

## Global Issues

### The Unionisation Wave in Hong Kong: The Noise before Defeat or the Route to Victory?

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Hong Kong's pro-universal suffrage and anti-authoritarian movement (Hong Kong Democracy Movement hereinafter) was a highly complex social movement that lasted almost a year. The movement began in June 2019 in a successful mass collective response to a contentious Extradition Bill allowing the transfer of suspects to mainland China courts that operate under a different and opaque legal system. However, the Hong Kong government's early cancellation of the Bill did not end the Hong Kong Democracy Movement. Four more demands emerged, driven by "mass dissatisfaction with Hong Kong's lack of democracy and the police's performance" (Sing, 2020: 2). These were: universal suffrage; an end to the government's categorisation of the protests as riots; an independent inquiry into police violence during the protests; and an amnesty for arrested protestors.

Twelve turbulent months later, this current stage of the struggle to uphold and, crucially, extend Hong Kong's limited democracy – already quietened by the pandemic – was ended by the Chinese Communist Party's (CCP) direct imposition of a draconian National Security Law (NSL) in June 2020. The NSL contains ill-defined crimes of secession, subversion, terrorism and collusion with foreign forces that carry sentences of up to life imprisonment. The implications for trade unions of such vague categories are clear, and two trade union leaders are currently in custody pending trial under the NSL. They have received widespread support from the global labour movement. Carol Ng, chairperson of the pro-democracy Hong Kong Confederation of Trade Unions (HKCTU) and Winnie Yu, chairperson of the recently organised Hospital Authority Employees Alliance (HAEA) were both arrested on 6 January this year in a police sweep of democracy activists and charged with "subversion" on 28 January. They had taken part in an unofficial primary election to decide on candidates to Hong Kong's partially elected parliament known as the Legislative Council or LegCo. Unrelated to the NSL, HKCTU General Secretary Lee Cheuk-yan has been sentenced to fourteen months in prison for taking part in pro-democracy events in August 2019 and faces further charges. HKCTU Education Officer Leo Tang was sentenced to four months for possession of a retractable "baton" and cable ties. Trade unionists have been sacked from or harassed out of their jobs for declaring support for the Hong Kong Democracy Movement. Dragon Airlines Flight Attendants' Association chairperson Rebecca Cy On-na was dismissed by her employers Cathay Pacific.

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<sup>1</sup> I write as a white British citizen with permanent residency rights in Hong Kong where I worked continuously for various labour and trade union organisations between 1996 and 2006. To my shame, I do not speak Cantonese beyond the level required for simple consumer purchases, but I speak Mandarin and read Chinese proficiently. Since leaving Hong Kong in 2006, I have returned over twenty times and spent many years researching labour and labour movement issues in mainland China and Hong Kong. I write as a scholar of and participant in labour movements, and serve as a trade union representative for the University College Union at my university in London.

In this short essay, I discuss the current independent trade union movement in Hong Kong, including the appearance of more than 450 new unions registered during the first ten months of 2020 and likely more since then. Most registered in the “new unionisation wave” in early November 2019 (Unions Pulse, 2020). I focus on labour agency and opportunities and for linking economic and political struggles and demands, and suggest that the general strike should remain a key strategy in the movement to bring about universal suffrage in Hong Kong.

