

## WHAT DOES THE INGLEHART-WELZEL CULTURAL MAP TELL US ABOUT THE FREEDOM OF HONG KONG?

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### ABSTRACT

*According to independent watchdog, Freedom House, Hong Kong’s press freedom score has been declining over the last 10 years, from #28 in 2005 to some #41 in 2015 (Freedom House, 2013). Some attribute this to the increasing constraints and restrictions on the local media (Lau, 2008) and some say that it is because of the ‘rapidly narrowing’ space for free speech since the city was returned to China in 1997 (PEN America, 2016). The Hong Kong Journalists Association, in its 2014 Annual Report, described the situation as, ‘Press freedom under siege: Grave threats to freedom of expression in Hong Kong.’ The aim of this paper, therefore, is to review the freedom of Hong Kong with the help of Ronald Inglehart and Christian Welzel’s cultural values for the last 20 years (obtained from the World Values Surveys). By qualitatively looking at previous landmark court cases and high profile rulings related to areas like the freedom of assembly, freedom of expression, and the right of abode, this review paper attempts to find out if the Inglehart-Welzel cultural values could help explain the current situation in Hong Kong and what insights, via this new perspective, could possibly be derived.*

Keywords: freedom of assembly and expression, right of abode, Hong Kong court rulings, Inglehart-Welzel culture values

### The Inglehart-Welzel Cultural Values

According to political scientist Inglehart (1997), self-expression includes the notion of social toleration, satisfaction toward one’s life, one’s public expressions and his or hers aspiration toward liberty. The collective self-expression value for each society (or country), when properly measured, will show the relative changes as these societies become modernized, particularly when a society gradually transforms from the more individually-based materialistic society to a new one in which individual values of autonomy and self-expression are considered to be more crucial and important (Inglehart, 1971). Countries in such a ‘post-materialism state’ generally exhibit values that are prone to shift from the more traditional ones to the more secular-rational ones and tend to become more self-expressive. This also means that issues concerning environmental protection, acceptance (or non-acceptance) of foreigners, gays and lesbians, gender equality, and demands for having a voice and a say in everyday government policy-making, are often given priority in these ‘post-materialism’ countries. As introduced by Ronald Inglehart and Christian Welzel, the two major dimensions of cross cultural variation in the post-materialism world, namely, traditional versus secular-rational values and survival versus self-expression values, are listed as follows in Table 1.

Table 1. ‘The WVS Cultural Map of the World’, Ronald Inglehart; Chris Welzel

	DESCRIPTION
TRADITIONAL VALUES	Such values emphasize the importance of belief and religion, ties within the family, especially between the parent and child, deference to authority and various traditional family values. When people embrace these values they also tend to reject the notion of divorce, abortion, euthanasia and suicide. Generally speaking, these societies have high levels of national pride and a nationalistic outlook.
SECULAR-RATIONAL VALUES	Opposite to the traditional values, societies with these values place less emphasis on religion, traditional family ties and authority. Divorce, abortion, euthanasia and suicide are relatively more acceptable.
SURVIVAL VALUES	These values generally mean that such society would aim for economic and physical security. There is relatively more of ethnocentric outlook and lower levels of trust and tolerance.
SELF-EXPRESSION VALUES	Countries strong in these values normally give higher priorities to issues related to environmental protection, acceptance of foreigners (or other races), gays and lesbians and care more about gender equality. Citizens in these countries tend to demand for more in public policy decision-making, both economic and socio-political.

A quick look at the Inglehart-Welzel cultural maps of 1996, 2008 and 2015 (see figures 1a thru 1c below) reveals how these cultural values for the different countries have slowly changed over the last 20 years. The values for Hong Kong, China and Taiwan are tabulated in Table 2 below.

