

PROFESSIONS AND THE AUTHORITARIAN STATE: SOCIAL WORKERS IN NEW HONG KONG

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Under the third wave of autocratization, regimes capture power through more subtle and sophisticated ways, restricting themselves to actions that are ostensibly legal. This regime type is becoming more common, particularly in Asia. This article investigates the authoritarian regime's legal tactics in controlling professions that often engage in and amplify anti-regime mobilizations. Empirically, it looks at social workers in Hong Kong who participated extensively in the 2019 social movement and who now live under an authoritarian legality transformed by a superimposed security law. By examining the ongoing state crackdown, but also these professionals' nuanced response, this article argues that authoritarian legality in Hong Kong is contingent, contested, and precarious. It thus unpacks the political economy of state legitimacy, repression, and resistance in this new Hong Kong.

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* JD, New York University School of Law, 2026. I would like to thank Prof. Prabha Kotiswaran and Prof. Don Clarke for their invaluable feedback. As a Hongkonger, I am deeply concerned by the intensifying authoritarianism there. And I dedicate this Note to those Hongkongers who remain dedicated to equality, social justice, and human dignity. Last, I would like to thank the editors at the NYU Journal of International Law & Politics for their thorough and thoughtful edits. All views expressed are my own.

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I. INTRODUCTION

We are experiencing a global resurgence of authoritarianism.¹ This “third wave of autocratization” however is taking place in more subtle and sophisticated ways than a conventional coup d’état.² Contemporary autocrats, sometimes legitimately elected, take “ostensibly legal action that undermines the foundations of democracy.”³ They are also quashing dissent in stealth mode, incrementally undermining democratic institutions and civil society organizations.⁴ Law, rather than the bedrock of a rule of law that keeps state power in check, is instrumentalized by authoritarian states to pursue regime survival, often at the expense of (minority) human rights.⁵

Nation states, including the United States,⁶ are increasingly being characterized as “hybrid regimes” or “dual state,” among other names,

1. See HUMAN RIGHTS WATCH, *World on the Brink of Doom (or Maybe Not)* (Jan. 16, 2025), <https://www.hrw.org/the-day-in-human-rights/2025/01/16> (“In many of the more than 70 national elections in 2024, authoritarian leaders gained ground with vicious discriminatory rhetoric and policies.”).

2. Anna Lüthmann & Staffan I. Lindberg, *A third wave of autocratization is here: what is new about it?*, 26 DEMOCRATIZATION 1095, 1095 (2019); see also Margaret L. Satterthwaite, Katarina Sydow & Ben Polk, *Unchecking Power and Capturing Courts: How Autocratization Erodes Independent Judicial Systems*, 76 RUTGERS U. L. REV. 1147, 1148–49 (2024) (“Recently, more subtle challenges to democracy have become increasingly prominent, often involving leaders who are legitimately elected (at least in the first instance) who wield their power to debilitate or eliminate democratic institutions and rights.”) (citation omitted).

3. See Satterthwaite et al., *supra* note 2, at 1149 (citing Scott L. Cummings, *Lawyers in Backsliding Democracy*, 112 CALIF. L. REV. 513, 518 (2024)).

4. See Satterthwaite et al., *supra* note 2, at 1149; see also STEPHEN HAGGARD & ROBERT KAUFMAN, BACKSLIDING: DEMOCRATIC REGRESS IN THE CONTEMPORARY WORLD 7, 61 (David Stasavage ed., 2021) (“Incrementalism makes it difficult to identify derogations from democratic practice and thus weakens opposition.”).

5. Weitseng Chen & Hualing Fu, *Authoritarian Legality, the Rule of Law, and Democracy*, in AUTHORITARIAN LEGALITY IN ASIA: FORMATION, DEVELOPMENT AND TRANSITION 1, 3 (Weitseng Chen & Hualing Fu eds., 2020) [hereinafter AUTHORITARIAN LEGALITY].

6. See Jean L. Cohen, *Rethinking hybrid regimes: The American case*, 30 INT’L J. CRITICAL & DEMOCRATIC THEORY 241, 242 (2023) (showing how “populism in power” hybridizes American democracy).

that simultaneously display features of authoritarianism and liberal democracy.⁷ Some scholars of Asian law and politics use the term “authoritarian legality” to capture these state-society dynamics, which refers to “legality and the rule of law as promoted by strong authoritarian states, where a merely instrumental commitment to law could nonetheless develop and even solidify without radical democratic and/or political reform.”⁸ This conceptual space highlights the complexity and nonlinearity in understanding legality, authoritarianism, democracy, and legitimacy.⁹

In these regimes, an independent judicial system and legal profession are common targets, for they can stand in the way of populist, human-rights-violating policies.¹⁰ But so are other members of civil society, especially autonomous professional organizations that, owing to their expertise and statutory status, have the power to mobilize dissent.¹¹ Indeed, professionals, particularly lawyers, have played an outsized role in social movements and precipitating social change, especially in Asia.¹² And thus they are also subject to state punishment and retaliation.

Singapore’s founding father Lee Kuan Yew, a lawyer by trade, vowed in 1986 “to put a stop to politicking in professional bodies.”¹³ He then disciplined activist lawyers and stripped the Law Society *by law* of its freedom to comment on government legislations, thus marginalizing the professional body in public affairs and supercharging

7. See Larry Diamond, *Elections Without Democracy: Thinking About Hybrid Regimes*, 13 J. DEMOCRACY 21, 21–23 (2002) (hybrid regime); Chen & Fu, *supra* note 5, at 5 (dual state). See, e.g., Lee Morgenbesser, *THE RISE OF SOPHISTICATED AUTHORITARIANISM IN SOUTHEAST ASIA* (2020) (sophisticated authoritarianism).

8. Chen & Fu, *supra* note 5, at 2.

9. *Id.* at 1.

10. Satterthwaite et al., *supra* note 2, at 1149–50.

11. See Ngok Ma & Edmund W. Cheng, *Professionals in Revolt: Specialized Networks and Sectoral Mobilization in Hong Kong*, 22 SOC. MOVEMENT STUD. 648, 649–50 (2023) (noting the role of professionals like social workers, lawyers, and doctors in supporting Asian social and political movements); see generally CAUSE LAWYERS AND SOCIAL MOVEMENTS (Austin Sarat & Stuart A. Scheingold eds., 2006) (focusing on the role of cause lawyers in social movements).

12. See, e.g., Sunhyuk Kim, *Democratization and Social Movements in South Korea: A Civil Society Perspective*, in EAST ASIAN SOCIAL MOVEMENTS: POWER, PROTEST, AND CHANGE IN A DYNAMIC REGION (Jeffrey Broadbent & Vicky Brockman eds., 2011) (on the role of professionals in the South Korean democratic movement).

13. Lee Kuan Yew, *PM: It’s My Job to Stop Politicking in Professional Bodies*, THE STRAITS TIMES (Oct. 10, 1986), <https://eresources.nlb.gov.sg/newspapers/digitised/article/straitstimes19861010-1.2.26.11>.

the state's authoritarian legality.¹⁴ The Singaporean state has since monopolized the discourse of law and precluded meaningful political challenges.¹⁵ Other authoritarian regimes, like China and Hong Kong, are emulating Singapore's "calibrated coercion" which despite sweeping security laws, subjugated challengers "with minimum political cost."¹⁶

While much socio-legal research has been done to understand judges and lawyers, academics, and the press operating under authoritarianism,¹⁷ less is known as regards other professions critical to civil society, such as social work. Social workers, whose occupation has largely professionalized, remain important actors in social movements worldwide, particularly in relation to economic justice and wealth redistribution.¹⁸ They are similarly under attack.

Rather than the question of how democracies crumble and autocracies emerge,¹⁹ this article engages how autocrats maintain in power. It studies the authoritarian state's relationship with professions, principally the state's repressive strategies against professional organizations. Its empirical evidence is drawn from Hong Kong's evolving regulation of the social work profession. Hong Kong, a post-British-colony and Special Administrative Region under the People's Republic of China, is currently reorienting its state-society relations following the society-wide mobilizations in 2019 against the Hong Kong government's proposal to extradite fugitives to Mainland China

14. See Jothie Rajah, *AUTHORITARIAN RULE OF LAW: LEGISLATION, DISCOURSE, AND LEGITIMACY IN SINGAPORE* 161–218 (2012) (describing an authoritarian rule of law, understood synonymously with authoritarian legality).

15. *Id.* at 177.

16. Cherian George, *FREEDOM FROM THE PRESS: JOURNALISM AND STATE POWER IN SINGAPORE* 93–116 (2012); see also Cherian George, *Media Freedom and Censorship under Post-Orwellian Authoritarianism*, in *THE NATIONAL SECURITY LAW OF HONG KONG: RESTORATION AND TRANSFORMATION* 335 (Hualing Fu & Michael Hor eds., 2022) [hereinafter *RESTORATION AND TRANSFORMATION*] (applying "calibrated coercion" to media censorship in post-NSL Hong Kong).

17. See generally Satterthwaite et al., *supra* note 2 (attacks on justice actors); for a bibliography, see Sida Liu & Gihad Nasr, *Lawyers in Authoritarian Regimes*, OXFORD BIBLIOGRAPHIES (July 31, 2019), https://www.academia.edu/download/60172347/LiuNasr_OB_201920190731-92274-np52rc.pdf.

18. See, e.g., IAIN FERGUSON, *RECLAIMING SOCIAL WORK: CHALLENGING NEO-LIBERALISM AND PROMOTING SOCIAL JUSTICE* (2008) (describing the tension between social workers' commitment to social justice and neoliberalism).

19. For work on the fragility of democracies, see, e.g., Samuel Issacharoff, *Democracy's Deficits*, 85 U. CHI. L. REV. 285, 488 (2018) (describing the institutional challenges facing democracies).

and widespread police brutality.²⁰ Beijing subsequently superimposed a national security law (NSL) on Hong Kong in 2020, introducing vaguely defined security offences and expanding the security apparatus. While NSL's direct application remains limited, it created a new template for law and politics in Hong Kong.²¹ A flurry of post-NSL legal and quasi-legal measures emerged to strengthen social control and prioritize security.

This article identifies the vulnerabilities (and complicity) of professionals vis-à-vis the authoritarian state in a neoliberal society. It argues that while the government of Hong Kong is largely successful in consolidating an authoritarian legality and minimizing dissent among professionals, such rule is contingent and precarious. This article contributes to the theoretical literature on professions under authoritarianism as well as the empirical knowledge on the tactics used today by autocratic and autocratizing governments to undermine the independence and jurisdiction of professions and expertise.²² These insights are important for mobilizing against autocratization as similar repressive techniques emerge around the world.²³

I begin in Part I by situating the social work profession of Hong Kong and setting the stage to better understand the latest developments. Part II unpacks the legal and quasi-legal ways through which the Hong Kong government is subduing and co-opting social workers. Part III finally appraises the authoritarian rule of law that has developed in Hong Kong and illustrates its precarity.

II. PART I: SITUATING SOCIAL WORKERS OF HONG KONG

A. *Authoritarian legality in Hong Kong*

There is a rich literature documenting and characterizing the law and society of Hong Kong, and I provide a short summary of the

20. See Hualing Fu & Michael Hor, *Introduction: Re-balancing Freedom and Security in Post-NSL Hong Kong*, in *RESTORATION AND TRANSFORMATION* 8–12 (putting the NSL in the context of the 2019 protests).

21. *Id.* at 10.

