

MASTER'S THESIS

Legal Production of Land (In)justice in Hong Kong

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Abstract

This thesis probes the land (in)justice in Hong Kong by presenting an archival research which contributes to the inter-disciplinary scholarship of legal geography. It conceptualises the leasehold land system as the legal mechanism in the land (re)development regime and politicises the understanding of land (in)justice by explaining how it is produced and reproduced by the legal mechanism. Drawing on critical realism, Dikeç's spatial dialectics of injustice, Lefebvre's concrete abstraction and several concepts in legal geography, this thesis proposes "spatio-legal dialectics of land (in)justice" as the theoretical framework. Reconstructing the historical geography of this former British colony, through the lens of scalar politics, demonstrates that the legal system and land development have been inextricably intertwined in Hong Kong. Through the legal technicalities of land leases, the Colonial Government transformed the territory of Hong Kong into an exploitable land property, and thus secured the absolute control of land and the effective governance of the society. The expiry problem of the land lease placed the future of Hong Kong as a diplomatic question between China and Britain. The "Tin Shui Wai Myth", situated in the 1980s, reflected the frictions between the two countries. The "Myth" is not only related to the production of the spatiality of injustice as a new town but also associated with the production of the injustice of spatiality because of some legal changes. These legal changes, related to land lease and urban infrastructure, evolved after the Sino-British Negotiation and led the land (re)development regime to be more hegemonic. Understanding Hong Kong as a property jurisdiction, the current problematic of land injustice, under the new constitutional order of the Chinese sovereignty, is elaborated by the thesis of complete exploitation with the concept of urban land nexus. This thesis empirically interprets the mutual constitution of law and urban development, and conceptually engages in the academic debates about (in)justice, law and urban spatiality.

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