Lee 2008; Newendorp 2008). For instance, Hsia (2009) examines marriage migration from Southeast Asia and mainland China to Taiwan and observes that it is often seen as a “social problem” by government agencies, the media, and the general public. Marriages between foreign brides and Taiwanese men are stigmatized as “fake marriages, real prostitution.” Likewise, the negative cultural baggage of Hong Kong-China marriages and the controversy of mainland “second

wives” have long labeled mainland women involved in cross-border marriages, formal or informal, as “gold diggers” who intentionally seek a better life through marriage and sex. In popular discourse, mainland women are often accused of utilizing marriage to Hong Kong men as an instrument in attempting to obtain Hong Kong residence or for other purposes. Popular online forums such as [www.discuss.com.hk](http://www.discuss.com.hk) are laden with anecdotes and criticisms about mainland women divorcing their husbands once they obtain an OWP, or marrying men much older than them just for the sake of moving to Hong Kong. More recently, the media reported that since 2013, there have been growing numbers of mainland expectant mothers who were allegedly engaged in bogus marriages with Hong Kong men in an attempt to obtain eligibility to give birth in the city’s private hospitals (*Oriental Daily* 2013). Under the latest obstetric policy as of early 2014, the government still allows mainland pregnant women with Hong Kong husbands to deliver in private hospitals, while banning others whose husbands are not Hong Kong locals from giving birth in Hong Kong (see section 4.3.2 in Chapter 4). Hong Kong women who are married to mainland men, of course, have no restrictions on giving birth in the city.

Having divorced their husbands, TWP ex-wives felt more vulnerable to such popular suspicion about the authenticity of their previous marriages, and believed this negative perception of their moral standing had a negative impact on their appeals for formal settlement in Hong Kong. As of early 2012 all MHKFRA ex-wife and widow members I met had appealed to both mainland and Hong Kong immigration authorities to exercise discretion to allow them to formally settle in Hong Kong on the grounds of “special family difficulties.” On the one hand, the PRC rarely exercised discretion to grant OWPs for mainlanders to immigrate to Hong Kong beyond five exclusive grounds: 1) children holding a Certificate of Entitlement who were born to



Hong Kong permanent residents and enjoy the right of abode in Hong Kong; 2) spousal reunion; 3) elderly dependence (i.e. for mainland adult children to take care of Hong Kong aging parents, or for mainland aging parents to be taken care of by Hong Kong adult children or to join relatives in Hong Kong); 4) children dependence (i.e. for mainland dependent children to join relatives in Hong Kong); and 5) others (e.g. inheritance) (Ho 2004; Tong 2004). According to MHKFRA, as of early 2012 only a handful of widows, whose children were born in Hong Kong or settled there via OWP *prior to* their Hong Kong fathers' death, had been granted OWPs based on the PRC's discretion. Neither divorced women nor widows, whose children were born in or settled in Hong Kong via OWP *after* their Hong Kong fathers' death, were granted OWPs based on the PRC's discretion. The PRC authorities argued that it was the women who made "the mistake" in the first place: widows could have chosen *not* to give birth to their children in Hong Kong or to pick up the OWPs for their mainland-born children *after* their Hong Kong fathers had passed away (personal conversations with MHKFRA social workers and TWP women 2011-2012). In other words, if the women had not chosen the Hong Kong residence over the PRC household registration for their children *after* their own OWP application was nullified due to their altered marital status, their children could have had a legal status to live in mainland China, and the women would not have to move back and forth across the border to take care of their now Hong Kong citizen children. However, the women said that they had not known enough about immigration rules before they made their birthing decisions or changed their children's residence.

On the other hand, Hong Kong's immigration authorities rejected ex-wives and widows' pleas for Hong Kong residence and suggested that they return to the mainland to file an OWP application, even though the same authorities knew that the women were no longer eligible to do so. From the government's point of view, "allowing Mainland single mothers to settle in Hong

Kong is a complicated issue that requires further consideration” (Legislative Council Secretariat 2012). Yet, what makes it consider this issue “complicated” and stand firmly in rejecting women’s pleas, is probably due in part to the general suspicion about the authenticity of Hong Kong-China marriages. At different Legislative Council meetings between 2009 and 2012 during which many council members urged the SAR government to facilitate the settlement of TWP single mothers in Hong Kong based on humanitarian principles, and to actively discuss with the PRC about shortening the waiting time for mainland wives to receive OWPs,<sup>104</sup> the government responded:

... On the suggestion to further shorten the waiting [time] for separated spouses under the OWP Scheme to facilitate family reunion, the Administration pointed out that it was equally important to uphold effective immigration control, for instance, measures to prevent Mainland residents from enter[ing] Hong Kong by means of bogus marriages. [Legislative Council Secretariat 2010:3, paragraph 11]

From her rich analysis of the treatment of citizen-children and their undocumented migrant parents in the U.S., Canada, Ireland, and France, Bhabha (2009) writes that there exists an age- and relationship-based asymmetry in citizenship rights, particularly the rights of family unity. She argues that parents may use their citizenship rights to secure a legal entry and residential status for their children who have a different citizenship. However, citizen-children are always denied of such rights to similarly ensure a legal entry and residential status for their parents, or to fight against the deportation of their undocumented parents. Bhabha argues that such age- and relationship-based asymmetry reflects “the adult-centered perspective that assumes the absolute primacy of parental over child migration considerations” (ibid.:194). Clearly, the case of TWP ex-wives and widows’ appeals for settlement in Hong Kong further suggests that the definition

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<sup>104</sup> The Home Committee of the Legislative Council established the Subcommittee to Study Issues Relating to Mainland-HKSAR Families in late 2008. Between early 2009 and mid 2012 the Subcommittee held a series of meetings to study the population policy and measures relating to Hong Kong-China families, and to make recommendations in this regard ([http://www.legco.gov.hk/yr08-09/english/hc/sub\\_com/hs52/general/hs52.htm](http://www.legco.gov.hk/yr08-09/english/hc/sub_com/hs52/general/hs52.htm)).

of who has the right or privilege of family life is complicated by state and social perceptions of a “normative” family building based on factors such as marital status, race, class, gender, and sexuality (Constable 2012; Luibheid 2004). In the face of popular suspicion about the authenticity of cross-border marriages, mainland ex-wives and widows, due to their lack of a valid marital status, faced extra challenges and were required to wait the longest time for family reunion, as if they somehow needed to prove to the state and society that their past and present intimate relationships with their former or deceased husbands and their children were deemed “authentic” and “normative.”