22. See Andrew Abbott, *THE SYSTEM OF PROFESSIONS: AN ESSAY ON THE DIVISION OF EXPERT LABOR* (1988) (seminal work on the fluid, competitive system of professional “jurisdictions”).

23. See Michael Davis, *Is the US Using Beijing's Authoritarian Playbook?*, *POLITICS AND RIGHTS REVIEW* (July 2, 2025), <https://politicsrights.com/is-the-us-using-beijings-authoritarian-playbook/> (comparing the authoritarian strategies of Hong Kong to the Trump administration).

literature and major events here, tracing the formation and development of authoritarian legality.²⁴

Hong Kong came under British rule in 1842 and was returned to the People's Republic of China in 1997 under the Sino-British Joint Declaration.²⁵ The Hong Kong Special Administrative Region essentially inherited and preserved its former legal system through the One Country, Two Systems framework written into China's Constitution and the Basic Law, Hong Kong's mini constitution. The Basic Law ensures that Hong Kong's "way of life" would remain unchanged for 50 years and a "high degree of autonomy."²⁶ It also guarantees the progressive realization of "universal suffrage" for selecting lawmakers and the chief executive.²⁷ The people of Hong Kong saw the Basic Law as a constitutional safeguard for its mature rule of law and democratic aspirations. Calls for political reforms thus intensified after the handover, leading to major political events like the 2003 protests against Article 23, a national security bill, and the 2014 Occupy movement, otherwise known as the Umbrella Revolution, against Beijing's superimposed suffrage framework with pre-approval of candidates.²⁸ Without any substantive response to these calls, the local government relied upon legalistic suppression of political activism, such as by imprisoning Occupy leaders with common law nuisance charges.²⁹ This was the state of Hong Kong's authoritarian legality leading up to the 2019 protests and 2020 NSL.

24. See generally, e.g., Waikung Tam, *LEGAL MOBILIZATION UNDER AUTHORITARIANISM: THE CASE OF POST-COLONIAL HONG KONG* (2012) (documenting the efficacy of legal mobilization in Hong Kong); JOHANNES M. M. CHAN, *PATHS OF JUSTICE* (2018) (discussing the role of legal institutions, legal profession, and justice in Hong Kong society through the author's experience); MICHAEL C. DAVIS, *MAKING HONG KONG CHINA: THE ROLLBACK OF HUMAN RIGHTS AND THE RULE OF LAW* (2020) (arguing that Chinese influence undermines Hong Kong's rule of law tradition).

25. Joint Declaration on the Question of Hong Kong, China-U.K., Dec. 19, 1984, 1399 U.N.T.S. 33.

26. XIANGGANG JIBEN FA art. 5 (H.K.).

27. XIANGGANG JIBEN FA arts. 45 & 68 (H.K.).

28. See Carole J. Petersen, *Hong Kong's Spring of Discontent: The Rise and Fall of the National Security Bill in 2003*, in *NATIONAL SECURITY AND FUNDAMENTAL FREEDOMS: HONG KONG'S ARTICLE 23 UNDER SCRUTINY* 13 (Hualing Fu, Carole J. Petersen, Simon N.M. Young eds., 2005) (2003 protests); Yongshun Cai, *THE OCCUPY MOVEMENT IN HONG KONG: SUSTAINING DECENTRALIZED PROTEST 1–2* (2017) (2014 protests).

29. Michael C. Davis, *Beijing's Crackdown on Human Rights and the Rule of Law in Hong Kong*, 16 *ASIA POL'Y* 57, 66 (2021).

It still warrants mentioning the formation of such authoritarian legality in British Hong Kong that persisted after the handover. Indeed, for more than 150 years, British Hong Kong had no democracy, and its omnipotent governors were all along appointed by London.³⁰ The regime also enacted emergency and sedition laws to silence and punish anti-colonialists and leftist rioters, which would be unjustified by today's human rights standards, as well as maintained white supremacist biases.³¹ Notwithstanding this, Hong Kong, under British rule, developed a mature rule of law buttressed by an independent judiciary and strong civil service, which arguably led to its economic prosperity. While without democracy, the colonial regime enjoyed political legitimacy through its Diceyan constitutionalism, a widely shared faith in the socially beneficial nature and state-transcending justice within the law.³² Therefore, such commitment and respect for the rule of law is inherent to most social movements in Hong Kong's society, including the eventual 2019 protests that began with the extradition bill branded a threat to the rule of law by the opposition.

The authoritarian legality relied upon by the Hong Kong government was time and again tested by China's rise in influence and political illiberalism, juxtaposed with the Hong Kong people's hopes for democracy.³³ The ultimate test came in 2019, when the Hong Kong government proposed an extradition bill that would allow it to extradite fugitives from Hong Kong to Mainland China (and Taiwan) following a murder in Taiwan in which the suspect fled to Hong Kong.³⁴ In face of the largest protests the city has ever seen, the government eventually shelved the legislation but failed to satisfy the protesters who insisted on five demands, including wholesale

30. Richard Cullen & Richard Campbell, *Understanding Authoritarian Legality in Hong Kong: What Can Dicey and Rawls Tell Us?*, in *AUTHORITARIAN LEGALITY* 143, 143.

31. Eric Lai, *Hong Kong's Sedition Law Is Back*, *THE DIPLOMAT* (Sept. 3, 2021), <https://thediplomat.com/2021/09/hong-kongs-sedition-law-is-back/>. It is ironic that the Hong Kong regime has brought back the sedition law that fell out of use in colonial times. *Id.*

32. Cullen & Campbell, *supra* note 31, at 154–55.

33. *Id.* at 160.

34. For a discussion of the origins of the lack of extradition arrangement between Hong Kong and the Mainland, see P. Y. Lo, *The Unprosecuted Taiwan Homicide, the Unaccepted Extradition Law Amendment Bill and the Underestimated Common Law* 16–17 (June 18, 2020), <https://ssrn.com/abstract=3630082> (citing Malcolm Rifkind, former British Foreign Secretary, who described it as a “necessary firewall” and “conscious decision” rather than a “loophole.”).

democratic reforms.³⁵ After Chief Executive Carrie Lam refused to budge and relied on the police to manage protests, the confrontations escalated and turned violent. While the protests were cut short by the pandemic, state-society relations turned extremely dismal, with approval ratings dropping to historic lows. In July 2020, Beijing finally responded with the unilateral imposition of the NSL through a special mechanism under the Basic Law.³⁶ It marked a fundamental shift in the authoritarian legality in Hong Kong, which some describe as the “second handover” to China.³⁷

The sweeping NSL creates four vaguely defined security offences: “secession,” “subversion,” “terrorism,” and “collusion with foreign forces,” all of which carry the maximum sentence of life imprisonment.³⁸ It also expands police powers, builds new security apparatus, and codifies extraterritoriality.³⁹ It mandates *inter alia* the denial of bail, secret trials, and transferal of prosecutions to Mainland China.⁴⁰ Some political scientists argue that the law marked the transition to an “illiberal electoral authoritarianism” and instituted a national security regime.⁴¹ The NSL is to be treated as authoritative as the Basic Law and has directly induced other more widely applicable

35. For a detailed description of the 2019 movement, see generally ANTONY DAPIRAN, *CITY ON FIRE: THE FIGHT FOR HONG KONG* (2020).

36. John Curtis, *Hong Kong: National Security Law and recent events*, HOUSE OF COMMONS LIBRARY, UK PARLIAMENT (Sept. 20, 2021), <https://commonslibrary.parliament.uk/research-briefings/cbp-9318/>.

37. See Jean-Pierre Cabestan & Laurence Daziano, *Hong Kong: the second handover*, FONDATION POUR L'INNOVATION POLITIQUE (July 2020), <https://www.fondapol.org/en/study/hong-kong-the-second-handover/>.

38. The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, Cap. III (2020) (H.K.) [hereinafter NSL]. For a detailed discussion of NSL, see generally Carole J. Petersen, *National Security Law in Hong Kong: Transforming 'One Country, Two Systems' as a Model of Regional Autonomy*, in ROUTLEDGE HANDBOOK OF CONSTITUTIONAL LAW IN GREATER CHINA (Ngoc Son Bui, Stuart Hargreaves & Ryan Mitchell eds., 2022).

39. NSL, Art. 17 (new police powers); Cap. V (national office in Hong Kong); Art. 29 (extraterritoriality).

40. *Id.* at Art. 42 (no bail “unless the judge has sufficient grounds for believing that the criminal suspect or defendant will not continue to commit acts endangering national security”); Art 41 (closed trial if involving “State secrets or public order”); Arts. 55–59 (mechanism for mainland to exercise direct jurisdiction over a case under some conditions).

41. STEPHAN ORTMANN ET AL., *HONG KONG POLITICS AFTER THE NATIONAL SECURITY LAW 3* (2025).

laws, such as the electoral reforms and changes to legal aid.⁴² Notwithstanding, the direct application of NSL remains limited to organizers and key participants of the 2019 anti-extradition protests, including those “Hong Kong 47” pro-democratic politicians convicted with conspiracy to commit subversion for holding primary elections.⁴³ Perhaps the NSL is better read as a political statement rather than merely in legalistic terms, constituting a new template for law and politics.⁴⁴ The nonoperative Article 9 of the NSL is instructive: the Hong Kong government undertakes to strengthen regulation over matters concerning national security, including “those relating to schools, universities, social organizations, the media, and the internet.”⁴⁵ An expansive lens beyond NSL is therefore needed to examine the ways the regime tames society, including the use of other legal weapons, which inform the state of Hong Kong’s authoritarian legality.⁴⁶

B. Professionalization in Hong Kong

Before venturing into the state’s coercion under the new national security regime, I provide a summary of the development of professions in the highly neoliberal society of Hong Kong, especially social workers to better situate the discussion.

Again, the root of professionalization lies in British colonization. The logic to professionalize is multifold. Under British rule, the Western-educated Chinese professional elites, like lawyers and doctors, were cultivated to mediate between the British government and

42. See Jessie Lau, *Less Democracy, More ‘Patriots’: Hong Kong’s New Electoral System*, DIPLOMAT (Mar. 31, 2021), <https://thediplomat.com/2021/03/less-democracy-more-patriots-hong-kongs-new-electoral-system/> (discussing the patriots-only electoral reforms); see *infra* text accompanying notes 82–84.

43. See *Hong Kong National Security Case Index*, HONG KONG FREE PRESS (last visited July 12, 2025), <https://hongkongfp.com/hong-kong-national-security-case-index/> (a tally of NSL cases). See also RESTORATION AND TRANSFORMATION, *supra* note 21, at 10 (“the direct application of the NSL remains limited”).

44. George, *Media Freedom*, *supra* note 16, at 353; see also generally Jothie Rajah, *Normalising Authoritarianism: Authoritarian Rule of Law in Singapore and Hong Kong*, in THE PALGRAVE HANDBOOK OF POLITICAL NORMS IN SOUTHEAST ASIA (Gabriel Facal, Elsa Lafaye de Micheaux & Astrid Norén-Nilsson eds., 2024) (discussing the discursive bases of authoritarian rule of law in Hong Kong and Singapore).