Figure 1a. Inglehart-Welzel Cultural Map 1996. Source: www.worldvaluesurvey.org

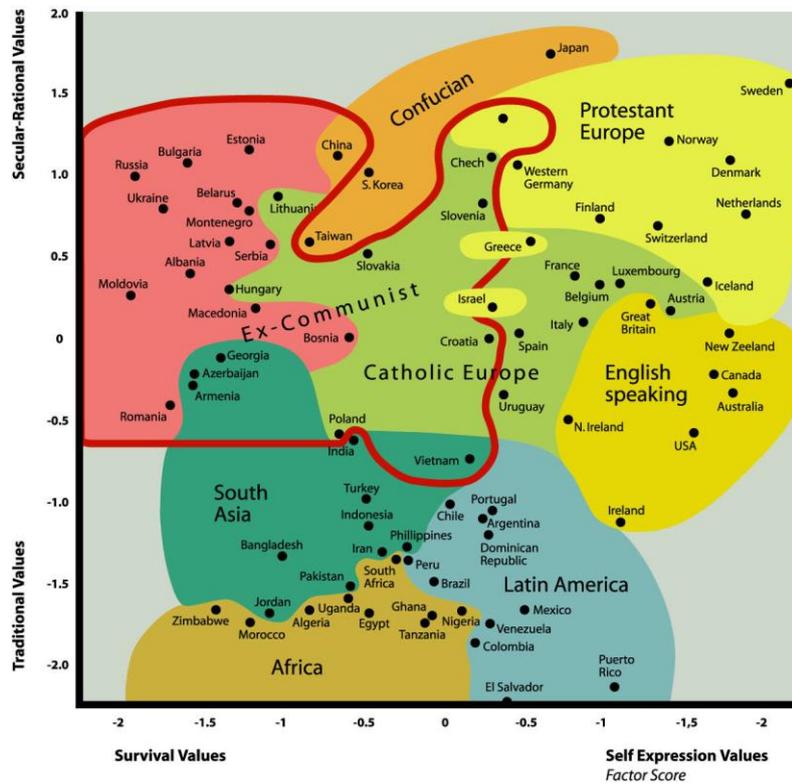
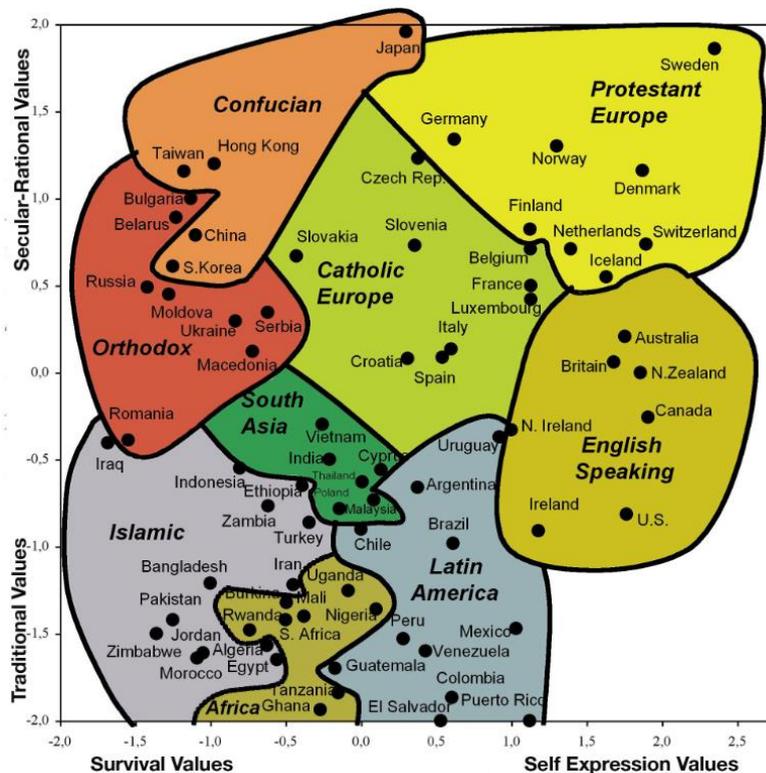


Figure 1b. Inglehart-Welzel Cultural Map 2008. Source: www.worldvaluesurvey.org





morale stabilized back then (in terms of police welfare), and not solely with suppressing civil liberties of the Leftists or the people in Hong Kong, during which the POO was urgently enacted in 1967. Therefore, by merely scrutinizing any later versions of the ordinance one would not be able to see through the true legislative intent of the POO. In fact, if we learn to know what other laws were also enacted at around the same time or along the same historical line of judicial development, it will not be difficult to understand the actual political intention of the legislation (see Table 3). This is analogically similar to Sinclair's (1996; 1998) semantic prosody in which the true meaning (Firth, 1957) of any legislation can only be construed with the other legislations that were enacted within the same socio-political sphere or socio-political environment of any given society.