To confront the popular suspicion, ex-wives I met generally argued that if they attempted to use marriage as an instrument solely to immigrate to Hong Kong, then they should have waited until they obtained an OWP to divorce their husbands, then they would not have been trapped in the current impasse of their settlement problem. To stress their non-instrumental views of marriage and love, none of the ex-wives and widows I spoke to had seriously considered, although occasionally joked about, remarriage of convenience with any Hong Kong man simply to make themselves eligible for an OWP again. Kwan, a deserted wife from southeastern Guangdong Province and mother of two, had once been told by one of her mainland relatives that she should pay several tens of thousands of *yuan* to make a marriage deal with a Hong Kong man. Kwan firmly refused this idea which she described as “ridiculous,” “causing me trouble,” and “against the law.” Yet, remarriage is not an entirely untouchable topic among these women and I knew some who still hoped to fall in love again. In one case, I joined a chat among a couple of ex-wives and widows before a MHKFRA meeting started. We touched upon the topic of remarriage. While they were laughing at themselves as “being unmarketable” because they were relatively old (in their late thirties and above), unattractive, and had already had children,

one of them pointed toward Mei-feng who just arrived in the meeting room, and suggested that Mei-feng “should seriously consider remarrying because she still looks attractive” (even though she was a mother of three in her mid forties). Having heard that, Mei-feng immediately responded loudly “You’re insane!” seemingly expressing her disapproval of such idea of remarriage and of using appearance as an instrument to get (re)married. In fact, in a prior formal interview with Mei-feng, she had told me about her view of remarriage:

Some people asked me why I don’t choose to remarry, or remarry a Hong Kong man so that I can re-start the OWP application. My previous marriage gave me a very bad experience and left a scar deep in my heart. My children are gradually growing up. I have gotten used to a single life. I want to continue my current lifestyle. I like the freedom that I have now.

Some ex-wives divorced their husbands because of domestic violence and some others due to husbands’ extramarital affairs. For the former group of women, a divorce may allow them to obtain a sense of “freedom” from past abusive relationships. Shortly after the PRC was established in 1949, the communist party-state endorsed free-choice marriage and divorce, among other changes in the 1950 Marriage Law, in order to promote anti-feudal familial and gender relations in the new China (Yan 2003). Against the backdrop of the changing ideologies about women’s rights and values, PRC women “increasingly had their own views regarding the proper pattern of personal relations at home and were aware of their right to fight abusive husbands and in-laws” (ibid.:111). Although none of the TWP women I knew specifically mentioned the role of the state in shaping their awareness of domestic oppression, it is clear that their view and decision to divorce abusive husbands reveal that they are intolerant of abusive husbands.

As discussed in Chapters 3 and 4, in the face of immigration policy constraints, TWP women are arguably “prisoners” who are “confined” to specific, institutionalized spatial and

temporal experiences in relation to their mobility and denial or restriction of rights during their conditional stay as “visitors” in Hong Kong. This section adds that ex-wives and widows are additionally confined by popular suspicion about their altered marital status, shaping not only how they interact with other people in their daily lives, but also how they perceive other people’s view of their moral standing. Facing an incredibly long waiting time for their formal settlement, in some cases up to 30 years or more, ex-wives and widows generally depicted a bleak picture of their current life conditions. Shan, a widow and mother of a young boy, described herself as “a fallen leaf in the water—neither does it sink nor float on the surface.” “My road ahead is dark,” Shan sighed. Likewise, Mei-feng likened her life to a “small boat losing power in the middle of the sea—neither can it reach the shore nor sink to the bottom of the sea.” Confined to a prolonged liminal status while living temporarily in Hong Kong on a TWP, ex-wives and widows are arguably living in “permanent temporariness”—a condition described as “the static experience of being temporary (i.e. in suspended legal, geographic, and social animation, and so on)” (Bailey et al. 2002:139).

## **6.2 SOCIAL PARTICIPATION IN MHKFRA**

Despite hardships, ex-wives and widows have been active agents in attempting to shape their destinies, even if only in small ways. To challenge hegemonic orders, they have worked together at MHKFRA to advocate for their claims and interests since 2009. When I first came cross Lai-ping, an ex-wife in her late thirties from southern Guangdong Province and mother of two boys, I was impressed by her outspokenness and well-articulated talks about her claims both inside and outside the MHKFRA center. During fieldwork, besides Suk-kuen and Mei-feng, Lai-ping often represented the group to speak at the Legislative Council meetings or in front of the public and

media (however, she still usually wore a face mask when being photographed or filmed). When I formally interviewed Lai-ping, she said that she had become more outspoken and empowered since joining MHKFRA:

In the past [when I first attended the MHKFRA meetings,] I never talked, I just sat and listened. But now I help the group and others to fight for their rights. In the past [before joining MHKFRA,] even though my family situation was bad, I just followed the policy and never made any complaints. But now I know you can get what you want only if you fight for it. Things will never automatically be given to you.

In the past when I was in the mainland, I never resisted. I tended to compromise on situations. But now I am in Hong Kong. Here there is freedom and democracy. I can express my demands and fight for my rights, but I would never do that in the mainland.

I have participated in many protest marches and have represented the group to speak at the Legislative Council [meetings]. These are really eye-opening events for me. In the past, my vision was narrow. I was tame in the past. But now I speak up and hit on the table and chair when I get mad. Other people may think I am brave. But I just have become this way prompted by my situation. Now, when I think about my children's future and long for a stable life, I am not scared. Even if you [the police] arrest me, I am not going to cower!

Something salient in Lai-ping's testimony is her sense of "personal political transformation" (Coll 2010) from once a "tame" policy-follower who did not make complaints in China, to a "brave" activist who expressed her demands and fought for her rights and for others' after joining MHKFRA and becoming politically active in Hong Kong. Certainly, the differences between the mainland and Hong Kong political environments are a prerequisite for women to be able to engage in political organizing "legitimately." Like Lai-ping, many women I met recognized that their physical presence in Hong Kong was an enabling geo-political factor for them to become politically active in the first place. As Cai (2010) argues, although mainland China has witnessed numerous social conflicts since the early 1990s, "popular contention is by no means an easy or safe undertaking in China" (ibid.:1). As he observed, "[i]n recent years, many participants in non-regime-threatening collective resistance have been detained, arrested,

or imprisoned” by the PRC authorities (ibid.). Cai argues that in contrast to democratic governments, authoritarian leaders “rely more on repression to demonstrate the state’s power and determination to protect the political system” (ibid.:2).