## **A Brief Background**

The demand for universal suffrage is not new in Hong Kong – indeed it was the subject of the famous Umbrella Movement in 2014. The roots of the Hong Kong Democracy Movement’s key demand go back to British rule, under which Hong Kong people were denied this basic right. The violent repression of the 1989 Democracy Movement in China catalysed the colonial government into allowing limited democratic representation, causing anger in Beijing. But this was too little too late, and the reforms did not include universal suffrage. Nine years later, the return to Chinese sovereignty in 1997 was operationalised under the framework of “One Country Two Systems” (1C2S), which guaranteed Hong Kong’s “way of life” for fifty years and a significant degree of autonomy. But when a huge half-million-strong March on 1 July 2003 forced the Hong Kong government to revoke the tabling of national security legislation under Article 23 of the Basic Law – a kind of post-colonial Constitution – the 1C2S framework began to creak. Since then, the CCP has made clear that its interpretation of a commitment to move towards universal suffrage enshrined in the Basic Law has little in common with standards on candidate selection such as the Declaration on Criteria for Free and Fair Elections passed in 1994 by the Inter-Parliamentary Council of the Inter-Parliamentary Union (IPU) of which China is a member state.<sup>2</sup> Equally important are local demands for open democratic selection of LegCo election candidates irrespective of CCP or Hong Kong government approval. In short: the CCP’s vision of democratic governance excludes those whom Hong Kong’s Chief Executive Carrie Lam refers to as “non-patriots”. It stands in total contrast to the democratic vision of a Legislative Council composed solely of representatives elected by competitive universal suffrage following candidature selection procedures in line with the standards established by the IPU Council’s Declaration and other relevant instruments such as the International Covenant on Civil and Political Rights (UN, 1976: especially Article 25). Even before the Hong Kong Democracy Movement started, the Hong Kong government had expelled elected representatives from LegCo that it deemed insufficiently patriotic – that is, loyal to an unchallenged CCP-led China operating as a one-party state – and the practice continued in 2020 under a decision issued by the National People’s Congress in Beijing. As we have seen, the introduction of the NSL has facilitated more comprehensive repression of those labelled “non-patriots”.

## **A Movement Like No Other**

The Hong Kong Democracy Movement has been characterised by an extraordinary array of tactics ranging from million-strong marches in central Hong Kong to “protest rallies in residential districts,

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<sup>2</sup> Section 3 Clause 3 of the Declaration states, “Everyone individually and together with others has the right: to express political opinions without interference; to campaign on an equal basis with other political parties, including the party forming the existing government (IPU, 1994).

marches to consulate buildings, ... human chains, airport sit-ins, collective singing of movement songs in malls, erection of ‘Lennon Walls’ for posting pro-movement messages” (Lee et al., 2020: 27). Activists and citizens have self-initiated actions drawing on “existing social networks and facilitated by digital tools” (Lee et al., 2020: 27). As frustration built with Lam’s negative responses to the Five Demands, violence moved to centre stage. The Hong Kong Police Force rapidly militarised as street battles became commonplace between frontline “braves” who were “geared up” with protective equipment and projectiles, including Molotov cocktails, and riot police armed with tear gas, rubber bullets and on occasion even live ammunition (Lee et al., 2020: 27).

The movement presented a dramatic, innovative, pulsating and dynamic challenge to authoritarianism. Beyond the suffocation of tear gas and the terror of rubber bullets, police beatings and more than ten thousand arrests, one *strategy* for achieving universal suffrage stands in contrast to others listed above – the general strike. On 5 August 2019, this achieved a moment of success and mass participation that has not – to date – been repeated despite attempts to do so. The failure to conjure up further general or mass strikes from a movement that was purposefully “leaderless” with “no big platform” led in turn to the *tactic* of registering new independent unions. The aim of this tactic was to organise future strikes as a strategy to win universal suffrage and, seemingly in contrast, to gain elected representation to Hong Kong’s tripartite Labour Advisory Board (LAB) – a body where labour representation has been dominated by the pro-establishment Hong Kong Federation of Trade Unions (HKFTU) and the Federation of Hong Kong and Kowloon Labour Unions (Lau, 2020). The HKCTU had, until the new unions burst onto the scene, deemed election to the LAB a lost cause, “arguing that the contest was stacked against them and favoured pro-establishment unions” (Lau, 2020).

Independent unions new and old are the most important tactical players in mobilising such a strategy, and in doing so they must achieve what has hitherto proved impossible during the long relationship of the people of Hong Kong with unelected and authoritarian governments: a strong labour movement. Such a movement would not be the first labour movement to bring an authoritarian state to the negotiating table, or a liberal state for that matter. However, the Hong Kong Democracy Movement’s protests are innovative, have a high human cost and require high mobility to keep up protests. They are being characterised as “be like water” and often spatially scattered as “brothers climbing a mountain, each trying one’s best”, and do not adapt well to labour organising in the workplace.<sup>3</sup> The latter requires a fundamental level of trust, accountability and organisation that is unsustainable via the horizontal anonymity of a social media app, no matter how effective that app is in terms of communication in street battles and other forms of spontaneous protest.