Table 3. First read bills with the Public Order Bill 1967. Source: The Hansard.

BILLS THAT WERE READ FOR A FIRST TIME WITH THE PUBLIC ORDER BILL 1967
WIDOWS AND ORPHANS PENSION (ADMENDMENT)(NO.2) BILL 1967
POLICE CHILDREN'S EDUCATION TRUST BILL 1967
POLICE EDUCATION AND WELFARE TRUST BILL 1967

Yet, when we look further into the historical development of the current POO (see Table 4 below) and dig deeper down into the various supporting theories concerning what constitute public disorder (Waddington, Jones, & Critcher, 1989; 1990), what constitute cultural differences (Adorno & Horkheimer, 1944; Hofstede, 1986), why public order legislations seem to be 'swaying' across different places in judicial history (Sheptycki, 2005), or the differences and disparities concerning race/ethnic bias in the current criminal justice system (Everett & Wojtkiewicz, 2002) – for instance, none of the Korean farmers protesting in Hong Kong during the 2005 WTO Ministerial Conference was ever convicted even though they were all subjected to conviction using the POO – one would notice that it was not just one (or any one of these) event(s) that has/have caused a turn in how public order is construed, maintained and interpreted in courts. It was the changing economic and socio-political environment that has brought about such change of meanings. Referring to the Inglehart-Welzel cultural values (see Table 2 above), the survival-vs-self-expression value of Hong Kong has changed drastically from -0.98 (in 2008) to +0.10 (in 2015). This indicates that the city has moved rightwards along the survival-vs-self-expression axis. In other words, people in Hong Kong have become much more self-expressive merely in the short seven years from 2008 to 2015. Using Inglehart-Welzel's concepts on 'survival' and 'self-expression', this would mean that the newer generations of Hong Kong are aiming much less for economic and physical security<sup>3</sup> and that much higher priorities are given to issues related to environmental protection (e.g. anti-cross-border railway link protests in 2010), education (e.g. anti-national education indoctrination protest 2012), freedom, voting rights and social justice (e.g. universal suffrage protests that resulted in 'Occupy Central', or the Umbrella Movement, 2014), and gender equality and minority rights (e.g. LGBT<sup>4</sup> rights movement in Hong Kong<sup>5</sup>). Younger people in Hong Kong are now asking for a much bigger share in public policy decision-making, be it environmental, socio-economic or political, which coincides with the previous judicial POO development (see Table 4 below) as well as the sky-rocketing numbers of public order events (see Figure 2 below).

Table 4. Judicial and historical developments of public order related legislations

YEAR	PUBLIC ORDER-RELATED LAWS / CASES	DESCRIPTION / BACKGROUND
1967	Public Order Ordinance (Cap. 245)	Cold War related fears characterized by threats of the Communist China sparked by the 1967 Leftist riots
1991	Hong Kong Bill of Rights Ordinance (Cap. 383)	Fear of the Hong Kong's Handover in 1997
1994	Public Order (Amendment) Ordinance 1995	Notification procedure for public processions introduced: 'Letter of No Objection (LONO)' now required.
1995	n/a	The Legislative Council repealed most provisions in the law to bring Hong Kong law in line with the International Covenant on Civil and Political Rights (ICCPR)

3 See the section 'Personal values of teenagers' (青少年重視的個人價值觀), pp.3-4 in the 'Survey on social values of teenagers (young people between Primary 4 to Secondary 6)' (青少年價值觀調查), conducted by the Boys' and Girls' Clubs Association of Hong Kong, dated September 2012, accessible at [http://www.bgca.org.hk/files/bgca/PDF/Value\(201209\).pdf](http://www.bgca.org.hk/files/bgca/PDF/Value(201209).pdf)

4 LGBT refers to lesbian, gay, bisexual, and transgender

5 See *Leung T.C. William Roy v. Secretary for Justice (2005)*. In this court case, the Bill of Rights (1991) has been re-interpreted to include 'sexual orientation', in addition to other grounds for prohibiting discrimination.