By contrast, western values associated with civil and political rights have long sprouted across the border in Hong Kong. Since the early 1970s the emergence of protest actions and social movements has changed Hong Kong’s political arena under the colonial rule (Lui and Chiu 2000). Scholars have observed the emergence of new political dynamics in Hong Kong since the 1997 handover of its sovereignty from Britain to China (ibid.). Hong Kong people have become increasingly politically active, expressing a variety of concerns and defending their rights and interests. Mainland migrant wives’ experience of living in Hong Kong, far from their place of origin in mainland China, as Newendorp has forcefully analyzed, involves such “a move across political difference” (2008:8). “Political difference,” as she explains, refers to the fact that “both mainland immigrants and Hong Kong people, as individuals but also as members of larger social groups, have been socialized with different expectations of privileges and goals for relating both to the state and also to society around them” (ibid.). Although Newendorp has mentioned the issue of growing social activism in Hong Kong (ibid.:21), she leaves open whether and how this situation would create political opportunities for mainland migrant women to rework their social marginalization, and more importantly, would provide them with new avenues to gain a different kind of lived experience *in the public and political realms*, arguably by the fact that they are allowed, despite particular conditions, to live in Hong Kong where the “protest space” (Kuah-Pearce and Guiheux 2009) is larger and more socially and politically tolerant than in China. In the following paragraphs, I will examine how social participation in MHKFRA and the opportunities to critique and act against the state in the public space of Hong

Kong, have allowed TWP women to view their individual-state relationship differently from the past when they were in China. Their changing view of the individual-state relationship has had positive implications for their sense of political subjectivity vis-à-vis their marginalized “visitor” status in Hong Kong.

Building on the discussions in Chapter 4 (section 4.4), social participation in MHKFRA, an activist group with a particular agenda, has become an important platform for TWP women’s self and collective empowerment, and has provided them with a meaningful new avenue to gain a different sort of lived experience in Hong Kong’s public and political realms. As an organizer/social worker of the group once called it, the politicized environment that MHKFRA offered seems like an “army training field” (*lin bing coeng* in Cantonese) for marginalized women, who learned to transform themselves into political subjects equipped with “adequate language” (Pun and Wu 2006) and relevant knowledge of state policies to articulate their needs and interests in the public sphere. During MHKFRA’s meetings, ex-wives and widows were encouraged to tell their stories of daily life. In the context of the Chinese family, Wolf (1974) observed that women were skillful of “speaking bitterness” about their family lives (e.g. ill treatment by their husbands and in-laws) to others in an attempt to confront domestic oppression and to advance their interests. The question is thus to what extent such “old skills” of “speaking bitterness,” that had enabled them to struggle with daily family problems, could translate to wider, collective political struggles against the hegemonic order of the state. As Coll (2010) argues, women’s personal stories were unique and individual, but were often shaped in dialogue with other women and constituted part of larger collective experiences with political implications. Scholarship on women’s activism has observed the linkage between women’s voices and self- and collective political empowerment (ibid.; Beverly 2004). In particular, studies of Latin American social



movements have showed that giving women the space and time to tell their stories in the public sphere, “was an organizing method, a transformative personal experience, and part of a broader struggle for social justice” (Coll 2010:116). Likewise, MHKFRA ex-wife and widow members did not simply share personal stories, but also learned to make sense of their individual stories as part of broader collective experiences related to political issues. At one meeting, a widow talked about how her “visitor” status had adversely affected her Hong Kong citizen son’s access to public service—due to her ineligibility to sign the application form for a public library card for her non-adult son. After hearing her story, other ex-wife and widow members also spoke up and linked similar constraints they encountered in their everyday lives to the unfairness of the social welfare system for immigrant families, to the issue of membership and citizenship struggles, and to their aspirations for improvement in their own and their children’s lives.

Furthermore, through regular discussions of current affairs and policies relevant to them, women at MHKFRA were encouraged to situate and comprehend personal problems in a broader social context, and to analyze, discuss, and set out feasible ways to improve their situations collectively. Under the lead of two social workers, ex-wives and widows were often encouraged to enhance their understanding of Hong Kong and mainland immigration laws, and to discuss which immigration principles and practices they should draw upon to improve the chances for their claims to settle in Hong Kong. As Constable argues, “laws, policies, and practices are not always consistent” (2013:1019); they are both constraining and enabling. Certain laws and policies often constrain migrants’ rights and opportunities while protecting local citizens’ and class interests. “But at the same time, laws and policies—when put into practice and effectively implemented—can offer protections and opportunities” for migrants (ibid.:1007). Likewise, TWP ex-wives and widows learned about such power of “using law against law.” They learned

that the Director of the Hong Kong Immigration Department has the power to exercise discretion to allow certain persons, as he deems permissible, to stay in Hong Kong in accordance with Section 13 of the Immigration Ordinance (Chapter 115, Laws of Hong Kong). Even though they knew that in practice the chance of being granted Hong Kong residence by such route was very small, between 2011 and 2012 ex-wives and widows still carried some hope and regularly petitioned the Hong Kong immigration authorities. Meanwhile, ex-wives and widows understood that according to Article 22(4) of the Hong Kong Basic Law, mainland residents who wish to settle in Hong Kong must apply for OWPs from the PRC. However, they learned that the SAR government can convey its opinions of the OWP scheme to the mainland government, and it regularly exchanges immigration and border security information with the PRC. Therefore, ex-wife and widow members regularly launched petitions and protests, and actively gave testimonies at the Legislative Council meetings, so as to urge the SAR government to actively present the women's situations to the mainland government for it to consider giving them special permit treatment, and also to improve the OWP system such as by adding a new application category of "mainland single parent-Hong Kong child reunion" and by establishing a fair appeal mechanism.

As mentioned in Chapter 4, based on their research on lower-class and new immigrant women's lives in Hong Kong, Pun and Wu argue that "new immigrants often lack the persistence and adequate language to articulate their rights and needs. Faced with complicated bureaucratic procedures and tough attitudes from government [and non-state] agents, they are easily intimidated and become less confident in their appeals" (2006:147). For mainland migrant wives, learning the "adequate language" usually means not only the spoken language of Cantonese (especially for those who do not come from Guangdong Province), but also the knowledge, skills,

and vocabulary needed to make their claims and demands convincing to the state and society, and compatible with the particular social, cultural, and economic contexts of Hong Kong. Therefore, “adequate language” includes one’s understanding of his or her living environment. Learning to speak the “adequate language” is definitely “part of being able to claim rights and demand recognition as political subjects” (Coll 2010:176).