## **On Strikes...**

In between the two great people’s marches in the summer of 2019, the Civil and Human Rights Front (CHRF),<sup>4</sup> which orchestrated both marches, called for a general strike. It was called off following the Hong Kong government’s withdrawal of the Extradition Bill. This was the first glimpse in the Hong Kong Democracy Movement that the general strike could be deployed as a strategy with a specific goal in mind: the withdrawal of the extradition legislation, or “evil law” as

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<sup>3</sup> The symbolic metaphors and actual slogans that emerged in the movement are explained by Au Long-Yu (2020: 113).

<sup>4</sup> The CHRF is an alliance of forty-eight pro-democracy parties and non-governmental organisations.

protestors called it. In August 2019, calls spread across the movement's main social media platforms for a "Three Strike" day of action aimed at causing maximum disruption with lower human costs in terms of arrests and injuries. The "three" referred to workers, students and private sector businesses. On 5 August 2019, between 350 000 and 600 000 people joined in the strike assemblies across Hong Kong (Chan, A., 2020; Chan and Tsui, 2021: 7). This strike demonstrated the capacity of working people to disrupt the daily grind of accumulation in the city and combine the collective strength inherent in the withdrawal of labour with a political aim – an extremely rare but not unprecedented occurrence in Hong Kong's history. Surveys undertaken by researchers on the day of strike revealed a willingness among the participants to acknowledge the importance of economic issues despite the overt political demands of the strike action. For example, 89 per cent of those surveyed agreed with the view that working hours in Hong Kong were too long, 94 per cent agreed with the view that the gap between rich and poor was unfair, and 97 per cent agreed that the Hong Kong government privileged big corporations over ordinary people (Fung and Lee, 2020). These are strong indications that nearly all the participants in the 5 August strike were concerned with inequality and angry with the Hong Kong government's historical privileging of big capital over ordinary people. Indeed, some of the smaller politicised new unions that have emerged since the general strike have engaged in "economic" work. The Hong Kong Design Individuals Union, with a membership of freelancers, has conducted membership surveys exposing widespread precarious contracts, extremely long working hours and a wage to working hours ratio that falls well below the Hong Kong legal minimum wage of US\$4.80 (Deer, 2020). These high rates of concern over economic issues documented during the 5 August general strike are also revealing given the demographic of the strikers. This was not a blue-collar event of Hong Kong's working poor. Over 72 per cent of those surveyed were bringing home more than the Hong Kong median wage of US\$2252 per month and 82 per cent had received some form of higher education (Fung and Lee, 2020).

Fast forward four months, and three significant changes have occurred. First, "be water" transformed into two major set battles with the police in and round the Chinese University of Hong Kong and the Polytechnic University. At the Polytechnic, police laid siege to students trapped on the campus until they ran out of food and water and were arrested. The battles were a major physical and psychological setback that left the frontline "braves" depleted, demoralised and exhausted. Second, the "new unionisation wave" gathered considerable momentum in November 2019. Short strikes were planned by newly organised musicians and social welfare workers as well as other sectors (Unions Pulse, 2020). On 3 December, advertising workers held a rally attended by over a thousand people and addressed by Mak Tak-ching, the Labour Party's vice-chairman, who spoke on union organising (Cheng, 2019). The sheer artistic and creative talent that had distinguished all forms of protest during the movement understandably hit a new high given the sector involved in the rally.<sup>5</sup> Third, COVID-19 spread to Hong Kong and the pandemic provided an opportunity for HAEA to show some serious industrial muscle.