1996	Public Order (Amendment) Ordinance 1996	To control the extent to which music or speech might be amplified to prevent an imminent threat to public safety or public order.
1997	Public Order (Amendment) Ordinance 1997	The Standing Committee of the National People's Congress (SCNPC) of the People's Republic of China resolved, under Article 160 of the Basic Law, that among other things, 'major amendments' introduced to the POO since 27th July 1995 should not be adopted as the laws of Hong Kong Special Administrative Region (HKSAR)
2003	Leung Kwok-hung and Others v. HKSAR HCMA No.16 of 2003	LONO challenged for the first time in court. Leung and two others were later charged under section 17A(3)(b)(i) of the Public Order Ordinance for holding an unauthorized assembly <sup>6</sup> .
2005	Leung Kwok-hung and Others v. HKSAR FACC No.1 and 2 of 2005	Constitutionality of the LONO scheme was challenged <sup>7</sup> . Appeal was dismissed by the CFA, Court of Final Appeal. Yet the CFA agreed that the norm of ' <i>ordre public</i> ', which existed as a statutory legitimate purpose at that time, was too vague at statutory level and hence could not be said to be prescribed by law (Wong, 2005).

Figure 2. Number of recorded POOs with LONO issued. Source: Hong Kong Police Force.



Indeed, with soaring numbers of public order events and multiple challenges toward the POO, it is high time we doubted, just as Kadish (1967) once did, if the current POO, designed when Hong Kong was still a place of 'survival' and not 'self-expression', is still an appropriate way to deal with public order crimes (or if it should even be considered a 'crime' today) or should it even be controllable at all (Feinberg, 1987; 1988; 1989; 1990) with legislations that could be far too rigid for such a quick pace, ever-changing, highly self-expressive society of Hong Kong.

### Freedom of Expression

The relative changes in the Inglehart-Welzel cultural values for China versus Hong Kong (as in Table 2 above) may also provide some explanations as to the seemingly contradictory court rulings between what the sovereign China has wanted – stability intact and demonstrations curtailed, in particular – and what the people in Hong Kong think is right, especially with the freedom of

6 See 'CA Magistracy Appeal no.16 of 2003 (on Appeal From KCCC no.8456 of 2002)', from [http://legalref.judiciary.gov.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=43632&QS={\({%24hksar}+%25parties\)}\({%24leung+kwok+hung}+%25parties\)](http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=43632&QS={({%24hksar}+%25parties)}({%24leung+kwok+hung}+%25parties))

7 See 'Final Appeal nos. 1 & 2 of 2005 (Criminal)(on Appeal from HCMA no.16 of 2003)', from [http://legalref.judiciary.gov.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=45653&QS={\({%24leung+kwok+hung}+%25parties\)}](http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=45653&QS={({%24leung+kwok+hung}+%25parties)})