During MHKFRA’s meetings, women were often encouraged by social workers to practice explaining why they demanded residence in Hong Kong, so that they could express themselves more easily and cogently when they had a chance to speak in front of government officials, the media, and the general public. They were encouraged to think in depth and to situate their claims in a broader social context. Indeed, women I met at MHKFRA tried to draw upon different cultural and social ideas as discursive resources to create their own particular discourse for collective struggle in Hong Kong. Overall, “striving to be responsible mothers”—to fulfill the traditional gendered role of mothers as primary care-givers for their offspring (and other family members)—was the crucial cultural resource which ex-wives and widows drew upon to demand moral claims of formal settlement and family reunion in Hong Kong. Women often explained their claims by sharing their personal stories, some of which involved their daily interactions with other social actors, such as school teachers, who critiqued the incompatibility between women’s frequent border-crossings and their culturally expected gendered role. In one meeting, Yi, a widow from southern Guangdong Province, told other women that because she did not want to interrupt her seven-year-old son’s schooling, she did not usually bring him along to China when she returned for permit renewals, but instead left him to be taken care of by his 80-year-old grandmother who was very ill and taking many medications. One time when her son’s school teacher learned about the mother’s frequent absences from home, the teacher

questioned Yi, “How could you feel comfortable leaving an elder and a youngster behind?”—in a way that made her feel she was being criticized for her “voluntary” child and elderly neglect. In response, Yi said “that’s why I need Hong Kong residence, because I want to take care of my own child!”

Ex-wives and widows often cited the negative impact of their regular permit renewal trips to China on their children’s emotions, personal development, and school performance (see also section 3.3 in Chapter 3). They linked their residence claims to a universal notion of children’s rights. Claiming that their children were Hong Kong citizens and “part of Hong Kong’s future masters,” women argued that the Hong Kong government should take partial responsibility to ensure that marginalized children from single-parent families also have the right to a stable family life and healthy child development. Furthermore, popular discourse of mainland immigrants is also a discursive resource for ex-wives and widows to claim Hong Kong residence based on cost-benefit calculations for the government and society. Countering the discourse of mainland immigrants as “locusts,” ex-wives and widows claimed that having a legal residence status in Hong Kong would allow them to work legally, so that they could “make [financial] contributions to Hong Kong,” and provide for the family more sufficiently without relying on the government’s meager social security allowance provided primarily for their citizen children.

Like Lai-ping, many ex-wives and widows said that participation in MHKFRA and the opportunities to act in the larger political and public space of Hong Kong have allowed them to view their individual-state relationship differently from the past when they lived in China. They said that except in some “civilized” major cities and depending on the circumstances, political organizing in mainland China to challenge the state is not impossible but still very difficult. Yet, after coming to Hong Kong and becoming more politically active, not only did they learn that

fighting for one's moral and citizen rights in non-violent ways is considered legitimate, but more importantly, one "must" fight for his or her rights because "things will never automatically be given to you" (in Lai-ping's words). Their changing view of the individual-state relationship has had positive implications for their sense of political subjectivity and agency. Both inside and outside the MHKFRA center and during my interviews with different women, I commonly heard them saying "*we must* step/speak out" and "*we must* strive/fight for [ourselves]." These were not simply usual slogans to cheer one another up when they felt discouraged by government letters that repeatedly rejected their appeals, or by state agents' indifferent responses during exhausting protests. Rather, these words overtly reflected the marginalized women's sense of agency and awareness of their collective subjectivity and power vis-à-vis the state. This awareness is crucial for socially and politically marginalized women to gain a positive sense of themselves as individuals and actors in a society in which they are formally marginalized as "visitors."

The sense of "personal political transformation" (Coll 2010) has led women to fight for other needs and interests as they deemed necessary in their everyday lives. TWP women's political footprints extended beyond the MHKFRA arena. Having described herself as a "tame" policy-follower in the past, Lai-ping had learned to fight for improvement for her and her sons' lives beyond the MHKFRA center. Lai-ping had two sons—the elder was born in the mainland before her formal marriage with her ex-husband who was a Hong Kong citizen, and the younger was born in Hong Kong after their formal marriage. Until mid 2010 the then 8-year-old elder son was taken care of by Lai-ping's mother in the mainland, because his OWP application was hindered by local mainland immigration authorities on the grounds that he was born before her formal marriage. To end her suffering from long periods of separation from her elder son, in July 2010 when he came to Hong Kong for a family visit on a tourist permit, she decided to fight hard

for his long-term stay in Hong Kong. After her son's permit expired, she brought him to stage a sit-in protest in an immigration department office. Both were wearing face masks, with his having a statement pleading for permission to remain in Hong Kong written in Chinese. Eventually her son was granted a temporary stay in Hong Kong by virtue of an immigration recognizance form issued by the Director of Immigration. However, he was subject to conditions of stay including ineligibility for admission to school and the requirement of reporting regularly to the immigration office every four weeks in person. Lai-ping then sought aid from a legislative councilor to plead further with the Director of Immigration, and eventually her son was able to attend school beginning in December 2010.

In a different case, Chun-ling, a married TWP woman from Zhanjiang in Guangdong Province, lived in a less than 150-square-foot *tong fong* with her husband and two young children. Due to her husband's previous occupational injury, he was only able to work irregular jobs. The rent for this tiny space occupied by a family of four accounted for the bulk of his monthly income. The difficulty in finding adequate housing triggered Chun-ling to join a grassroots campaign for affordable housing in the city. Together with other Hong Kong "local" activists in the campaign, she had participated in numerous petitions and protest marches and represented the group in a meeting with senior government officials. Asked whether her participation in this campaign had shaped how she felt about her "visitor" identity, Chun-ling said:

I did not particularly think about my own identity at those moments [during campaign activities]. I did not disclose my identity anyway! People did not ask whether you were a local or not in order to permit you to join. I was thinking all of us were grassroots *si man* [Cantonese, literally city people]. All of us spoke out for a common goal. I felt I was part of them because I spoke out for other Hong Kong people.

Chun-ling's experience of joining with other Hong Kong "locals" to advocate for a broader social interest commonly shared among the grassroots people has led her to see herself as a "part of" Hong Kong members in a certain sense. Her self-identification of belonging to a particular class of people and sense of agency to struggle for improvement in grassroots people's housing conditions have led her to view herself as a member of "grassroots *si man*" of Hong Kong, rather than and independently of just a "visitor" as defined by the state.