45. NSL art. 9.

46. George, *Media Freedom*, *supra* note 16, at 353.

Chinese masses.⁴⁷ They were “politically embedded” into the ruling complex and offered stability and legitimacy to the colonial ruler, while exerting considerable influence locally.⁴⁸ That was the origin of the “functional constituency” representation in the legislature, where professional and special interests like commercial, legal, and social welfare sectors were given parliamentary seats and political influence.⁴⁹ But surely, professionalization took place in the metropole, too. It is a Weberian hallmark of modernity that assumes the neutral and apolitical nature of scientific principles. In Western societies, professionals formed associations and performed their duties with state-sanctioned autonomy and authority to bring about modern governability, although some would argue that such “professional projects” served the self-interest of the privileged.⁵⁰ Likewise, Hong Kong developed British-style statutory schemes to govern professions, which were given self-regulatory powers.⁵¹ Professionals in Hong Kong, like their counterparts in East Asia enjoyed high social status and thus exerted considerable influence in social movement.⁵² Also remarkable is the cultural hierarchy among professionals that often privileges doctors, lawyers, and engineers.

The professionalization of social work only happened relatively recently. It first became an occupation in Hong Kong in the post-war period which coincided with an influx of refugees from Mainland China.⁵³ The demand for social welfare very soon exceeded the support within kinship networks underpinned by the cultural notion of familial

47. See JOHN M. CARROLL, *EDGE OF EMPIRES: CHINESE ELITES AND BRITISH COLONIALS IN HONG KONG* 58–83 (2005) (outlining the role of Chinese elites in sustaining British rule).

48. *Id.*; see also Ethan Michelson, *Lawyers, Political Embeddedness, and Institutional Continuity in China's Transition from Socialism*, 113 AM. J. SOCIO. 352, 353 (2007) (using political embeddedness to understand Chinese lawyers' survival in confrontation with the state).

49. See generally Christine Loh, *Government and business alliance: Hong Kong's functional constituencies*, in FUNCTIONAL CONSTITUENCIES: A UNIQUE FEATURE OF THE HONG KONG LEGISLATIVE COUNCIL 19 (Christine Loh & Civic Exchange eds., 2006) (describing the formation of a government-business alliance through the functional constituencies arrangement advanced by the British colonial government).

50. Wai Man Sin, *Law, Politics and Professional Projects: The Legal Profession in Hong Kong*, 10 SOC. & LEGAL STUD. 483, 486–89 (2001).

51. David A. Levin, *Professional Bodies and Professional Regulation in Hong Kong*, in HONG KONG MOBILE: MAKING A GLOBAL POPULATION (Helen F. Siu & Agnes S. Ku eds., 2008).

52. Ma & Cheng, *supra* note 11, at 650.

53. C. W. Lam & Eric Blyth, *Re-Engagement and Negotiation in a Changing Political and Economic Context: Social Work in Hong Kong*, 44 BRIT. J. SOC. WORK 44, 45 (2012).

self-sufficiency.⁵⁴ The poverty and social problems were first addressed by local philanthropies, neighborhood associations, and foreign non-profits (including churches), and finally by the colonial government after the leftist riots in 1966 despite its non-interventionist tendencies.⁵⁵ As a colonial transplant, social work in Hong Kong, since the 1960s, had followed British traditions of training and functioned to pacify and discipline the Chinese masses in the colony. Still, local social workers and non-profits aggressively negotiated for more resources amid the changing economic and political environments to lobby the government to serve the underprivileged. Notably, they served as community organizers in social movements in the 1980s to contest the neo-conservative approaches to social welfare.⁵⁶ They also actively participated in electoral politics in local district councils and the social welfare functional constituency in the legislature, which arguably pressured the government to increase its welfare budget considerably by the turn of the century.⁵⁷

Following the political engagement of social work was its professionalization and institutionalization, which arguably softened the profession's sharp political voice. Social workers' political embeddedness developed not only from the government's grip on funding to non-profits that employ social workers, but also their engagement with professionalization through law.⁵⁸ The Social Workers Registration Ordinance (SWRO) was introduced in 1997, just before the handover, authorizing the Social Worker Registration Board (SWRB) as the registrar of social workers and criminalizing unauthorized practice.⁵⁹ The design of the ordinance was emblematic of Western-style regulations of professional autonomy: SWRB independently controlled the registration, discipline, qualification, and practice of registered social workers (RSWs).⁶⁰ SWRB consisted of 15 members, eight of which were democratically elected among RSWs and the rest appointed by the chief executive.⁶¹ Importantly, SWRB handled disciplinary proceedings. Upon initial screening by two SWRB members, SWRB appointed disciplinary committees from a standing

54. *Id.* at 46.

55. *Id.* at 47.

56. *Id.* at 49–50.

57. *Id.*

58. *Id.* at 53–54.

59. Social Workers Registration Ordinance, (1997) Cap. 505 (H.K.).

60. Frederick Lai Wing Hoi & Tom Chan Kam Tong, *Social work in Hong Kong: from professionalization to 're-professionalization'*, 2 CHINA J. SOC. WORK 95, 96–98 (2009).

61. *Id.* at 97.

panel, which would investigate and determine the outcome, reviewable by the Court of Appeal.⁶² Notwithstanding these institutions, the social welfare sector remained a stronghold for the pro-democratic camp both in- and outside the legislature.

C. Professionals in revolt

It is well documented in Hong Kong and elsewhere that professions have played a role in advancing social and political movements.⁶³ The literature relating to lawyers and the “legal complex” is perhaps the most substantial.⁶⁴ The legal complex as a collective actor, including lawyers, judges, and legal academics, is posited to induce political liberalism. Legal mobilization in Hong Kong was vibrant, and the legal complex was mature and efficient, encompassing the independent judiciary, reputable law schools, and government-funded legal aid.⁶⁵ Post-colonial Hong Kong is therefore no stranger to legal mobilization, ranging from cause lawyering and engagement in electoral and party politics to mobilizing mass protests.⁶⁶ The largest protests that Hong Kong has seen almost exclusively involved issues of a legal nature, including Article 23 and electoral reforms. Revered members of the legal complex and civil society, like law professor Benny Tai and barrister Tonyee Hang-tung Chow, were on the forefront of these struggles. The anti-extradition protests featured lawyers prominently as well.⁶⁷ The Bar Association was the first to sound the alarm on the extradition bill and suggested that the proposal would “fundamentally imperil the operation of the rule of law in Hong Kong.”⁶⁸ Thousands of lawyers, including Bar Association then-

62. *Id.* at 98–100.

63. See Ma & Cheng, *supra* note 11, at 650.

64. See generally LAWYERS AND THE RISE OF WESTERN POLITICAL LIBERALISM: EUROPE AND NORTH AMERICAN FROM THE EIGHTEENTH TO TWENTIETH CENTURIES (Terence C. Halliday & Lucien Karpik eds., 1997) (advancing the legal complex thesis that legal professionals promote political liberalism).

65. TAM, *supra* note 25, at 43–50. For an updated view on legal mobilization in Hong Kong, see generally YAN-HO LAI, LEGAL RESISTANCE UNDER AUTHORITARIANISM: THE STRUGGLE FOR THE RULE OF LAW IN HONG KONG (2025).

66. TAM, *supra* note 25, at 30–37.

67. Ma & Cheng, *supra* note 11, at 660–62.

68. HONG KONG BAR ASSOCIATION, *Press Statement of the Hong Kong Bar Association On the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019* (Jun. 21, 2019), <https://barhumanrights.org.uk/wp-content/uploads/2019/06/Statement-of-the-Hong-Kong-Bar-Association-on-Fugitive-Offenders-and-Mutual-Legal-Assistance-in-Criminal-Matters-Legislation-Amendment-Bill-2019-1.pdf>.

chairman Philip Dykes, staged a silent black march against the bill before any mass protest.⁶⁹ Further, civil rights lawyers provided legal aid and support to those arrested, and up to 300 lawyers manned three legal hotlines and mobilized to bail out arrestees in police stations.⁷⁰

The contributions of other less revered professions were underreported. For instance, the Civil Human Rights Front, the now-dissolved platform that organized major protests, was an umbrella organization of prodemocracy groups, including the Professional Teachers' Union and social welfare organizations.⁷¹ The political engagement of social workers was reenergized by the 2014 Umbrella Revolution, and in 2019, they again took to the streets in the anti-extradition protests.⁷² Consistent with some social work scholars' call against clientization and for a more inclusive practice based in civic engagement, many Hong Kong social workers reoriented their practice towards social justice and empowerment.⁷³ Early on, the social welfare electorates signed a petition against the bill and formed the "anti-extradition social welfare alliance," citing fears of persecution due to past social welfare work in Mainland China.⁷⁴ The petitions thereafter reached as many as 1,848 signatories, and social workers organized strikes and marches.⁷⁵ In a time of society-wide distress, they mobilized extensively to protest the government and particularly police brutality.

69. Kris Cheng, *In Pictures: Thousands of Hong Kong lawyers stage rare, silent 'black march' over controversial extradition bill*, HONG KONG FREE PRESS (Jun. 6, 2019), <https://hongkongfp.com/2019/06/06/just-thousands-hong-kong-lawyers-stage-rare-silent-black-march-controversial-extradition-bill/>.

70. Ma & Cheng, *supra* note 11, at 660.

71. Michael C. Davis, *Hong Kong: How Beijing Perfected Repression*, 33 J. DEMOCRACY 100, 107–08 (2022).

72. Zeno C. S. Leung, C. W. Lam, Carl Yuk Tin Cheng & Yut-ming Ng, *Voices Amidst the Smoke—Social Workers against Police Brutality in Hong Kong*, 52 BRIT. J. SOC. WORK 3522, 3524–25 (2022).

73. See Fred Powell & Martin Geoghegan, *Reclaiming civil society: the future of global social work?*, 8 EUR. J. SOC. WORK 129, 129–30, 141–43 (2005) (calling for a social-inclusion-based civic social work practice).

74. 59名社福界選委聯署要求政府撤回修訂逃犯條例 [59 members of social welfare functional constituency electorate petition to demand withdrawal of extradition bill], YAHOO! NEWS (May 10, 2019), <https://hk.news.yahoo.com/59%E5%90%8D%E7%A4%BE%E7%A6%8F%E7%95%8C%E9%81%B8%E5%A7%94%E8%81%AF%E7%BD%B2%E8%A6%81%E6%B1%82%E6%94%BF%E5%BA%9C%E6%92%A4%E5%9B%9E%E4%BF%AE%E8%A8%82%E9%80%83%E7%8A%AF%E6%A2%9D%E4%BE%8B-033422473.html>.

75. Ma & Cheng, *supra* note 11, at 655.

Social workers were on the front lines of the protests. Concerned with police brutality, they acted as liaisons between protesters and the police and provided other off-site support for the impacted.⁷⁶ On the front line, a group of “Battlefield Social Workers,” identifying as a neutral party, physically stood between protesters and the police to call for the de-escalation of violence.⁷⁷ They also performed humanitarian assistance to the arrested, injured, and bystanders. However, the police oftentimes refused to recognize their neutral role and identified them with the protesters, making them vulnerable to arrests. At least twelve social workers or social work students were charged with rioting in the anti-extradition protests, including Jackie Chen, a prominent Battlefield Social Worker.⁷⁸ Behind the scenes, social workers also helped with post-arrest support, referral for legal aid, and counselling. Being even closer to the community than lawyers, social workers engaged deeply in these fights for human dignity and justice.⁷⁹ However, it also exposed the entire profession to state retaliation once the protests subsided and NSL came into effect.