expression (see the Camden Principles<sup>8</sup>). One landmark case is *Yeung May Wan v HKSAR (HKCFA 24 [2005])* and its subsequent court cases in which sixteen Falun Gong practitioners meditating quietly outside the Central People's Government Liaison Office were charged with obstructing a public place under the SUMMARY OFFENCES ORDINANCE<sup>9</sup> (CAP. 228). Since there were only sixteen of them the POO did not apply<sup>10</sup>. And, because there was no real obstruction found (as there was evidence showing plenty of open space around<sup>11</sup>), the Hong Kong Court of Appeal (CA) granted the practitioners their first appeal and the Court of Final Appeal (CFA) also explained further down and concluded in 2005 that this was not an obstruction case but rather a peaceful political demonstration in which freedom of expression (of these practitioners) should be protected by the constitution, citing Article 5 of the BILL OF RIGHTS (CAP. 383) and Article 2812 of the Hong Kong Basic Law in which the 'freedom of the person of Hong Kong residents shall be inviolable' and that 'no Hong Kong resident shall be subjected to arbitrary or unlawful arrest'. On the surface the whole *Yeung May Wan* case might look as if the Beijing government was trying to pressurize the police in Hong Kong to clamp down with a heavy-hand and prosecute the Falun Gong practitioners because of their political dissent (and even blocking Falun Gong practitioner entrance to Hong Kong<sup>13</sup>). But if we look further down on the Inglehart-Welzel cultural values, it would not be difficult to spot that the cultural values between Hong Kong and China are simply always 'out-of-sync' with each other. Just before Beijing was about to hold its first Olympics in 2008 their tradition-vs-secular-rational value dropped to its all-time low at +0.75 (when it was +1.10 in 1996 and bounced back again to +1.20 in 2015) whereas that of Hong Kong has remained quite steady throughout (at +1.20 in 2008 and +1.10 in 2015). Such a huge difference between the tradition-vs-secular-rational values (around 2008) provided an explanation as to why people in Hong Kong would think conveniently that Beijing was trying to clamp down on their freedom of expression. What those in Beijing thought was 'right' simply did not jibe with what people in Hong Kong thought should be 'correct'. What was even worse was that other than understanding what the people in Hong Kong have demanded (and that there was a clear cultural divide between Hong Kong and the pre-Olympic China), the then HKSAR government (spearheaded by Donald Tsang, who only assumed office as the Chief Executive of Hong Kong on June 21, 2005) took it further down by extending what his predecessor, Tung Chee-hwa, had left behind as the 'preferred policy from Beijing', requiring the local ideological 'repressive' state apparatus, i.e. the Hong Kong Police Force, to deal with demonstrations the pro-Beijing, heavy-handed way. And the subsequent effect of this was clear – more rigorous demonstrations and protests were organized (see Figure 2) by the highly self-expressive public – and which eventually costed the Hong Kong Police its hard earned reputation<sup>14</sup>. Such damage was even further magnified by the several unfortunate events that came afterwards: (i) the locking down of the entire University of Hong Kong campus to protect the Chinese vice premier Li Keqiang during his visit in 2011<sup>15</sup>; (ii) the firebombing of the home of pro-democracy media tycoon Jimmy Lai whose newspaper's headquarters were surrounded by well-organized mobs and the cases were never solved<sup>16</sup>; (iii) use of tear gas during the Umbrella Movement in 2014; and, of course, (iv) the extremely high profile case of the seven police constables charged with beating up an Occupy Central activist in 2015.

### Right of Abode

But the clash of culture between the two regions, as reflected by the Inglehart-Welzel values, did not just end with explaining the above freedom of assembly and expression cases. In the year 1999, another prominent landmark case left the people of Hong Kong with much deeper and profound impact in the understanding of what change (and some say harm) would legal re-interpretations do to their everyday lives – and hence strip them of their freedom. This was the case of *Ng Ka Ling v Director of Immigration (2 HKCFAR4 [1999])* and was one that involved, for the first time in Hong Kong, the overruling of a Court of Final Appeal decision via the re-interpretation of the Basic Law by the National People's Congress Standing Committee (NPCSC). While the NPCSC does have the ultimate power to interpret the Basic Law and that, practically speaking, the NPCSC's decision did help ban a large number of children born in the mainland China to a Hong Kong parent from having their rights of abode and was considered by some to be practically helpful in relieving public resources in Hong Kong, it did spark off fear among the