The HAEA held a rally of over 1 500 new members on 11 December 2019. Medical workers had first-hand experience of treating the injuries of protesters hurt by actions of a militarised and increasingly battle-hardened police force and appeared determined to play a more active role in the new phase of the movement. Rally organisers argued that individual new unions organised separately in multiple sectors could gather the strength to "resist political suppression more forcibly"

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<sup>5</sup> For example, see the union's Facebook page: <https://www.facebook.com/photo?fbid=10157766204234085&set=a.358949199084>.

(Chan and Ng, 2019). The Hong Kong government's initial lacklustre response to the pandemic mobilised approximately 7 000 new HAEA members to take strike action for five days in February 2020. The demands included closure of the border crossing with mainland China, quarantine measures for travellers and guaranteeing hospital workers a safe environment (Chan and Tsui, 2021). The strike ended following a vote with a 3 000 to 4 000 split on 7 February. None of the demands were met immediately but all of them were implemented in the following months as the government changed policy. For Chan and Tsui the strike was “epoch-making”:

Organised labour's show of strength reflected a paradigm shift: Hong Kong citizens began to accept union organising as a mode of collective resistance. Following the strategies of confrontation within the legislature, street resistance and a consumer movement boycotting pro-China businesses, this new union movement will reshape the landscape of Hong Kong's political, social and economic struggles. In this sense, Hong Kong medical workers' strike is epoch-making (Chan and Tsui, 2021: 6).

### **...And Strategy**

The strikes described above illustrate a new strategy mobilised via the tactic of forming multiple sector-level unions to achieve the seemingly remote goal of universal suffrage. Alongside these positive examples of collective mobilisation have been less successful attempts. Two more three-strike days of action in September and November did not achieve anything like the numbers in the 5 August action. Nevertheless, the seed has been planted and it needs nurturing, especially since the introduction of the NSL has generated both fear and a sense of instability. This is exacerbated by concerns that strike action may disrupt government facilities and the transport system, with the potential to be regarded as acts of “subversion” and “terrorism” respectively under articles 22(3)(4) and 24(3)(4) of the NSL. So the strategy of deploying mass or general strikes throws up a number of tactical, logistical and emotional challenges. My argument in this short essay is focused on strategy and tactics, and this section is devoted to the tactical challenge, which is not to underestimate the potential legal constraints.

The tactic of forming multiple unions across hundreds of sectors can simultaneously unite and divide. Speaking at the HAEA rally in December 2019, currently detained HKCTU president Carol Ng explained that some previous general strikes had been “not too successful” because there were not enough unions to mobilise workers in different sectors and trades. Thus “the more unions we set up, more trades will be covered and represented. Then our resistance can be more sustainable” (Chan and Ng, 2019). This tactic makes sense from an electoral perspective – for example, election to the LAB, where the number of unions is directly correlated to the number of votes. Indeed, the pro-establishment HKFTU has itself registered hundreds of new unions to preserve its domination of LAB's seats allocated to labour; and in this regard, the HKCTU has acknowledged that the new unions' tactics have “reshaped the way we look at things” (Lau, 2020). The outcome of this tactic remains to be seen. Recent figures released by Secretary for Labour and Welfare, Law Chi-kwong, reveal a “tsunami-style” increase in registration applications, with 4 289 applications in 2020 (Cheng, 2021); academics in Hong Kong told the author that many of these applications may be inspired by pro-Beijing supporters. The threat of the NSL remains omnipresent as the Labour Department is reportedly seeking to create a new position of Chief Labour Officer “who will be responsible for managing the city's trade unions including their compliance with the security law” (Cheng, 2021).