III. PART II: UNCHECKING POWER THROUGH LAW

Margaret Satterthwaite, the United Nations Special Rapporteur on the independence of judges and lawyers, and her colleagues provided observational findings on the contemporary autocrat’s strategies to undermine judicial independence and democracy.⁸⁰ The “four-part typology” refers to the strategies of *capturing* (increase of executive or legislative control over courts, judges, and bar associations), *curbing* (taking away jurisdiction from the judiciary), *instrumentalizing* (using the legal system against justice officials), and *weaponizing* (facially unlawful acts against justice officials).⁸¹ These tactics chip away judicial checks on executive power and threaten

76. *Id.* at 662.

77. Leung et al., *supra* note 73, at 3524.

78. 反修例暴動案至少12被告為社工或準社工 陳虹秀4人辯解到場履責僅一人無罪 [At least 12 social workers charged with rioting; 4 appeared in court; only 1 acquitted], THE WITNESS (Mar. 11, 2025), <https://thewitnesshk.com/%E5%8F%8D%E4%BF%AE%E4%BE%8B%E6%9A%B4%E5%8B%95%E6%A1%88%E8%87%B3%E5%B0%9112%E8%A2%AB%E5%91%8A%E7%82%BA%E7%A4%BE%E5%B7%A5%E6%88%96%E6%BA%96%E7%A4%BE%E5%B7%A5-%E9%99%B3%E8%99%B9%E7%A7%80%E7%AD%894/>.

79. See Jane Aiken & Stephen Wizner, *Law as Social Work*, 11 WASH. U. J.L. & POL’Y 63, 63 (2003) (arguing that lawyering should look like social work).

80. Satterthwaite et al., *supra* note 2.

81. *Id.* at 1151.

democratic institutions that safeguard free and fair elections and human rights. For instance, the Special Rapporteur highlights the capturing strategy under the NSL that altered the rules of judicial appointment and enabled the chief executive to designate a list of judges to hear national security cases.⁸² She also notes the curbing of the jurisdiction of bar associations, such as their ability to criticize the government, as well as creating a competing bar association.⁸³

Indeed, under the NSL, the Hong Kong government applied these tactics against the legal complex. Other than the capturing of the judiciary in national security cases, the criminal legal system was instrumentalized to prosecute lawyers, like Lawrence Lau and Alvin Yeung who participated in the subsequently outlawed primary elections⁸⁴ and Tonyee Chow of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China,⁸⁵ as well as Margaret Ng, a trustee of 612 Humanitarian Relief Fund that supported arrested protesters.⁸⁶ Further, the state conducted administrative reforms to the government legal aid system with “enhancement measures” to prevent “abuse.”⁸⁷ It ended the longstanding policy for the director of legal aid to automatically approve a criminal defendant’s nomination of a lawyer and mandated the policy of direct assignment despite the Basic Law’s protection of one’s choice of lawyer.⁸⁸ It also introduced administrative limits to legal aid for judicial reviews, such as a case quota for lawyers and more “gatekeeping” to keep out “frivolous” applications.⁸⁹ In addition, the government amended the Legal Practitioners Ordinance

82. *Id.* at 1161.

83. *Id.* at 1166.

84. Yvette Tan & Koh Ewe, *Who are the activists jailed in Hong Kong’s largest national security trial?*, BBC NEWS (Nov. 18, 2024), <https://www.bbc.com/news/articles/c722wq7rgqgo>.

85. *Chow Hang-tung*, AMNESTY INTERNATIONAL, <https://www.amnestyusa.org/chow-hang-tung/> (last visited July 12, 2025).

86. Kelly Ho, *Hong Kong Cardinal Zen and 4 other activists to challenge conviction over 2019 protester relief fund*, HONG KONG FREE PRESS (Apr. 23, 2024), <https://hongkongfp.com/2024/04/23/hong-kong-cardinal-zen-and-4-other-activists-to-challenge-conviction-over-2019-protester-relief-fund/>.

87. LEGAL AID DEPARTMENT, PROPOSED ENHANCEMENT MEASURES TO THE LEGAL AID SYSTEM IN HONG KONG 2 (October 2021), <https://www.legco.gov.hk/yr20-21/English/panels/ajls/papers/ajls20211026cb4-1677-1-e.pdf>.

88. *Id.* at 5–6; XIANGGANG JIBEN FA art. 35 (H.K.).

89. LEGAL AID DEPARTMENT, *supra* note 88, at 7.

(LPO) to bar foreign lawyers from national security proceedings.⁹⁰ Backed by an interpretation of the NSL by the National People's Standing Committee in Beijing, the regime changed the LPO to institute an "overriding principle" that an overseas lawyer must not be admitted for a national security case.⁹¹ These post-NSL reforms confronting the legal complex exemplify the state's efforts to carve out national security from the ordinary legal system and unchecked power in that realm.

Notwithstanding these tactics, the self-government of the legal industry has maintained largely intact under the NSL.⁹² The state's assault on the legal complex has been *ad hoc*, mild, and reactive, possibly due to the perceived importance of the legal field to the Hong Kong economy. The government has invested tremendously in positioning the city as a hub for international arbitration and professional services.⁹³ The considerations are different as regards professions that are viewed less important to economic development, like social work, despite the extreme wealth disparity in Hong Kong. And those strategies introduced by the Special Rapporteur are equally evidenced in the government's treatment of the social work profession post-NSL, which was painted as anti-government fanatics poisoning the youth by the pro-state media.⁹⁴ This part details the several vulnerabilities of a profession unprotected by the logics of neoliberalism. Relative to judges and lawyers, the state's subjugation of social workers so far has been direct, extensive, and multilayered.

90. Kevin Yam & Thomas E. Kellogg, In Hong Kong, *Another Blow to the Rule of Law*, LAWFARE (May 23, 2023, 7:36 AM), <https://www.lawfaremedia.org/article/in-hong-kong-another-blow-to-the-rule-of-law>. The amendment exercise originated from Jimmy Lai's attempt to hire British barrister Tim Owen in his national security trial, which Beijing barred with an interpretation of NSL. *Id.*

91. Legal Practitioners Ordinance, (2023) Cap. 159, § 27B (H.K.).

92. *But see UN experts condemn reprisals against Hong Kong lawyer Kevin Yam*, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (Oct. 3, 2025), <https://www.ohchr.org/en/press-releases/2025/10/un-experts-condemn-reprisals-against-hong-kong-lawyer-kevin-yam> (condemning the disbarment of lawyer and activist Kevin Yam by the Law Society for speaking at a U.S. congressional hearing).

93. *With mediation and arbitration, HK now a hub for resolution of disputes*, THE STANDARD (May 28, 2025), <https://www.thestandard.com.hk/the-standard-stands/article/303431/>.

94. *See 專業身份「洗腦式」播毒 美化黑暴遺禍深 [Brainwashing by "professionals" to justify black violence]*, WEN WEI PO (Jul. 26, 2021), <https://www.wenweipo.com/a/202107/26/AP60fdf687e4b08d3407cff45f.html> (criticizing professionals, including social workers for supporting the 2019 protests).

A. Criminal legal system

Foremost, social workers are subjected by the state through the criminal legal system. The state's direct invocation of NSL against social workers has been sparse. Of those charged with NSL offences, only a handful were social workers by trade or training. Their prosecutions, however, related to their other political engagements, such as Jimmy Sham and Hendrick Lui in the 47-person case and Bobo Yip of the 612 Fund.⁹⁵ As mentioned, other social workers like Jackie Chen who were arrested at the site of protests were commonly charged with offences under the Public Order Ordinance like rioting.

The case of Jackie Chen is an example of the state's using the law against protesting professionals. Chen was first arrested and charged with rioting for appearing at a protest on October 1, 2019. She was released at the first trial in 2020 when the judge found no *prima facie* evidence for the charge.⁹⁶ However, the Department of Justice appealed the ruling, and the appellate court ordered a retrial, noting the trial judge's misuse of judicial discretion given the factual record. It is noteworthy that Judge Sham of the trial who left his office and allegedly emigrated to the United Kingdom was a target of the pro-state media for "freeing" rioters.⁹⁷ Chen's retrial finally took place in 2025, and Chen was convicted and sentenced to three years and nine months in prison.⁹⁸ The judge rejected Chen's defense that she was a mediator on site and believed her to have used her social worker role to back protesters. Despite the record showing that Chen did not resort to violence, she was found guilty of rioting given the circumstances of the protest.

B. Professional licensing regime

The subjection of professions to the state in a contemporary society is perhaps most significant in the statutory scheme for

95. Tan & Ewe, *supra* note 85; Jessie Pang, *Hong Kong police arrest 10 for suspected foreign collusion over fund*, REUTERS (Aug. 10, 2023, 6:35 AM), <https://www.reuters.com/world/china/hong-kong-police-arrest-10-suspected-foreign-collusion-over-fund-2023-08-10/>.

96. Kelly Ho, *Hong Kong social worker Jackie Chen loses licence for 5 years over rioting conviction*, HONG KONG FREE PRESS (JUNE 12, 2025, 7:30AM), <https://hongkongfp.com/2025/06/12/hong-kong-social-worker-jackie-chen-loses-licence-for-5-years-over-rioting-conviction/>.

97. Rufeng, 他"4个月放生14暴徒"后要跑?! [He skipped town after freeing 14 rioters in 4 months?!], BEIJING DAILY (Oct. 8, 2021), <https://xinwen.bjd.com.cn/content/s615fcd5e4b08aed9d804b58.html>.

98. Ho, *supra* note 97.

professionalization, which is the SWRO. The post-NSL regime took a circuitous two-step amendment process: an amendment to the subsidiary legislation under SWRO in 2022 and the eventual recasting of SWRO in its entirety in 2024. Crucially, these moves must be understood in light of the electoral reforms to the legislature in 2021, which enabled the complete capture of the parliament.⁹⁹

The government first took an easy way out by amending a subsidiary part of SWRO, which only required negative vetting and no vote in the legislature. It amended Schedule 2 of SWRO—a list of offences for which a convicted person shall be refused registration as an RSW—an authority delegated to the Secretary for Labor and Welfare under Section 39(2) and adding therein “an offence endangering national security.”¹⁰⁰ But like other offences on Schedule 2, including ill-treating a child or sex crimes, there is still an escape device under Section 17(5)—where if all members of the prevailing SWRB, “after considering all the circumstances of the case, resolve that [they] be so registered.”¹⁰¹ In the proposal, the government highlighted its duties under Articles 3 and 9 of NSL and the social work professionals’ influence on social service users in matters relating to national security.¹⁰² The government clearly hoped that this small change would compel SWRB to deregister those social workers arrested or involved in the protests.

Yet the then-SWRB’s compliance with this legislative amendment was unsatisfactory, according to the government minister. Around two years after the first amendment and two months after the passage of Article 23 (expansion of NSL to cover other offenses like theft of state secrets),¹⁰³ the Secretary for Labor and Welfare publicly chastised SWRB’s dereliction in its duty to safeguard national security, for instance the lack of action to operationalize the revised Schedule 2 to bar national security threats from becoming RSWs.¹⁰⁴ He pointed out

99. Davis, *supra* note 30, at 75–78.

100. LABOR AND WELFARE BUREAU, SOCIAL WORKERS REGISTRATION ORDINANCE (AMENDMENT OF SCHEDULE 2) NOTICE 2022 (May 18, 2022) [hereinafter SCHEDULE 2 NOTICE], https://www.legco.gov.hk/yr2022/english/brief/lwbc45204186_20220518-e.pdf.