8 Protected by the Article 19 of the United Nations Universal Declaration of Human Rights (UNUDHR), the freedom of expression relates to pluralism and diversity of opinion among people. In particular, the 'Camden Principles on Freedom of Expression and Equality' (Article 19, 2009) listed out 12 principles along which signatories of the International Covenant on Civil and Political Rights (ICCPR) should follow (and the Hong Kong Special Administrative Region is one of the signatories). These principles include: the ratification and incorporation of human rights law and a legal framework for the protection of the right to freedom of expression and equality plus access to remedies; a public policy framework for pluralism and equality, clear role of the mass media and the right of correction and reply; and, various state and media responsibilities. For details, please refer to: <https://www.article19.org/data/files/pdfs/standards/the-camden-principles-on-freedom-of-expression-and-equality.pdf>

9 See SUMMARY OFFENCES ORDINANCE (CAP. 228) at <http://www.hkii.hk/eng/hk/legis/ord/228/>

10 According to the PUBLIC ORDER ORDINANCE (CAP.245) ADMENDMENT 1997 Section 13 'Regulation of Public Processions', the POO shall not apply for 'any public procession consisting of not more than 30 persons'. See <http://www.hkii.hk/hk/legis/en/ord/245/s13.html>

11 See photo at [http://big5.minghui.org/mh/article\\_images/2002-8-7-police-blocktraffic.jpg](http://big5.minghui.org/mh/article_images/2002-8-7-police-blocktraffic.jpg)

12 See Article 28 of the Basic Law at [http://www.basiclaw.gov.hk/en/basiclawtext/chapter\\_3.html](http://www.basiclaw.gov.hk/en/basiclawtext/chapter_3.html)

13 See Agence France Presse (AFP) article by Polly Hui, 'Falungong decries Hong Kong as democracy row deepens', January 27, 2010, accessible at <http://www.mysinchew.com/node/34582>

14 See the WSJ editorial, 'The decline of Hong Kong's police, it's becoming the long arm of Chinese law', dated May 7, 2015, accessible at <http://www.wsj.com/articles/the-decline-of-hong-kongs-police-1431039925>

15 See the SCMP article by Peter So, 'Beijing behind security lockdown for Li's trip, Legco president says', dated August 29, 2011 at <http://www.scmp.com/article/977451/beijing-behind-security-lockdown-lis-trip-legco-president-says>

16 See the SCMP article by D. Mok, C. Lo and T. Cheung, 'Firebombs hurled at home of Hong Kong media tycoon Jimmy Lai were attack on press freedom', dated January 12, 2015 at <http://www.scmp.com/news/hong-kong/article/1678574/firebombs-hurled-jimmy-lais-home-and-next-media-headquarters>

public as the Hong Kong society has been drifting rightwards on the survival-vs-self-expression axis since the Handover in 1997. People in Hong Kong, especially those who are younger and tend to be more self-expressive, seemed to have developed the kind of phobia that whatever coming from the Central People's Government, or in short, Beijing, is detrimental to Hong Kong's future, clamps on their freedom, and is something they would need to stand up and confront. Such a notion, compounding with the fact that the Hong Kong government has been reluctant toward setting up its independent human rights commission that fully complies with the Paris Principles (Peerenboom, Petersen, & Chen, 2006, p.256) and the intention that the government has repeatedly spelt out to legislate for Article 23 of the Basic Law, which is widely believed to have an eroding effect on the freedom of expression and assembly in Hong Kong (Hong Kong Human Rights Monitor, 2015), has caused the local culture to shift rightwards even quicker (i.e. more vocal and self-expressive). The result of this is a strange local phenomenon (if not already culture) such that anything from the self-expressive West is well accepted whereas those from the mainland China would be stereotyped as too obedient and lacks the concept of freedom and autonomy.