The argument for multiple unions in multiple sectors is less forceful when looked at through

the lens of sources of union power and organising. Trade union power is premised on uniting workers in both the formal and informal economies to pursue collective material interests – what Wright (2000) called “associational power”. Lévesque and Murray (2010) present a framework of interlocking resources required to build sustainable union power and renewed capacity: narrative resources, internal solidarity, infrastructural resources and networked embeddedness in unions and communities. These building blocks of collective union power are harder to establish across small individual unions in multiple sectors that allow employers multiple entry points to break unions and disperse their power. While the HAEA is an example of how new unions can organise collective strike action, the dominant narrative of hundreds of small new unions has been political. The sustainability of pursuing political goals in the absence of established associational power is risky. If strikes and general strikes are the strategy to achieve universal suffrage, then union organising must be more nuanced than drawing a simplistic direct correlation between union membership and strikes. As Ma Ngok points out:

Relying on pure politics as the entry point for union organising is problematic and will run into difficulties. If you run around different workplaces asking people to join new unions with the sole aim of going on strike, it is not going to be easy to get members. People need a better reason or practical benefits such as how joining a union can improve your treatment [at work] or is beneficial to democracy. If you just say join the union to go on strike, then it will be difficult to retain membership once the initial enthusiasm has passed. (Ma, 2020, author’s translation).

My point then is that the general strike in the broadest sense of the action represents a powerful strategy for bringing capital and the state to negotiate the political aims of the Hong Kong Democracy Movement. The tactics to operationalise such a strategy via unionisation should not be restricted to the realm of politics, tempting though this must be. Sceptics will argue that I have relied on an old union narrative of workplace economic power to make my point but, in response, the brief examples given are drawn from the new union movement and I have tried to illustrate some strengths and contribute to the discussion of its weaknesses. The reflections here are in part inspired by a thought-provoking sentence from HKCTU education officer and union organiser Leo Tang’s letter from prison – even though other sections of his powerful letter perhaps argue a different point of view. Tang (2020) writes that “to liberate workers from being dictated to and dominated in the workplace so that they could contribute to the ‘wider’ movement is precisely the significance that the new labour movement holds for the masses”.

This is not to gloss over the fact that the Hong Kong Democracy Movement was a cross-class movement in which issues of inequality and poverty were not a top priority. In May 2018, Hong Kong’s twenty-one wealthiest tycoons were worth HK\$1.83 trillion (US\$235 billion). Yet the median monthly household income of the top decile was forty-four times greater than that of the lowest decile in 2016; it was only thirty-four times greater in 2006 (Oxfam, 2018). Au Long-Yu (2020: 123) notes, “the poverty issue was rarely discussed in the revolt” even though many young people at the frontlines classified themselves as “working poor”. Poverty wages and working conditions have long been core issues of HKCTU affiliates, which they have traditionally addressed in a framework of opposition that includes demands for full democracy. For many in the new unions, such Polanyian social democracy has been interpreted as a failure and the emphasis is on the political struggle. For a minority, Trump’s anti-China rhetoric was welcomed and the lack of a “big stage” – that is, recognised leadership platforms – served to exclude discussion on the contradiction between welcoming support from US far-right populist leaders and the anti-

authoritarian goals of the Hong Kong Democracy Movement itself. In the absence of weekly confrontations with the police and the reality of the pandemic, there has been time for reflection. Promise Li has asked, “[W]hat would the movement do if the newly unionized workers understand that their oppression also extends into the workplace, whether their employers are pro-democracy (yellow in the colours of the movement) or pro-Beijing (blue)?” (in Dagher-margosian, 2021). The tensions within the movement are obvious. Labour unions and movements beyond Hong Kong have an opportunity to offer a narrative of thoughtful solidarity and support. This can expose Trumpian opportunism and the hypocrisies of, for example, the UK government in opening the door to an “entrepreneurial model minority” from Hong Kong who have the means to leave the city while slamming it shut on desperate asylum-seekers from elsewhere. The “idea that Hong Kong migration will give the UK an entrepreneurial rocket boost is based on imperial stereotypes” (Vasagar, 2021).

Liberation is a process of struggle that requires a strategy. As the famous military strategist in ancient China, Sun Tzu, pronounced, “Strategy without tactics is the slowest route to victory and tactics without strategy is the noise before defeat”. A general strike or strikes have the power to be the transformative strategic masterpiece in a labour movement that changes its relationship to the wider movement. The tactics to organise it need not be restricted to the number of registered unions; these unions should also focus on building dense and networked collective union power in the workplace and beyond.

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