101. Social Workers Registration Ordinance, (2022) Cap. 505, §17(5) (H.K.).

102. SCHEDULE 2 NOTICE, *supra* note 101, at 2.

103. See Kelly Ng, *Article 23: What is Hong Kong’s tough new security law?*, BBC NEWS (Mar. 25, 2024), <https://www.bbc.com/news/world-asia-china-68508694> (explainer of Article 23).

104. See Labor and Welfare Bureau, *社工專業發展：循正軌才能行穩致遠* [Social workers’ professional development: Follow the right path for sustainability], Facebook (May

that despite the opposition of some SWRB members (presumably the government's appointees) to the renewal applications of some convicted persons, they were approved by majority vote. It also approved the appointment of Jackie Chen to its disciplinary committee panel when she had a pending rioting charge.¹⁰⁵ RSWB, being a largely elected body and representing the predominately pro-democratic electorates, publicly rebutted the government minister, highlighting its substantive compliance with SWRO.¹⁰⁶

However, the minister readily submitted to the legislature a second bill, which proposed to drastically recast the statutory body's makeup and self-government.¹⁰⁷ First, it would expand RSWB's membership and appointment for "broader and more balanced participation."¹⁰⁸ The number of members would increase from 15 to 27, of which 17 (formerly six) would be nominated by the government, eight (unchanged) elected by RSWs, and two (formerly one) civil servants.¹⁰⁹ Consequently only 14 members on the board would themselves be RSWs. After deliberations by lawmakers who were concerned that the proposal was not aggressive enough, the bill was amended so that the chair and vice chair would also be appointed by the chief executive rather than by internal election.¹¹⁰ It also provides for an "oath-taking" requirement for RSWB members to uphold the Basic Law and pledge allegiance to the state, which was earlier imposed on civil servants.¹¹¹

10, <https://www.facebook.com/LabourAndWelfareBureau/posts/pfbid02x3FCJ4d2o1ftW94GBTU3rkooUsfeyyzLGXF9dG9rB5AwVgiapaiYFcXh99fwh9ml> (recounting the five derelictions by SWRB).

105. *Id.*

106. See Qingjiang Ni, 社工註冊局3800字反駁勞福局長五指控：紀律委員會無成員暴動罪成 [SWRB refute the secretary's five accusations with 3800 words: no member of disciplinary committee convicted of rioting], HK01 (May 11, 2024), https://www.hk01.com/article/1018521?utm_source=01articlecopy&utm_medium=referral.

107. LABOR AND WELFARE BUREAU, SOCIAL WORKERS REGISTRATION (AMENDMENT) BILL 2024 (May 14, 2024) [hereinafter SWRO AMENDMENT BILL], https://www.legco.gov.hk/yr2024/english/brief/lwbc45204186_20240514-e.pdf.

108. *Id.* at 3.

109. *Id.* at 4.

110. Social Workers Registration Ordinance, (2024) Cap. 505, Schedule 5 §2(2) (H.K.).

111. SWRO AMENDMENT BILL, *supra* note 108, at 7–8. See also Rhoda Kwan, *Hong Kong civil servants given four weeks to sign declaration of allegiance or face possible dismissal*, HONG KONG FREE PRESS (Jan. 16, 2021, 12:18 AM),

Second, the bill proposes to authorize RSWB to promptly deregister RSWs or refuse registration under two circumstances: (a) the Board has the discretion to delist either permanently or for a period up to five years those convicted of a crime punishable by imprisonment that would “bring the profession into disrepute”; and (b) it is required to delist permanently those convicted of offences under Schedule 2, unless all members resolve otherwise.¹¹² Only in the former situation can the RSW make a written representation for reconsideration. The government later agreed with some legislators that national security offences were of exceptional severity and further amended the bill to carve out a Schedule 3 that contains only “an offence endangering national security.”¹¹³ Those convicted of such crimes must be delisted without exception.¹¹⁴ Notably, some legislators suggested that RSWB should be authorized to take action against a RSW with only pending charges, but the government defended its proposed standard of conviction.

Third, and perhaps less reported on, the bill proposes adding to the “functions of the board” under section 7, “(fa) set continuing professional development requirements” for RSW.¹¹⁵ This proposal was made in response to the Board’s alleged halting of the Voluntary Continuing Professional Development Scheme for RSW.¹¹⁶ The government envisages the reconstituted Board would adopt a continuing professional development framework for the “long-term development” of the profession.¹¹⁷

Notwithstanding an unofficial poll where almost 90% of the 3,168 industry respondents said the amendment would complicate their work for the marginalized, the bill was passed by the legislature without controversy, even with the support of the lawmaker representing the social welfare sector.¹¹⁸ Shortly following the passage,

<https://hongkongfp.com/2021/01/16/hong-kong-civil-servants-given-four-weeks-to-sign-declaration-of-allegiance-or-face-possible-dismissal/> (the civil servants’ oath requirement).

112. SWRO AMENDMENT BILL, *supra* note 108, at 5–6.

113. Social Workers Registration Ordinance, (2024) Cap. 505, Schedule 3 (H.K.).

114. Social Workers Registration Ordinance, (2024) Cap. 505, § 17(4–5) (H.K.).

115. SWRO AMENDMENT BILL, *supra* note 108, at 7.

116. *See* Ni, *supra* note 107 (the former board responded that the allegation was pretextual and that it discontinued the scheme which is merely a website, as social workers can find information easily elsewhere these days).

117. SWRO AMENDMENT BILL, *supra* note 108, at 7.

118. Hillary Leung, *Almost 90% of social workers say helping marginalised groups to be made harder under gov’t-proposed overhaul*, HONG KONG FREE PRESS (June 28, 2024),

all but one of the elected members of RSWB resigned in opposition to the bill. As it came into effect, the state appointed a host of regime-friendly members, including several members of the “Connecting Hearts” alliance.¹¹⁹ The alliance is a pro-state social welfare platform to counterbalance the Hong Kong Council of Social Service and other social worker unions that earlier joined the call to protest the government’s extradition bill.¹²⁰ It also commissioned an academy for social workers’ continuous education, including on national affairs.¹²¹ The reconstituted Board quickly amended its binding Code of Practice to reflect national security concerns, including the new professional obligation to “safeguard the interests of national security” and having violations of NSL as grounds for disciplinary proceedings and deregistration.¹²² It also removed names from its disciplinary committee panel and delisted a handful of RSWs involved in the protests, including Chen, whose license was suspended for five years.

<https://hongkongfp.com/2024/06/28/almost-90-of-social-workers-say-helping-marginalised-groups-to-be-made-harder-under-govt-proposed-overhaul/>. Tik Chi-yuen, elected to represent the social welfare sector, is supposedly the “only non-establishment lawmaker.” Hillary Leung, *Who is Tik Chi-yuen? Meet Hong Kong’s only non-establishment lawmaker*, HONG KONG FREE PRESS (Dec. 26, 2021, 10:00 AM), <https://hongkongfp.com/2021/12/26/who-is-tik-chi-yuen-hong-kongs-sole-non-establishment-lawmaker-in-need-of-superhero-powers/>.

119. Kelly Ho, *Hong Kong gov’t appoints new chief of revamped social workers’ licensing body*, HONG KONG FREE PRESS (Jul. 5, 2024), <https://hongkongfp.com/2024/07/05/hong-kong-govt-appoints-new-chief-of-revamped-social-workers-licensing-body/>.

120. See *Starting a New Chapter in Hong Kong Social Welfare Summit cum Inaugural Ceremony of Hong Kong Social Welfare Sector Heart to Heart Joint Action held today*, H.K.S.A.R. GOVERNMENT (May 29, 2023), <https://www.info.gov.hk/gia/general/202305/29/P2023052900462.htm> (reporting the inauguration of Connecting Hearts that was supported by the chief executive and Beijing’s representative in Hong Kong).

121. *CE attends opening ceremony of Connecting Hearts Academy and symposium on improvement of livelihoods*, H.K.S.A.R. GOVERNMENT (Aug. 22, 2024), <https://www.ceo.gov.hk/en/multimedia-content.html?type=2024&date=20240822&id=1>.

122. See Hillary Leung, *Social workers were once among the most active in Hong Kong’s civil society. Now, few are speaking up*, HONG KONG FREE PRESS (Jul. 21, 2024), <https://hongkongfp.com/2024/07/21/once-one-of-hong-kongs-most-outspoken-sectors-few-social-workers-are-now-willing-to-express-opposition/> (discussing the chilling effect of these changes among social workers).

At least two social workers have been permanently deregistered due to convictions for national security offences.¹²³

C. *Contracts with the state*

An additional subjection of social workers lies in the unique characteristic of the social welfare sector, that they are in the employ of service units that receive taxpayers' money. This special form of coercion manifests in contract law that regulates service providers. Around a quarter of the Social Welfare Department's (SWD's) budget goes to subvented NGOs that deliver over 90% of social welfare services in the city.¹²⁴ The government therefore funds the vast majority of NGOs in social welfare under the reformed "Lump Sum Grant" system that has long troubled social workers with lower pay, less job security, and greater workload.¹²⁵ A contract, or the Funding and Service Agreement (FSA) formalizes the subvention relationship between SWD and grant-receiving NGOs.¹²⁶ The contract then becomes an administrative, legal lever that the state is pulling to keep social workers in check through their employers. In the 2025 version of the subvention manual governing FSAs, SWD made major amendments that subject subvented NGOs and their employees to new requirements.¹²⁷

Notably, under "Public Accountability and Complaint Handling," a new section titled "Safeguarding National Security" was added.¹²⁸ A reproduction of NSL, provision 8.3.1 provides the overarching duty of

123. Kelly Ho, *Hong Kong social worker Jackie Chen loses licence for 5 years over rioting conviction*, HOG KONG FREE PRESS (June 12, 2025, 7:30 AM), <https://hongkongfp.com/2025/06/12/hong-kong-social-worker-jackie-chen-loses-licence-for-5-years-over-rioting-conviction/>.

124. Lam & Blyth, *supra* note 54, at 51.

125. *Id.* at 54–53.

126. *Funding and Service Agreements*, SOCIAL WELFARE DEPARTMENT (last visited July 13, 2025), <https://www.swd.gov.hk/en/ngo/subventions/fundingand/fundingandsa/>.

127. See SOCIAL WELFARE DEPARTMENT, SOCIAL WELFARE SERVICES LUMP SUM GRANT SUBVENTION MANUAL (Oct. 2024, updated in May 2025) [hereinafter SUBVENTION MANUAL], [https://www.swd.gov.hk/storage/asset/section/585/en/\(Eng\)%20Updated%20in%20April%202025_Social%20Welfare%20Services%20Lump%20Sum%20Grant%20Subvention%20Manual%20\(October%202024\)%20\(Rev_%202025_05_23\).pdf](https://www.swd.gov.hk/storage/asset/section/585/en/(Eng)%20Updated%20in%20April%202025_Social%20Welfare%20Services%20Lump%20Sum%20Grant%20Subvention%20Manual%20(October%202024)%20(Rev_%202025_05_23).pdf).

128. *Id.* at 3.