### 6.3 RESPONSIBLE MOTHERHOOD AS AN ORGANIZING RESOURCE

At one MHKFRA meeting in mid 2011, ex-wife and widow members and the organizers/social workers of the group had a discussion about what further actions they could take in their ongoing struggle for formal settlement in Hong Kong. Below are some of their conversations:

- |                              |   |
|------------------------------|---|
| <i>Tom (social worker):</i>  | Everybody, please suggest what we can continue to do?   |
| <i>Yi (widow):</i>           | Continue launching protest marches! We are still relatively young; we don't want to waste time! [i.e. having to live temporarily in Hong Kong as "visitors"]  |
| <i>Mei-feng (ex-wife):</i>   | Whenever a government official participates in a phone-in radio show, we can ask a sister to call in to question the official about what the government has done for us and our children, and to suggest having a face-to-face meeting with the government. |
| <i>Rick (social worker):</i> | We have been doing this for a long time. The society has understood [our issues]. We need to further think what we can do to drive the government to do something more constructive.  |
| <i>Mei-feng:</i>             | [Cross-border] single motherhood is not a topic that the [Hong Kong] locals are concerned about.  |
| <i>Shan (widow):</i>         | [We] need to do something bigger to force a stronger social impact!   |

- Kwan (deserted wife):* We must fight for ourselves. No one will help us. We can go on a hunger strike! I had better to suffer from a short-term pain than a long one [i.e. the TWP status implies long-term suffering].
- Suk-kuen (deserted wife):* To jump out of a building!
- Tom:* We must prevent any life-threatening actions. If you [Suk-kuen] have this thought, you can talk to us [social workers] some time.
- Rick:* You should not say jumping out of a building. You may affect how other sisters think. Everybody should be a responsible mother.
- Suk-kuen:* That shows my desperation!
- Kwan:* The media favor sensational issues. [If any tragedy happens,] the media will criticize us as bad mothers, causing a bad impact [on our claims].
- Ming (ex-wife):* We can request an absence from school for our children and bring them with us to the protests. If the government rejects our demands, we hand over our children for the government to raise! [see footnote 102 in this chapter]
- Kwan:* No way! We cannot abandon our children!
- Rick:* We can produce props like children paper dolls to hand over to the government.
- Lai-ping (ex-wife):* We need to carefully handle the media. [If we abandon our children,] the media will focus on this to criticize us.

Under the lead of social workers, women at MHKFRA collectively analyzed social and political conditions of their activism, advantages and disadvantages of different protest actions and tactics, and the role of the media. Something salient in the discussion above is the role of motherhood in the women's activism. As mentioned earlier, the notion of responsible motherhood is a crucial cultural resource which TWP ex-wives and widows drew upon to strive for their moral claim of formal settlement in Hong Kong. In the dialogue above, while a few women like Suk-kuen and



Ming mentioned committing suicide or abandoning their children out of desperation, others, after hearing the social worker's remark that "everyone should be a responsible mother," stressed the importance of upholding an image of responsible and honorable motherhood to advocate for their claims. Taking into consideration the power of the media in portraying representations, women carefully analyzed the sort of protest actions they were to launch in order to avoid any opportunity for the media to vilify them as "bad mothers." As previously discussed in different sections, mainland women have long been negatively portrayed in popular discourse. In particular, "irresponsible" mainland pregnant women were accused of abandoning their babies with birth defects in Hong Kong, or of not paying their medical bills (see section 5.1 in Chapter 5). Knowing that they were already in a subordinate position vulnerable to social criticism of their moral standing, ex-wives and widows carefully upheld an image of responsible motherhood to support their claims.

In Newendorp's (2008) ethnography about the lives of mainland wives after they immigrated to Hong Kong via OWPs, the concept of individual responsibility was a central dimension of the local norms of belonging in Hong Kong that was promoted to immigrant wives by social workers of the social service center where she conducted research. This center was oriented toward service-provision work and the social workers there focused on "empowering" their immigrant wife members by disseminating the concept of "self-help" with regard to the women's decisions about their own lives and jobs. By contrast, MHKFRA's work focused on activism as a form of community development work, a domain usually regarded as "riskier and more demanding" among social workers in Hong Kong (ibid.:246). The key principle of community development work is based on empowering marginalized people to act in more "political" ways that are usually seen as "controversial and potentially destabilizing" from the

government's point of view (ibid.:247). Despite working in two different directions, MHKFRA and the social service center in Newendorp's research arguably shared a similarity in stressing the importance of a sense of "responsibility" among their mainland marriage migrant members.

Furthermore, Newendorp argues that as promoted by the social workers in her research, the "definition of social responsibility—couched within the language of individual rights and responsibilities—is clearly distinguishable from the idea of collective responsibility that many mainland immigrants learned through PRC government propaganda campaigns which... have instead championed the importance of working together for collective, rather than individual, goals" (ibid.:248). Based on my fieldwork, MHKFRA did not particularly emphasize the idea of "social responsibility" as a central organizing ideology for its activism. However, the concept of individual responsibility as expressed in the form of "mother's responsibility" for the family and children was solid and strong among the TWP ex-wives and widows. Viewed in a dialectical way, these women arguably embodied the concept of individual responsibility—which as Newendorp argues, was hinged on concepts of "self-help," "entrepreneurial" action (Ku and Pun 2006), and "voluntarism"—through their efforts in collective struggle for Hong Kong residence as they were driven by their individual aspirations for improvement in their own and their children's lives. Moreover, in contrast to a general negative perception of mainland immigrants as "locusts" lacking individual responsibility for their own livelihood, ex-wives and widows' moral claim for Hong Kong residence was in part based on their hope of gaining a legal residence status for them to be able to work legally, so that they could provide for the family more sufficiently without relying on the government's meager social security allowance provided primarily for their citizen children. Again, viewed in a dialectical way, these women

seemed to carry a sense of “social responsibility” because they wished to contribute to the family and society by using their own labor rather than depending on government resources.

The notion of responsible motherhood promoted at MHKFRA and widely upheld by its TWP women members was primarily geared toward political organizing, providing marginalized women with an empowered position from which to advocate for their claims, as well as to critique and act against the state, which, as Lai-ping argued in her testimony at a Legislative Council meeting (see below), had not taken enough “responsibility for its people.” Between 2009 and 2012 ex-wife and widow members often took the opportunity to speak at the Legislative Council meetings which were held under the charge of the Council’s Subcommittee to Study Issues Relating to Mainland-HKSAR Families. The meetings were an important political platform for ex-wives and widows to express their needs and interests in front of government officials and legislative councilors, and to seek the state’s attention to address their problems. Whenever possible, one or two women members, instead of the social workers, were selected to represent the group. As mentioned earlier, women’s testimonies usually involved their personal stories to add important empirical substance to their claims and demands. At one of these meetings in mid 2010, Lai-ping represented the group and spoke. In her nearly three minute long testimony, she told the attending government officials and councilors how her divorcee status had led to her ineligibility for an OWP, how her TWP status had caused difficulties in mothering two sons who, at the time of the meeting, still lived in separate homes across the border due to their different citizenships (see section 6.2 in this chapter), and how both the Hong Kong and mainland governments had not yet actively addressed the settlement problem faced by TWP single mothers like her. In the end of her testimony, Lai-ping argued:

Although I did not have much education, I know there is an important thing called *zaak jam* [Cantonese, literally responsibility]. Being a human, one needs to have *zaak jam*.

Being a mother, I need to have *zaak jam* for my sons. Thus, governments also need to have *zaak jam* for its people.