### Conclusion

According to Inglehart and Welzel (2005), countries with higher self-expression values tend to advocate wider democratic preferences and usually enjoy higher levels of effective democracy, or civil rights. Laws and court rulings upholding 'survival values' in these countries, regardless of their actual legislation intent, verdicts or sentencing, will likely be challenged (if not rejected) by the self-expressive public. This is particularly true for Hong Kong where nearly 60% of the voting population is known to be shifting toward the self-expressive end of the spectrum and most of the laws were passed during the old days when 'traditional, survival values' was still the norm. The PUBLIC ORDER ORDINANCE (CAP. 245), in this regard, falls into this type of legislation. It was designed some 50 years ago in 1967 to provide for a developing, 'survival' society a stable and operational environment in which citizens could work and live harmoniously without having too much of dissent (as in the 1970s to 1980s colonial Hong Kong) and is still stretching into many different, complicated and controversial socio-political and moral issues today, if not strictly legal and procedural. Yet, when the Hong Kong society is becoming more affluent and modernized (and eventually post-materialized), new legislations like the BILL OF RIGHTS ORDINANCE (CAP. 383) which helps protect self-expressions naturally appeared. Hence, the call for legislation for implementing Article 39 of the Basic Law (which connotes heavily the old 'traditional and survival' values), as a consequence, appeared to be totally against public sentiment and thus fueled people's desire for more human and constitutional rights (i.e. 'self-expression' values), eventually driving citizens (especially voters) farther away from the 'survival' end of the Inglehart-Welzel cultural map. Having such cultural misalignment from the mainland China, social unrest and discontent toward the ruling class could easily be triggered every time when there are major clashes of opinion concerning high-profile court case rulings involving public interests. And as a result, what could be just simple 'conscience rulings' (e.g. allowing children born in mainland China to a Hong Kong parent to have the right to abode in Hong Kong) will now have to give way to sovereign and regional interests. What used to be clear-cut legal principles might need to concede under politically controversies. It is not that the NPCSC re-interpretation is always bad for Hong Kong; but it is just that the city, under 'One Country, Two Systems', actually needs a legal system (if not an imaginary one) that will be able to address and satisfy two totally different cultures that are constantly walking away from each other. The result of which is that when political and cultural ideology part ways, the ones that eventually suffer would be those who are 'hands on', or, in other words, the law enforcement people who were still taking orders to maintain public order. The Hong Kong Police, from this perspective, is the obvious scapegoat that is sacrificed to pay the price.

In fact, from the large-scale Falun Gong protests against the Beijing government in 1999 and 2001; the unprecedented public protest on July 1, 2003 (with over half a million people turned up on the streets of Hong Kong) that shook both the local administration and as well as that in Beijing; the controversy and its subsequent protests concerning the Hong Kong Express Rail Link that was rigorously staged between mid-2009 to early 2010; to, eventually, the Occupy Central Movement in 2014, all helped cast uncertainties over the seemingly deteriorating situation of stability (and hence the perception of freedom) in Hong Kong. And when the gradual increase of violent behavior among these events has become obvious (as seen on the local media), what the government has attempted to do was merely to maintain public order and social stability using the POO. Had these attempts were made when the society was still in the traditional-survival mode, the public would have applauded to what the police had done as they would interpret the act as one that helped preserve the core values of the society and that the police was just trying to be pragmatic. Yet once the cultural values have changed, people would no longer feel the same.

After all, the freedom of assembly and expression of the people of Hong Kong are still constitutional rights protected by the laws in Hong Kong under the 'One Country, Two Systems' principle as stipulated in the Sino-British Joint Declaration. Civil, political, and human rights of the citizens of the Hong Kong Special Administrative Region (HKSAR) are, indeed, well protected under the BILL OF RIGHTS ORDINANCE (CAP. 383) as well as the region's Basic Law, which expressly stated, in Article 39, that the provisions of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and international labor conventions shall all remain and still be applied to Hong Kong as previously did before its handover to China in 1997. Had the degree of freedom in Hong Kong been really politically shredded, the controversial cases discussed in this review paper could have never surfaced in the first place. To this end, we would like to recap again the importance of the Camden Principles (Article 19, 2009) in which not only the state but also the media should help shoulder responsibilities in 'combating discrimination and promoting intercultural understanding' (ibid, pp.7-8). Freedom is a collaborative privilege, not a right. But as long as people respect such a privilege and be responsible for what they say, it can also be a right. Just as Elbert Hubbard put it, 'Responsibility is the price of freedom.'

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