NGOs to take “all possible measures” to safeguard national security.¹²⁹ Provision 8.3.2 imposes a positive obligation for NGOs to not only be conversant in and comply with national security laws in service operation and delivery but also put in place an “effective internal monitoring system” to make sure their service units and staff abide by those laws.¹³⁰ Provision 8.3.3 then introduces a kill switch, whereby SWD may immediately terminate funding under any of the three vaguely defined conditions.¹³¹ The first is when the NGO “has engaged or is engaging in” those activities that “are likely to constitute or cause the occurrence of offences endangering national security or which would otherwise be contrary to the interest of national security.” The second is vaguer, when the “continued engagement of the NGO or continued performance of the FSA is contrary to the interest of national security.” And the third condition introduces a catch-all: “SWD reasonably believes that any of the events mentioned above is *about to occur*.” A separate ground, it gives the department wide discretion, under a “reasonableness” standard, to suspend funding even before any discernible conduct. A quick search shows that the language of clause 8.3.3 is now present in many other contexts, including government procurement contracts, public land leases,¹³² and even a local university’s general procurement contract.¹³³ Perhaps the lattermost example can be explained by clause 8.3.4, which asks subvented NGOs to add like clauses in their own procurement

129. *Id.* at 64–65 (“All possible measures necessary for safeguarding national security should be taken to avoid any possible adverse consequences or implications on national security to the Government. NGOs operating services with Government subvention are required to observe all the requirements with regard to safeguarding national security.”).

130. *Id.* at 65 (“An effective internal monitoring mechanism should be put in place to monitor their subvented service units and ensure that their staff members must fully understand and comply with the NSL and [Article 23].”).

131. *Id.*

132. See Tim Hamlett, *When a contract in Hong Kong is no longer a contract*, HONG KONG FREE PRESS (Jun. 23, 2023), <https://hongkongfp.com/2023/06/23/when-a-contract-in-hong-kong-is-no-longer-a-contract/> (noting the ways national security finds its way into contracts). See also Tom Grundy, *All Hong Kong restaurant licences to have national security clauses by September – minister*, HONG KONG FREE PRESS (Apr. 9, 2026), <https://hongkongfp.com/2026/04/09/all-hong-kong-restaurant-licences-to-have-national-security-clauses-by-september-minister/> (even applicants for restaurant licenses are required to certify that they (or any “related persons”) would not endanger national security).

133. HKU, GENERAL CONDITIONS FOR THE PROVISION OF SERVICES 5 (Mar. 2024), https://www.feo.hku.hk/finance/suppliers/GCC_Services.pdf.

contracts, creating an all-inclusive security regime of contracts.¹³⁴ Notably, many service units are using public-owned venues and have rental agreements with government departments, especially in public housing estates where the neediest are housed, adding to their vulnerability to the state.

If this is all not enough, under “Exit,” the Department added clause 2.6.2 such that if there were any “special circumstances” that the government considered the subvented service was “no longer required or suitable,” it may terminate the subvention with a 30-day notice.¹³⁵ Without referencing national security, the provision further adds to SWD’s discretion in withholding monies. However, despite the sweeping and unprecise nature of these binding provisions, the standards of which are much looser than those enshrined in the security laws, they are largely unreviewable in a court. It essentially creates a penalty regime for those politically embedded entities whose conduct do not reach those security offences but nevertheless undesirable to the government, or perhaps what it calls “soft resistance.”¹³⁶ It also creates tensions and surveillance among social workers, their employers, and the serviced as any misconduct under those regulations by even one social worker may threaten the entire social welfare operation. The state consequently utilizes these non-statutory forms of administrative and economic levers to compel absolute loyalty from social workers.

D. *Theorizing the repression of professionals*

Based on these foregoing observations, there are clear logics to the state’s strategies of targeting the social work profession, which confirm and enrich the Special Rapporteur’s findings with respect to judges and lawyers.¹³⁷ In the case of social workers in Hong Kong, whose institutional independence and presence in mass protests

134. SUBVENTION MANUAL, *supra* note 128, at 65 (“Specific clauses to allow disqualification of tenderers and to terminate the contract in the interest of national security should be introduced in the contracts for procurement.”).

135. *Id.* at 11 (“In case there are any special circumstances that the Government considers the subvented welfare service provided by the NGO is no longer required or suitable, SWD reserves the right to terminate the subvention by giving 30 days’ notice in writing to the service operator.”).

136. See Tim Hamlett, *So soft resistance is not a legal concept? Why this is a worrying thought*, HONG KONG FREE PRESS (July 12, 2025, 8:00 AM), <https://hongkongfp.com/2025/07/12/so-soft-resistance-is-not-a-legal-concept-why-this-is-a-worrying-thought/> (discussing the regime’s “soft repression” against soft resistance through control over regulatory regimes like permits, licenses, and tax).

137. Satterthwaite et al., *supra* note 2.

threatened the state's authoritarian governance, its self-government was first *captured* through a statutory reconstitution. The institution was depoliticized and *curbed* by a reorientation to continuing professional development as well as by competing pro-state platforms and government "care teams" to carry out social-work-adjacent community work.¹³⁸ The legal system was also *instrumentalized* to criminally and professionally prosecute those social workers in dissent who defied the law.

But evidently, the state's strategy in this case is beyond these four tactics. I hereby enrich the typology with at least two more strategies that appear contradictory at first glance: *exceptionalizing* and *integrating*. The national security regime in Hong Kong, much like Singapore and emblematic of the dual state model coined by Ernst Fraenkel,¹³⁹ carved out a separate legal regime for security-related offences, with less defendant-friendly substantive laws, procedures, and actors. This coincides with the authoritarian state's exceptionalizing narrative that the national security regime was to be used in exceptional circumstances only.¹⁴⁰ The Hong Kong government often reiterates that its national security regimes will only impact "an extremely small minority of persons and organizations" endangering national security.¹⁴¹ Amendments to SWRO operationalized such exceptionality by codifying national security offences in a separate Schedule 3 that requires lifelong delisting. This exceptionality is also found in the prohibition of overseas counsel in national security proceedings. By rhetorically and legally exceptionalizing its draconian measures, the regime seeks to secure popular support for their purported necessity and efficacy.

Rather paradoxically, this exceptionalizing tactic is paired with (selective) integration. This can be viewed as a response to a spatial

138. *Overview of Care Teams*, Home Affairs Department (last visited July 13, 2025), https://www.had.gov.hk/en/public_services/district_services_community_care_teams/introduction.htm.

139. See Hualing Fu, *Duality and China's Struggle for Legal Autonomy*, 1 CHINA PERSPS. 3 (2019) (understanding Xi's China with Fraenkel's dual state model).

140. See Jothie Rajah, *Lawyers, Politics, and Publics: State Management of Lawyers and Legitimacy in Singapore*, in FATES OF POLITICAL LIBERALISM IN THE BRITISH POST-COLONIAL (Terence C. Halliday, Lucien Karpik & Malcolm M. Feeley eds., 2012) (describing Singapore's "rights-eroding legal exceptionalism").

141. *Safe and stable environment for good governance: Hong Kong National Security Law heralds fourth anniversary of implementation*, H.K.S.A.R. GOVERNMENT (June 30, 2024), <https://www.info.gov.hk/gia/general/202406/30/P2024062900699.htm>.

logic in the 2019 movement.¹⁴² The protests precipitated a drastic shortening of distance among networks of people and organizations, even those overseas. This tactic enabled an unprecedented boundary blurring between seemingly unconnected networks, including professional and civil society groups that had nothing to do with the extradition law, and mushrooming of the ecology of activism vis-à-vis the state.¹⁴³ The government's task is thus in integrating professions and the state, or by strengthening the profession's political embeddedness. The state thus becomes hyper-attentive to the interdependencies between itself and its professional targets and aims to pluralize the state through state-society economic relations. For a sector like social welfare, the vulnerabilities of the professionals are considerable, from the professional licensing regime to service contracts and even real property leases with the government and public bodies.¹⁴⁴ These integrating dynamics may even pit social workers against their employers and service users. The further requirement for the NGOs to add like clauses to their own procurement contracts exemplifies the integration of the state and non-state entities. Similarly, lawyers dependent on legal aid fees from the government are subject to greater scrutiny and administrative limitations.

Yet, this blurring does not apply to all boundaries, for the state is, to the contrary, interested in boundary maintenance, or enforcing the separations among professions and between them and civil society. Therefore, the state wields the professionalization and de-politicization rhetoric. A push for further professionalization means that professionals would gain more specialized expertise through continuous education and specialization, and the professional project would become more self-interested and apathetic.¹⁴⁵ In the Marxist analysis of professionalism, the "professional-managerial class" (like lawyers) solidifies rather than challenges the ruling class's domination

142. See Sida Liu & Terence C. Halliday, *The Ecology of Activism: Professional Mobilization as a Spatial Process*, 56 CANADIAN REV. SOCIO. 452, 453 (2019) (arguing for a spatial or "ecological" approach to studying professional mobilization).

143. See Yan-ho Lai, *A 'Leader-full' Movement Under Authoritarianism: Mobilization Networks in Hong Kong's Anti-Extradition Movement*, in *AUTHORITARIANISM AND CIVIL SOCIETY IN ASIA* (Anthony J. Spires and Akihiro Ogawa eds., 2022) (discussing the leaderless but also "leader-full" protests of 2019 where ordinary people from different sectors of society mobilized their networks).

144. See *supra* Part II.

145. Sin, *supra* note 51, at 488–89.

of the working class.¹⁴⁶ This was more applicable to social workers than lawyers who were already highly trained and professionalized.¹⁴⁷ In amending SWRO, the government construed a dichotomy between politicization and professionalization and vowed to make social workers “professionals” again.¹⁴⁸

The integrating strategy also provides an explanation as to why the legal industry has experienced far fewer interventions than the social work profession. Under the overriding neoliberalism in Hong Kong, lawyers are one of the most lucrative and revered professions and most critical professional services to support its international financial center.¹⁴⁹ The predominantly privatized legal market, save for legal aid, means that the interdependencies between the state and the legal sector are less direct. Rather, their interdependencies arguably come from their shared interests in promoting Hong Kong as a destination for investments and international transactions post-NSL.¹⁵⁰ In comparison, the social work profession is directly interlocked with the state through social security and thus coerced on multiple levels. Their close interface with low-income residents calls for even stricter scrutiny as the state continues to pursue popular and grassroots approval.¹⁵¹

146. See RICHARD L. ABEL, *THE LEGAL PROFESSION IN ENGLAND AND WALES* 21–25 (1988) (discussing the guild-like features of the legal profession); see also Barbara Ehrenreich & John Ehrenreich, *The Professional-Managerial Class*, 11 *RADICAL AMERICA* 7, 11 (1977) (arguing that the professional-managerial class exists in an “objectively antagonistic relationship to [the working class]”).

147. It then remains a puzzle then why the highly trained legal profession remained a driving force in Hong Kong’s social movements. See Halliday & Karpik, *supra* note 65 (positing the unique function of the legal complex).

148. See, e.g., 文匯社評 | 引領社工回歸初心與專業 [Opinion: Lead social workers back to their profession], HONG KONG TA KUNG WEN WEI (July 4, 2024, 7:39 AM), <https://www.tkw.com.hk/a/202407/04/AP6685e12fe4b05198068a2a5a.html> (pro-state media commenting on the SWRO amendment bill).

149. Henry Cheung, *Legal Services Industry in Hong Kong*, HKTDC RESEARCH (Apr. 29, 2025), <https://research.hktdc.com/en/article/MzEzODc5NTk5>.

150. *Id.*; see also Elaine Yu & Rebecca Feng, *Now Lawyers Are Suffering From China’s Deal Slump*, WALL STREET JOURNAL (Mar. 13, 2024, 7:41 AM), https://www.wsj.com/business/now-lawyers-are-suffering-from-chinas-deal-slump-9c2b572d?reflink=desktopwebshare_permalink (detailing the slowing business of lawyers under China’s economic downturn).