Many councilors showed sympathy and grave concerns for Lai-ping and other TWP single mothers alike. They urged the attending government representatives from the immigration department to provide immediate assistance for these mothers based on humanitarian principles. For instance, Councilor Audrey Eu Yuet-mee said that these single-mother cross-border families should be placed in a higher priority category than other two-parent families in relation to family reunion policy, because the former faced much more acute familial problems. She stressed that the children of these families are Hong Kong *yan* but their childhood development has been affected by their mothers' settlement problems; the government should take action to help these citizen children enjoy a stable family life. Councilor Albert Ho Chun-yan went further to argue that any policy is useless or "trash" (*fai* in colloquial Cantonese) if it cannot solve humanitarian needs. He argued that these families have humanitarian needs; the government must solve their problems "from the bottom of its heart." After the meeting, MHKFRA members and social workers evaluated that although no promises were made on the part of government representatives, they were encouraged by councilors' supportive statements which reflected that the issue of TWP ex-wives and widows' specific settlement problems, apart from the broader problems faced by Hong Kong-China families in general, should be given serious attention in its own right.

To understand how TWP women emerged as new political subjects in Hong Kong, it is necessary to examine how they struggled to maintain some sort of authority over their sense of self and value. The narratives and stories of ex-wives and widows I have presented in this chapter have demonstrated that the notion of "responsibility" assumed in their single motherhood was a crucial resource to help women stand up for themselves and their children, and to come to

articulate their claims for residence, recognition, and respect in the community and in state politics that had excluded them as “visitors.” Lai-ping urged the government to “take responsibility for its people,” in which “people” not only referred to their citizen children but arguably included the women themselves. Werbner (2005) has argued that “political motherhood,” a term originally adopted by Schirmer in her study of “motherist” movements in Latin America (1993), has historically challenged “established notions of civic legitimacy and created the conditions for the feminization of citizenship: the reconstitution of citizenship in terms of encompassing qualities associated with women’s role[s] as nurturers, carers, and protectors of the integrity of the family and its individual members” (2005:221-222). Like the undocumented Latina immigrant mothers described in Coll’s (2010) ethnography, TWP ex-wives and widows’ notion of their motherly duties expanded from the provision of care and nurturance of children, to include advocating for their own, their children’s, and other fellow women’s needs and concerns against a membership/citizenship-based system. As Coll argues, “[m]otherhood was both an intimate experience and a social role; being a good mother was a private satisfaction, but it also required public acts on behalf of self and children” (ibid.:20). Despite lacking a legal citizenship status in Hong Kong, TWP women’s experience of participating in the political and public spheres of Hong Kong promoted their sense of personal agency and collective subjectivity vis-à-vis the state. Their political practices and subjective experiences provided an ethnographic example of bridging the public-private divide, in which the relationship between the “public sphere” of citizenship and the “private spheres” such as family, marriage, and reproduction has often been overlooked in the social and political theory of citizenship (B. Turner 2008).

## **7.0 CONCLUSION**

This dissertation has presented ethnographic material about the lives of a group of mainland Chinese marriage migrant women during their long periods of transitional stay in Hong Kong on family visit permits, and how they worked together, despite diverse personal backgrounds and characters, in a contentious time, to write themselves into the social and political history of Hong Kong. Time after time during fieldwork, these women represented themselves to me not simply as “visitors” to society, victims of state policies, or heroines who protested, but rather as wives and/or mothers who endeavored to fulfill their social roles despite hardships and obstacles, and as human beings bearing responsibilities, rights, motives, and hopes. These migrant women’s stories of personal struggles in their everyday lives are not particularly unique either in Hong Kong or around the globe in an era of intensifying transnational migration. However, experiences of marriage migrants’ collective actions against hegemonic forces and structured inequalities within the public and political contexts, like those described in this dissertation, are unexplored in the Hong Kong-China marriage literature and the broader cross-border marriage scholarship. This study not only offers insight into contemporary practices of cross-border marriage, migration, and citizenship, but also illustrates productive ways to bring together questions of non-citizens’ political organizing and intimate domestic life relationships to illuminate a practice-oriented perspective of citizenship, and to enrich analyses of the subjective and cultural aspects of citizenship (Hall and Held 1991; Heyman 2002; Ong 1996; Rosaldo 1994).

This dissertation has proceeded from a premise that contrary to the normative, formalist approach to understanding citizenship as a legal framework defining a conventional, top-down, individual-state relationship, citizenship is instead best understood as a process that is negotiated through the efforts of individuals and collective groups to redefine its terms and conditions, but this process is shaped by larger socio-political conditions. This dissertation has demonstrated some of the ways in which Hong Kong citizenship—as viewed from any of the four basic dimensions: a legal status, entitlement to rights, participation (political or otherwise), and a sense of belonging (Bloemraad 2000; Bosniak 2000)—is never a complete entity. Rather, it has evolved historically according to the social, political, economic, and cultural conditions of Hong Kong from its colonial era to contemporary times. It is a process shaped within the mutually reinforcing dynamics of historical and geopolitical issues between Hong Kong and China, Hong Kong's state policy and societal responses to multiple waves of mainland Chinese influxes since the 1940s, socio-cultural (dis)integration between residents of the two places over time, and contemporary global forces including the ascent of marketization, neoliberal values, and a human rights discourse. Just as important are differences in, and contestations between, state, societal, and personal narratives and interests in the institution and practices of Hong Kong citizenship, as reflected from the conflict between the state and society over the controversy of mainland pregnant women's cross-border childbirth as discussed in Chapter 5.

As the institution and practices of Hong Kong citizenship have been constantly altered by changing social, economic, and political conditions, the political aspect of Hong Kong *yan* subjectivity has also continued to evolve. During most of the colonial period, Hong Kong *yan* subjectivity was one that lacked a sense of political community (E. W. Y. Lee 2003): Hong Kong people were not quite allowed to rule themselves although ideas like rule of law and freedom of

speech were sprouted under the British rule; the “democratic process” in Hong Kong came after the British left and it is still pending and a topic of anxiety in the post-1997 era. However, under the recent changing political environment in which a heated “protesting culture” (J. Ng 2008) is emerging, the political aspect of contemporary Hong Kong *yan* subjectivity is increasingly including such qualities as being interested in politics, having the “desire for rights” (Newendorp 2008), and taking actions to claim rights and push for policy change. Hong Kong’s political dynamics have enabled mainland TWP wives to learn about the idea of claiming rights and to view their individual-state relationship differently from their past lives in China. Their changing view of the individual-state relationship has had positive implications for their sense of political subjectivity in relation to the state.