151. See John D. Wong, *Constructing the Legitimacy of Governance in Hong Kong: “Prosperity and Stability” Meets “Democracy and Freedom”*, 81 *J. ASIAN STUD.* 43, 56–59 (2022) (highlighting the need to address severe socio-economic inequality for governance legitimacy).

IV. PART III: PERSEVERING UNDER REPRESSION

The foregoing discussion of the state's pervasive coercion prompts the question: have Hong Kong's social workers come around to become supporters of the state? Are these tactics well calibrated enough to give the state legitimacy? If not, how is it possible to resist under such repression? In Singapore's case, Cherian George argues that because of the People's Action Party's (PAP's) well-calibrated coercion, Singaporeans consented to the state's brutality.¹⁵² This is not unlike the Chinese public's supposed "grand bargain" with the Chinese Communist Party, impliedly trading their civil and political rights for social and economic development.¹⁵³ According to Jothie Rajah, one important aspect to Singapore's successful authoritarian rule of law was the state narrative of national exceptionalism grounded in its unique history.¹⁵⁴ The omnipresent state acted preemptively and coercively against political dissidents and their organizations including lawyers and labor organizers, which amounted to a form of "neo-colonialism."¹⁵⁵ Without doubt, the miraculous economic growth of Singapore, with the world's second highest GDP per capita, and broad provision of public goods fueled PAP's performance-based legitimacy and paternalism in managing state-society relations.

Even in the extreme case of Singapore, which virtually has no protest culture, mobilization has persisted in various forms, which in turn impacted the state's calculus in calibrating the coercion. One example is the advocacy for LGBTQ rights in Singapore, which made advancements such as the decriminalization of same-sex relations.¹⁵⁶ Indeed, from James Scott to Ranajit Guha, many have debated whether

152. Cherian George, *FREEDOM FROM THE PRESS: JOURNALISM AND STATE POWER IN SINGAPORE* 93–116 (2012).

153. See, e.g., Eryk Bagshaw, *Xi Jinping has betrayed China's grand bargain*, THE SYDNEY MORNING HERALD (Nov. 30, 2022), <https://www.smh.com.au/world/asia/xi-jinping-has-betrayed-china-s-grand-bargain-20221130-p5c2hp.html> (challenging the grand bargain under China's draconian zero-COVID policy).

154. Jothie Rajah, *Authoritarian rule of law deploys political gaslighting*, in ROUTLEDGE HANDBOOK OF THE RULE OF LAW 319 (Michael Sevel ed., 2024).

155. RAJAH, *supra* note 14, at 202.

156. Lynette Chua, *MOBILIZING GAY SINGAPORE: RIGHTS AND RESISTANCE IN AN AUTHORITARIAN STATE* 1–25 (2014). It is however notable that the decriminalization of same-sex relations was traded for with the constitutional amendment that enshrined marriages as only heterosexual unions. Chen Lin, *Singapore repeals gay sex ban but limits prospect of legalising same-sex marriage*, REUTERS (Nov. 29, 2022, 6:13 AM), <https://www.reuters.com/world/asia-pacific/singapore-repeals-gay-sex-ban-limits-prospect-legalising-same-sex-marriage-2022-11-29/>.

a hegemony can truly control both behavior and consciousness of the subjects, notwithstanding the critique of the sharp division between persuasion and coercion.¹⁵⁷ According to Lynette Chua, Singaporean queer activists made rights-based claims couched in the state's language of social harmony. Despite the legal hegemony discourse, she makes a strong case to continue studying legal mobilization under authoritarianism, which elucidates the "plural and paradoxical relationships between legal power and agency."¹⁵⁸ Therefore, the missing piece here is the continued interactions and contentions between the social work profession and the Hong Kong government, highlighting the contingent nature of its coercion scheme.

The Hong Kong state, in comparison with Singapore, has enjoyed no similar legitimacy from its colonial past. The legacy inherited from the British was one of rule of law without democracy, marked with the political freedoms enshrined in the Bill of Rights.¹⁵⁹ In the absence of a true decolonial campaign, the Hong Kong masses have arguably associated the city's economic success with British traditions, and its diminishing autonomy with Beijing's autocratic overreach.¹⁶⁰ The current economic downturn in Hong Kong and China further undermined the state's legitimacy. Against this background, this Part scrutinizes the ways in which social workers have responded to the above-mentioned social control and analyzes the agency and persistent resistance within their profession vis-à-vis the precarious position of the state. It argues that despite the widespread self-censorship among professionals, they remain competitors to the state's legitimacy and obstacles to its absolute and full control over society.

A. *Self-censorship*

Under NSL and the new SWRO, the practice of social work has inevitably changed. Despite the overwhelming objection to the SWRO amendment from social workers and elected ex-SWRB members, the government made no concessions. Formerly a bulwark for the pro-democratic camp and active alliance member of social movements, the profession retreated from political activism and direct criticism of Beijing and the local government. Social workers are now pressured by

157. Sally E. Merry, COLONIZING HAWAII: THE CULTURAL POWER OF LAW 14 (2000).

158. Lynette Chua, *Legal Mobilization and Authoritarianism*, 15 ANN. REV. L. & SCI. 355, 356–57 (2019).

159. Ho-fung Hung, CITY ON THE EDGE 105–21 (2022).

160. *Id.* at 172–97.

a multi-layered coercion scheme to conform with the state's hegemony, from their professional registration to place of employment and livelihood. One in five government social workers said they may quit within five years, citing low morale.¹⁶¹ Self-censorship has therefore been widely reported among social workers, especially as regards expressing political views in the course of service delivery, for the recipients may make complaints if they disagreed with those views.¹⁶² Others, through welfare platforms like Connecting Hearts, cooperated with the state to advance its vision of nationalism and security, for instance, by supporting regional integration with the mainland and cross-border welfares. Some opined that the work of social workers was becoming an extension of the state for “maintaining stability,” a policy of enforced harmony deployed in the mainland.¹⁶³

Notwithstanding the prevalent self-censorship, some social workers remain dedicated to the pursuit of social justice and distributive justice, notions that the state has no interpretive monopoly over. And in fact, staying quiet on politics can coexist with pursuing social justice. As these professionals retreat from the general political arena, they engage more in interventions and service delivery at the grassroots levels, which some call “deep plowing.”¹⁶⁴ Like the agrarian practice of plowing deep soil and restoring fertility, social workers channel their energy into micro-level casework and community work to empower the disenfranchised and enable them to have a sense of control over their immediate environment. They hope to reverse the economic and political disempowerment effected by extreme capitalism and the authoritarian state. Further, this form of intimate community work restores trust and resilience within communities, which would become important resources once the right political opportunities arose.¹⁶⁵

161. Hillary Leung, *1 in 5 gov't social workers say they may quit within 5 years amid work challenges and management issues, survey finds*, HONG KONG FREE PRESS (Feb. 3, 2025, 12:53 PM), <https://hongkongfp.com/2025/02/03/1-in-5-govt-social-workers-say-they-may-quit-within-5-years-amid-work-challenges-and-management-issues-survey-finds/>.

162. Leung, *Almost 90% of social workers say helping marginalised groups to be made harder*, *supra* note 119.

163. Yumeng Li, 香港修訂《社工註冊條例》後 社工面對的審查會越來越多嗎? [More censorship faced by social workers after SWRO amendment?], BBC CHINESE NEWS (Sept. 24, 2024), <https://www.bbc.com/zhongwen/trad/chinese-news-69364834>.

164. Tsz Chung Ngai, *Understanding social justice in a changing sociopolitical context: The perspective of social workers in Hong Kong*, 23 QUALITATIVE SOC. WORK 482, 491 (2024).

165. *Id.*

B. Professionalized policy debates

While social workers self-censor and avoid commenting on politics, the debates in the public domain on social welfare policy have not disappeared, as the wealth gap deepens in the city. Despite the shrinking civil space, policy advocacy groups that survived the purge of political organizations continue taking part in formal and informal consultations with the state.¹⁶⁶ This paradox is more pronounced when considering the small number of permitted, albeit surveilled, marches post-NSL, most of which concerned discrete social policies, such as housing and environmental issues.¹⁶⁷ However, other marches on labor and women's rights were denied permits for fear of being "hijacked" by people with "ulterior motives."¹⁶⁸ Indeed, in housing policy, especially the crisis of pricey subdivided units with subpar conditions that house some 110,000 households in Hong Kong, the state has arguably given it more attention than it ever had prior to NSL.¹⁶⁹ In addition to the rent control law for subdivided units in 2022, the Chief Executive John Lee's 2024 policy address, aside from supplying more public housing and other transitional housing, proposed another legislative solution for regulating "substandard sub-divided units."¹⁷⁰ He has since legislated with the Basic Housing Units Bill to standardize the lease and conditions of those units and penalize noncompliant landlords.¹⁷¹ (Arguably) no longer hiding behind the free market

166. Olivia Chow, Thomas E. Kellogg & Eric Yan-ho Lai, *Anatomy of a crackdown: The Hong Kong National Security Law and restrictions on civil society* 15–25, 49–53 (Mar. 2024), https://www.law.georgetown.edu/law-asia/wp-content/uploads/sites/31/2024/03/24_ASIAN_LAW_NGO_REPORT_FINAL.pdf.

167. See, e.g., Peter Lee, *Kai Tak residents rally against Hong Kong temporary public housing project*, HONG KONG FREE PRESS (Feb. 7, 2023), <https://hongkongfp.com/2023/02/07/kai-tak-residents-rally-against-hong-kong-temporary-public-housing-project/> (protest against a proposed short-term public housing project in their locality).

168. Hillary Leung, *Pro-Beijing labour union calls off Labour Day march as Hong Kong police yet to issue approval*, HONG KONG FREE PRESS (Apr. 17, 2023), <https://hongkongfp.com/2023/04/17/pro-beijing-labour-union-calls-off-labour-day-march-as-hong-kong-police-yet-to-issue-approval/>.

169. *Devise a System on the Renting of Subdivided Units in Residential Buildings to Tackle the Issue*, THE CHIEF EXECUTIVE'S 2024 POLICY ADDRESS (Oct. 2024), <https://www.policyaddress.gov.hk/2024/en/p161.html>.

170. *Id.*

171. *Basic Housing Units Bill gazetted*, H.K.S.A.R. GOVERNMENT (June 20, 2025), <https://www.info.gov.hk/gia/general/202506/20/P2025062000014.htm>. For a summary of the legislative scheme, see *Basic Housing Units Ordinance to come into effect on*

principle, the government set some standard conditions for such “basic housing units” in terms of space, ventilation, and structural safety. Aside from the basic requirements, landlords are required to have a formal registration of their units before renting them out.

This new impetus for improving housing conditions coincided with the state’s rhetoric in justifying NSL: Hong Kong was long embroiled in harmful political infighting which the law put a stop to, and it created the harmonious environment needed for a better governance focused on people’s livelihoods. Relatedly, the renewed political will also tracked orders direct from Beijing. Baolong Xia, head of the State Council’s Hong Kong and Macau affairs office, instructed the Hong Kong authorities in 2021 to take care of deep-rooted problems, one of which was housing, and he declared the goal of eradicating subdivided units and cage homes by 2049.¹⁷² This narrative provided the nexus between the state’s social policymaking and its legitimacy to rule, specifically the mandate to enforce NSL.