While the government, largely constituted by people of elite class, remains the sole institution to formally administer citizenship, political experiences of TWP non-citizen wives and their marginalized citizen husbands in this dissertation highlighted how activism serves as a key arena where people’s individual and collective agency demonstrates their own role in redefining citizenship, belonging, duties, and entitlement to rights. Non-citizens and marginalized citizens consciously navigate their available resources and draw upon the appropriate ones to redefine and claim citizenship in their own terms in the state-regulated membership/citizenship system. Therefore, this dynamic notion of citizenship with an emphasis on subjectivity and agency—how people actively make sense of and act on their own definitions of citizenship—reflects that citizenship *in practice* is far more complex than a narrow, juridico-legal definition, and is more an emergent and contested process than a conventional, juridico-legal relationship between individuals and the state.



TWP marriage migrant women's activism in contemporary Hong Kong is surely not the sole case in the city's mainland immigrant history since the Second World War. As discussed in Chapter 2, mainland "boat brides" and illegal mothers and their Hong Kong families launched remarkable collective actions in the early to mid 1980s. Like their predecessors, residence and settlement issues were at the heart of contemporary TWP women's collective struggles: while ex-wives and widows struggled for residence rights in Hong Kong, the married ones demanded further shortening of the waiting time for OWP approval in order to formally settle in Hong Kong sooner. Contrary to their predecessors, the rights claims of contemporary TWP women, married or not, have expanded to include health care, education, housing, and social services—a range of social rights that are allocated conventionally according to a membership/citizenship-based system in Hong Kong. TWP women's demands for certain social rights, which have been denied or taken away from them due to their "visitor" status according to immigration rules and population policy, have had larger social and political implications. Their activism arguably challenged the long-essentialized association between the legal category of "citizen" and the ideologies of rights, duties, and belonging in the popular liberal cultural notion of citizenship. Their activism demonstrated that this citizen-rights association can be redefined and reconstructed. Drawing upon crucial socio-cultural resources including their intimate domestic life relationships with Hong Kong family members, their ongoing participation in a range of familial, social, and political activities, and the expectation of becoming a formally recognized Hong Kong resident in the near future, TWP women, despite their "visitor" status, underwent "personal political transformation" (Coll 2010) in which they came to forge a sense of belonging and social membership in their own terms, and developed a positive sense of political subjectivity vis-à-vis the state, viewing themselves as more than just "visitors" while having a

legitimate social and political position. The process of redefining the state-imposed “visitor” category and constructing a positive sense of political subjectivity has led them to come to feel entitled to certain rights and resources that are denied or restricted to them, to arise to make rights claims for themselves, their families, and children, and to push the state to accommodate their demands to change the policies that they saw as unjust through collective actions.

As of early 2014, the activism launched by the TWP wives and their family members has achieved some success in gaining the right to give birth in private hospitals, in addition to social recognition for the wives as a group of marriage migrants who are different from the “double non[-local]” mainland women, based on their marital ties to Hong Kong men. However, their negotiation is shaped by larger socio-political conditions. First, the state still holds the ultimate power to enforce rules and laws. TWP wives remain restricted from using public obstetric services and are denied or have highly restricted social rights and public resources under the conditions of stay. Most ex-wives and widows are still denied an OWP for their formal settlement in Hong Kong. Moreover, TWP women continue to face social prejudices toward their cross-border marriages and childbirth decisions in mainstream society. Therefore, TWP women’s political practices and subjective experiences reflected some of the ways in which citizenship is a negotiated process. This is an ongoing dynamic process and the end result is unknown and can constantly change through time.

Furthermore, TWP women’s ongoing participation in a range of family-related, social, and political activities in Hong Kong challenged the popular notion of what it means to be a positive participant in and contributor to a society. The Western civic republican tradition of citizenship stresses citizens’ duty of active political participation for public good and disinterest in private pursuits. TWP women’s political experiences, however, questioned the limits of a

narrow definition of political contribution: even though they lacked a legal status, they still actively participated in Hong Kong's public and political spheres. As Coll argues, "*de jure* legal citizenship and voting should not define the scope of *de facto* political contributions in a liberal democratic society" (2010:27). In other words, what these non-local women have done in Hong Kong showed that they were arguably *de facto* "citizens" in some way as they did what a citizen is expected to do in the public domain.

Taken together, TWP women's experiences of claiming rights and being political in subjectivity presented the opportunity to rethink citizenship as a form of "citizenship from below" (Nyers and Rygiel 2012). As Nyers and Rygiel argue, in this notion of citizenship, "non-citizen migrants *enact* themselves as political beings and *de facto* as citizens, despite lacking legal status, political membership or documentation of belonging" (ibid.:9; emphasis added). Likewise, Isin coins the term "activist citizenship" to characterize the emerging type of subjectivity of non-citizens whose struggles and acts for rights and belonging present a "sense of making a break, a rupture, and a difference" (2009:380) from the conventional, top-down notion of citizenship. As McNevin (2013:198) explains:

Citizenship, in this respect [of activist citizenship], is seized (not bestowed) and transformed (not replicated) in performative acts (such as – but not only – human rights claims) which rupture prevailing assumptions about what citizenship is, where it applies, how it has come to be constituted and who does the work that citizens do. The practice of citizenship is not necessarily geared towards a more inclusive citizenship in a formal or even a symbolic sense. Rather, it challenges the social and spatial terms of reference through which citizenship is made meaningful.

The emphasis that both Isin, and Nyers and Rygiel place on non-citizens' "acts" in their citizenship struggles echoes mine on people's agency in negotiating and making one's own definition of citizenship. Against the backdrop of Hong Kong's expanded public space for activism, TWP wives developed political consciousness, transformed themselves into "visible,"

“citizen-like” political subjects, and reworked their “legal nonexistent” (Coutin 2003a) situation by learning to express the idea of claiming rights and gaining a positive sense of political subjectivity in relation to the state despite their “visitor” status. Therefore, a more practice-oriented perspective of citizenship allows us to view it as a dynamic, “performative,” and contested process rather than a conventional, juridico-legal relationship between individuals and the state.

In a broader historical context, contemporary TWP marriage migrant wives are tied to other mainland immigrants, legal or illegal, who came before them. Contrary to their predecessors, these women benefited from the relaxed TWP system to stay temporarily in Hong Kong prior to their OWP approval. As discussed in Chapters 3 and 4, however, the relaxed TWP policy is a double-edged sword. On the one hand, it allows mainland wives to visit their Hong Kong families more often and they are “empowered” in some ways due to their increased mobility to cross the border which was previously restricted to them. On the other hand, they largely lack full control over their increased mobility and face hardships and uncertainties on both sides of the border. By comparing TWP wives to prisoners, I have argued that the women are “confined” to specific, institutionalized spatial and temporal experiences. Chapter 3 has examined the ways in which TWP women’s regular border-crossings for permit renewals have required them to routinely interact with state and cultural powers in relation to border control. However, border practices did not merely occur at the moment of passing border check points. Rather, the sovereignty effect emerged at any time through women’s internalization of the specific temporality of their permit, and also in their everyday lives and social interactions. Although women were able to construct a positive sense of political subjectivity in the course of their activism in Hong Kong, Chapter 3 has argued that the state-initiated and state-controlled

condition of being mobile has served as a surveillance apparatus that periodically reminds women of their “visitor” status and how they still differ from Hong Kong “locals,” because “visitors” to Hong Kong are required to observe immigration regulations, and when time is up, they must leave Hong Kong for permit renewals.