The consultation for the proposal included long-standing community organizations and social workers who served those housed in subdivided units and documented their needs. The “Hong Kong Subdivided Flats Concerning Platform” convened by Kin-kwok Lai, a social worker, is a case in point.¹⁷³ Alongside other similar networks, it continued to advise the legislature and government on the policy governing subdivided housing units to reflect their professional assessment and grassroots concerns.¹⁷⁴ It also protested the new proposal for a criminal regime regulating landlords offering

March 1, 2026, H.K.S.A.R. GOVERNMENT (Oct. 3, 2025), <https://www.info.gov.hk/gia/general/202510/03/P2025100200765.htm>.

172. James Lee, *HK Policy Address 2024: Hong Kong to phase out subdivided units under 8 sq. metres, but ‘coffin homes’ to stay*, HONG KONG FREE PRESS (Oct. 16, 2024), <https://hongkongfp.com/2024/10/16/hk-policy-address-2024-hong-kong-to-phase-out-subdivided-units-under-8-sq-metres-but-coffin-homes-to-stay/>.

173. 關注劏房平台骨幹 開地產舖覓良心租盤 社工搞劏房的掙扎 [*Social workers’ struggles in addressing the crisis of sub-divided units*], THE COLLECTIVE (Apr. 24, 2023), <https://thecollectivehk.com/%E7%A4%BE%E6%9C%83%E5%9C%B0%E7%94%A2%E5%BD%9C%E9%97%9C%E6%B3%A8%E5%8A%8F%E6%88%BF%E5%B9%B3%E5%8F%B0%E9%AA%A8%E5%B9%B9%E3%80%80%E9%96%8B%E5%9C%B0%E7%94%A2%E8%88%96%E8%A6%93%E8%89%AF%E5%BF%83%E7%A7%9F/>.

174. HONG KONG SUBDIVIDED FLATS CONCERNING PLATFORM, 改善基層住戶居住環境意見書 [SUBMISSION ON IMPROVING LIVING CONDITIONS OF GRASSROOTS RESIDENTS] (2022), https://www.legco.gov.hk/yr2022/chinese/panels/hg/hg_ilc/papers/hg_ilccb1-382-4-c.pdf.

substandard housing, citing tenants' fears that landlords would preemptively evict them and petitioning the government to rehouse those who would be impacted.¹⁷⁵ While the final bill did not provide for rehousing those impacted renters in public estates, it included a rather long three-year grace period for landlords to make the necessary alterations for compliance.¹⁷⁶ The government also tasked social workers with helping people relocate if their units cannot meet the new requirements.¹⁷⁷

As shown by the housing example, social workers committed to practically checking the state's power continue to contest meanings of social security and human dignity in the policy realm.¹⁷⁸ Allied with other professionals like policy researchers and academics, they communicated their demands with a sense of authority rooted in front-line service experience and research data, such as surveys on the disproportionate impact of COVID-19 on residents of subdivided housing, which contributed to the eventual legislative proposal.¹⁷⁹ They are also change-makers on the local level, helping low-income renters search for housing. In a sense, these social workers in resistance are like the queer Singaporean activists who appropriated official language to advance their inclusion agenda.¹⁸⁰ In tandem with the state, they advocated for the "improvement of living conditions of the grass-roots tenants," positioning themselves as specialists and well-intentioned

175. James Lee, *Kwai Chung subdivided unit tenants urge resettlement plans, rent caps after Hong Kong announces phase-out plan*, HONG KONG FREE PRESS (Oct. 21, 2024), <https://hongkongfp.com/2024/10/21/kwai-chung-subdivided-unit-tenants-urge-resettlement-plans-rent-caps-after-hong-kong-announces-phase-out-plan/>.

176. *Hong Kong government introduces "Basic Housing Unit" legislation for registration and certification from 1st March, 2026*, DIMSUM DAILY (June 19, 2025, 4:10 PM), <https://www.dimsumdaily.hk/hong-kong-government-introduces-basic-housing-unit-legislation-for-registration-and-certification-from-1st-march-2026/>.

177. *Id.*

178. A further example lies in the role of social workers in helping the government to deal with the aftermath of the tragic Wang Fuk Court fire that caused 168 lives to perish in November 2025. The SWD initiated a "one social worker per household" policy to assist affected residents holistically, including helping them with seeking rehousing. Emily Hung, *Social workers struggle with stress, 'indefinite' duties 2 months after deadly fire*, SOUTH CHINA MORNING POST (Feb. 12, 2026), <https://www.scmp.com/news/hong-kong/society/article/3343232/social-workers-struggle-stress-indefinite-duties-2-months-after-deadly-fire>.

179. HONG KONG SUBDIVIDED FLATS CONCERNING PLATFORM, *supra* note 175, at 8–12.

180. Chua, *supra* note 159, at 160–63.

consultants to the state.¹⁸¹ Their voice was further amplified by their *expertise*, found not simply in their professional registration, but in the professionalization after years of research, networking-building and deep-plowing. Such expertise, notably, cannot be easily replaced, despite the government's efforts in nurturing allies in the profession and quasi-professional care teams.¹⁸² Their rhetoric also relied upon the fine, or perhaps false, line between policy and politics.

C. *A precarious authoritarian legality*

Weitseng Chen and Hualing Fu's contribution highlights that the survival of authoritarian legality is that the law and institutional frameworks have to be "self-enforcing so that the majority of citizens feel better off with rather than without it."¹⁸³ This elucidates Hong Kong's *precarious* authoritarian legality.¹⁸⁴ While the city shifts from rule of law to rule by law, or one form of authoritarian legality to another, it is unclear if it can reach an "institutional equilibrium" that ensures the stability of such legality model.¹⁸⁵ Rather, as shown by Chen and Fu as well as the example of the heavily regulated social work sector, authoritarians and reformists appear to find themselves in a contingent,

181. *Subcommittee on Issues Relating to the Improvement of Living Conditions of the Grass-roots Tenants*, HONG KONG LEGISLATIVE COUNCIL (last visited Dec. 20, 2024), https://www.legco.gov.hk/en/legco-business/committees/panel-subcommittee.html?hg_ilc&2022#meetings.

182. I personally participated in hidden elderly (elderly in need, often living under poor conditions, but remain hidden to the community support network) outreach with the Society for Community Organization (SOCO), a non-profit founded in 1971 that operates in Sham Shui Po, one of the poorest districts. I noticed how the *expertise* in such social work is highly contextual and dependent on one's strong community ties, deep local knowledge, and persistence (or perhaps deep-plowing), which is very hard to replace. *Homepage of SOCO*, <https://soco.org.hk/en/> (last visited July 13, 2025). Government-run care teams have been criticized for being merely photo-ops. Kahon Chan, *Hong Kong minister backs city's care teams despite critical viral video*, SOUTH CHINA MORNING POST (Jan. 10, 2025), <https://www.scmp.com/news/hong-kong/society/article/3294296/hong-kong-minister-backs-citys-care-teams-despite-critical-viral-video>.

183. Chen & Fu, *AUTHORITARIAN LEGALITY*, *supra* note 5, at 3.

184. Hong Kong's (and perhaps China's) dual state is decidedly different from Nazi Germany's where the normative state was eventually engulfed by the *Behemoth* prerogative state. *See generally* FRANZ LEOPOLD NEUMANN, *BEHEMOTH: THE STRUCTURE AND PRACTICE OF NATIONAL SOCIALISM* (1942) (positing the dual state analytical framework for Nazi Germany); Fu, *supra* note 140. Hong Kong's legality remains contested under this perennial tension between the normative and prerogative states.

185. Chen & Fu, *AUTHORITARIAN LEGALITY*, *supra* note 5, at 13.

“new arena for contention” using renewed vocabularies.¹⁸⁶ What is clear is that while the immediate impact of NSL was felt across sectors, the state’s control over society has by no means been absolute. Under new laws and new narratives, ideological meanings such as security and justice are contested in- and outside of professional practice. Some professionals, despite their multilayered vulnerabilities and Foucauldian self-policing, are exercising their agency to meaningfully check state power and legitimacy.

Some professionals accepted the government’s dual state that partitioned out security-related matters, and they exploited it. Their resistance artfully respected that delicate boundary and shied away from the security sphere by adopting state language. A clear example was the housing crisis which the government diagnosed as a driver of youth frustration and public anger causing the protests. By relying on the state’s broad mandate to resolve the social problem, social workers operated in relatively safe non-security terrain to challenge new government policies. Their expertise on the issue supported by prolonged service at the grassroots level strengthened its position of authority vis-à-vis the government, even undercutting the state’s legitimacy in the siloed social welfare area. Further, professionals have attempted to cabin the security regime by casting challenges in professional, technical terms. The legal struggle for LGBTQ rights is another prime example. While conservatives branded it “bad Western influence” and even threats to national security, the petitioners simply focused on the constitutional right to non-discrimination to which the court agreed.¹⁸⁷ The Hong Kong government eventually did not seek Beijing interference over the latest wins for LGBTQ rights and conceded that these legal disputes should be “resolved locally.”¹⁸⁸ This local resolution still ended badly for sexual minorities, as the conservative LegCo vetoed the government’s bill for some very limited

186. *Id.*

187. Hillary Leung, *Legal disputes to be ‘resolved locally,’ gov’t says after Beijing intervention urged on LGBTQ court rulings*, HONG KONG FREE PRESS (Dec. 10, 2024), <https://hongkongfp.com/2024/12/10/hong-kong-did-not-seek-beijings-intervention-on-top-courts-lgbtq-ruling-justice-dept-says/>.

188. *Id.* In response to the court’s decision, the government recently proposed a same-sex union framework. But some conservative lawmakers called for Beijing’s intervention in defense of “fundamental familial values.” Hans Tse, *Hong Kong lawmakers oppose gov’t proposal to recognise limited rights to same-sex partnerships*, HONG KONG FREE PRESS (July 4, 2025, 2:15 PM), <https://hongkongfp.com/2025/07/04/hong-kong-lawmakers-oppose-govt-proposal-to-recognise-limited-rights-to-same-sex-partnerships/>.

rights for same-sex couples.¹⁸⁹ The necessities for these political actors to embrace state narratives and serve as technocratic consultants highlighted the agenda-setting dominion of the state. And however clever the professionals' efforts to cabin the security regime, their individual space for political activity necessarily narrowed through increasing professionalization, which in turn weakened their capacity to mobilize on more general issues.¹⁹⁰

V. CONCLUSION

Many parts of the world today are undergoing autocratic transformations that take the form of ostensibly legal and incremental changes. For regime survival, the state finds and pulls all available levers to control its citizenry and suppress dissent. Professionals, whose respectability may facilitate social movements on one hand, may on the other hand become vulnerable to the state's revoking of their privileges as well as become complicit in the state's repression. Still, the authoritarian state's power is not without limit, and in most cases relies upon its performance and popular support for legitimacy. Thus, professionals living under authoritarianism must adapt and resist these changes in staying true to their profession. I have shown as a case study, how the social workers of Hong Kong today have been subdued under an authoritarian legality, and how they have remained resilient and committed to serving the underprivileged. Social workers and other professionals are exercising their agency to poke at the supposedly secure veil of Hong Kong's authoritarian legality and advance their agenda.

189. Tessa Wong, *Hong Kong lawmakers say no to more rights for same-sex couples*, BBC NEWS (Sept. 10, 2025), <https://www.bbc.com/news/articles/c5yqeggvwgpo>.

190. See Ma & Cheng, *supra* note 11, at 650 ("However, as this influence depends on their professional authority and status, the ethos of impartiality, non-partisanship, objectivity and adoption of a 'scientific' approach can constrain their participation in social movements.").