Further in Chapter 4, I have showed that many aspects of TWP women’s social and political rights are denied or highly restricted during their conditional stay as “visitors” in Hong Kong. The women’s “visitor” status has also had a negative impact on their citizen children and husbands’ access to local rights and resources. As discussed in Chapter 5, for instance, Hong Kong citizen husbands’ assumed citizen right to have their children born in Hong Kong has increasingly been restricted by the government’s obstetric policy since 2007, so the husbands strove to reassert men’s roles and rights in relation to family and reproduction. In relation to obstetric policy, the Hong Kong government solely considers the medical service user’s individual identity—whether one holds a Hong Kong identity card—as the only criterion to determine who is subject to the restrictive obstetric policy. Therefore, if a Hong Kong citizen-woman marries a mainland Chinese man, she can still give birth in Hong Kong without restrictions, but the opposite is not true. However, TWP wives who are married to Hong Kong civil servants are eligible for subsidized obstetric services and are not subject to the quota constraint due to their husbands’ occupational benefits.

This uneven application of the Hong Kong government’s obstetric policy reflects the inequality problem in entitlement to rights even among legally married citizens in a given society. The ideal of equality is deeply ingrained in Western political culture and has assumed a central position in two traditions of Western citizenship theory (Heater 1999). Nonetheless, scholars have questioned how far in practice such essence of citizenship can be held valid. In particular,

scholars draw on the deeply-rooted gender ideology of bifurcated gender roles to account for women's marginalization in the institution of citizenship (Bellamy 2008; Heater 1999). But clearly, the reproductive restrictions faced by Hong Kong husbands marrying mainland women reflects that the deeply-rooted ideology of gender roles in reproduction can also go against citizen men and cause their exclusion from certain rights. The uneven application of the Hong Kong government's obstetric policy shows that the inequality problem embedded in citizenship in reality is much more intricate as a result of complex intersections between gender, class, occupation, nationality, and immigration status (Dobrowolsky and Tastsoglou 2006; Lister 1997; Narayan 1997; Werbner and Yuval-Davis 2005).

With ethnic Chinese making up over 95 percent of its population, Hong Kong has historically been a society made up of mainland Chinese immigrants. Due to a variety of changing social, economic, and political conditions over time, Hong Kong's amicable attitude toward mainland immigrants began to change since the early 1970s. Despite Hong Kong's reunification with the PRC for more than a decade and a half already, the situation of mainland immigrants' marginalization and exclusion in Hong Kong society has not improved but rather has gotten worse. Experiencing an inversion in the past asymmetric Hong Kong-China economic relations as well as increasing influences from Beijing on local affairs in the post-1997 era, many Hong Kong people have turned their complex feelings of frustration, fear, and anger of China and the increased numbers of affluent but annoying mainland visitors, and focused on the disadvantaged group of mainland immigrants as scapegoats for their escalating fear of the loss of Hong Kong's autonomy and the disappearance of the unique Hong Kong *yan* identity. While many Hong Kong people have struggled to maintain their unique identity through shielding their assumed citizen rights for local resources from uncapped inflows of mainlanders, the Hong Kong

state seems to view the issue in a different way. As discussed in Chapter 5, there arguably has existed a conflict between the state and many people in society over the definition and content of Hong Kong *yan* citizenship. On the one hand, the Hong Kong public in general has stressed “order” and “the rule of law” as core cultural values for their society and citizenry, and many people have protested against the influx of perceived “dangerous” and “irresponsible” mainland pregnant women coming to reproduce the next Hong Kong generations. On the other hand, the state has sought to formulate a strategic population policy that fits the city’s development through commodifying human reproduction and citizenship as instruments for the state to acquire “human resources” in the form of those resourceful and presumably well-educated mainland parents who can afford high medical fees to give birth in Hong Kong. Facing negative cultural baggage against their marriages, Hong Kong-China couples have lost relative to both sides, and Hong Kong ordinary husbands marrying mainland women have grieved that their social inclusion and moral worth as Hong Kong “citizens” was imperiled as they were transformed into “socially excluded internally rightless persons” (Somers 2008:2) in relation to reproduction.

Citizenship in Hong Kong today is arguably becoming less about a mechanism for allocating rights and resources according to the popular liberal notion of citizenship, because it has increasingly been governed by the principles and practices of market exchange and neoliberal norms. Today, globalization has led to intensifying human migratory flows. However, most people still largely move in one direction, toward places that are richer in resources and can provide more job opportunities and a better life. Under the forces of globalization and intensifying people movements, the institution and practices of citizenship in Hong Kong and

many other receiving countries around the globe, are inevitably being reconfigured, particularly as they attempt to prohibit or restrict the inevitable inflow of “less resourceful” migrants.

Finally, this dissertation points at directions for new research. The social phenomenon of cross-border childbirth among the “double non[-local]” mainland women is a timely topic that will provide insight into contemporary mainland Chinese practices of reproduction, family building, migration, and citizenship. Although the Hong Kong government has banned all mainland pregnant women whose husbands are not locals from giving birth in Hong Kong, the impact of cross-border childbirth on a range of existing and foreseeable issues in relation to immigration, population control, education, housing, health care, social welfare, and labor market in Hong Kong is yet to be well studied, given that these “double non[-local]” mainland women have given birth to over 200,000 babies with Hong Kong citizenship between 2001 and 2012 (Census and Statistics Department 2013). Until today, the perspectives of mainland parents are still little known except for some stereotypical media representations. I am particularly interested in how they plan out their families’ lives and make a host of short- and long-term decisions as a result of or in relation to their children’s different citizenship. Moreover, as the children born in earlier periods (before 2005) have started to go to school and are approaching their teens, I am interested in what their lives are like in Hong Kong or across the border, and in particular for older children, how they view their identity and establish a sense of belonging in a society in which marginalization and exclusion of mainland immigrants and mainlanders in general, including their parents, remains strong in the mainstream public discourse.

Last but not least, giving continuity to this dissertation research in a longitudinal fashion (i.e. following subjects over time) would be relevant to uncover how and whether these families’ lives and views materially change over time, and if so, what continuing or new factors—such as



a major shift in the political environment, government policy, public opinion, media representation, new forms of activism, and so on—have the biggest effects in dynamically redefining citizenship in theory and in practice in Hong Kong.

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