SPECIAL TOPIC: FORCED EVICTIONS IN BEIJING MUNICIPALITY

Authorities Carry Out Mass Evictions Following Deadly Fire

In November 2017, authorities in Beijing municipality responded to a fire in a migrant neighborhood with a campaign of forced evictions. On November 18, 2017, a fire broke out in an apartment building in Xinjian No. 2 village, Xihongmen township, Daxing district, Beijing, killing 19 people. Of the 19 victims, 17 were migrants, meaning they were registered in localities outside of Beijing under the Chinese government’s household registration (hukou) system. On November 20, the Beijing government officially launched a 40-day campaign of “major inspections, major sweeps, and major rectifications,” which resulted in large-scale forced evictions and demolitions in migrant neighborhoods across Beijing. Videos posted online showed blocks of demolished buildings as well as police kicking in doors, smashing store windows, and destroying evictees’ belongings. Affected residents reported being forced to leave their homes within three days, with some given a few hours’ notice or less. Authorities reportedly cut water and electricity to force residents out of their homes, actions in contravention of the PRC Administrative Enforcement Law, which requires authorities carrying out evictions to provide time for residents to apply for legal redress, and forbids authorities from cutting access to utilities. Although the Commission did not observe official reports on the number of people evicted during the campaign, international media estimated that the evictions affected tens of thousands, most of whom were migrants from outside Beijing. In addition, according to government statistics, there were 132,000 fewer migrants in Beijing at the end of 2017 compared to 2016.

Reports of migrant evictions continued to emerge from Beijing and other localities after November 2017. Radio Free Asia (RFA) reported another deadly fire in the Chaoyang district of Beijing on December 13, which was followed by additional forced evictions. In late December, officials in Yanjiao township, Sanhe city, Langfang municipality, Hebei province, which neighbors Beijing, evicted residents from several apartment buildings housing migrants, with police reportedly injuring some residents in the process. On January 1, 2018, RFA reported that authorities in Beijing and Hebei continued to conduct forced evictions. On January 24, Beijing municipal officials announced plans to demolish an additional 40 square kilometers of “illegal structures” in 2018. In the summer of 2018, Beijing authorities reportedly closed or demolished garment factories and wholesale markets where many migrants worked.

Migrants, Locals, and the Public Respond

Some migrants and locals attempted to confront local officials over the evictions. In one protest in Feijia village in Chaoyang district, a large group gathered outside a government office chanting: “Violent evictions violate human rights.” In addition, RFA reported that over 100 Beijing hukou-holding residents of Xinjian village blocked a road to protest the eviction campaign, which they asserted had left them homeless.
Non-governmental organizations (NGOs), companies, and individuals offered assistance to displaced migrants. For example, one report posted to social media described a local group of cycling enthusiasts who, after helping one of their evicted members move, posted a message on social media offering to help others. One group member described being inundated with phone calls, both from evictees requesting help and individuals offering assistance. He noted that he also received calls from across China thanking him for helping evicted migrants.

Internet users engaged in online debates and criticized the eviction campaign on Chinese social media. According to Chinese and international media, internet users widely shared images and videos of the migrant worker evictions on Chinese social media. Internet users reportedly criticized the evictions and the harsh tactics government officials employed, and social media users shared personal stories as well as social and legal analyses. Internet users also criticized as derogatory the use of the term “low-end population” (diduan renkou) in local government documents to describe the migrants. Groups of scholars, lawyers, and others organized and circulated online several open letters criticizing the evictions.

Party and Government Response Features Censorship and Repression

On November 27, 2017, Beijing Communist Party Secretary Cai Qi convened a meeting of district-level committee secretaries to discuss public safety concerns in Beijing, stating that local governments should “pay attention to means and methods” while carrying out the eviction campaign and avoid “simplification” and “impatience.” On December 12, Cai met with a group of service workers, noting that many migrants worked in service industries and had made contributions to Beijing’s development.

Beyond its public statements, the government also responded by restricting domestic reporting on the evictions and censoring online discussion. China Digital Times published a leaked censorship directive instructing Web portals and news media not to repost articles or independently report on the evictions. The microblog site Weibo blocked searches for “low-end population,” and the social media platform WeChat deleted posts using the term. Authorities also censored open letters and other articles posted online discussing the evictions, as well as some of the messages civil society groups posted offering assistance to evicted migrants.

Authorities detained an artist for sharing videos of the evictions and also detained six others, reportedly for helping the artist flee. The Beijing-based artist Hua Yong filmed demolished neighborhoods, his interviews with evictees and local Beijing hukou holders’ disputes with local officials, posting the footage to social media. After local officials attempted to stop Hua from filming a meeting, residents helped Hua flee the area. On or around December 10, authorities detained at least six residents who had helped Hua leave, and on December 15, authorities detained Hua in Tianjin municipality. Authorities reportedly released all seven on bail and forced Hua to leave Beijing and return to his hometown in another province. Authorities reportedly detained Hua again in July 2018 in connection with the arbitrary detention of a
woman who protested against President and Party General Secretary Xi Jinping.49

Context: The Hukou System and Urbanization Policies

The *hukou* system, established in 1958, classified Chinese citizens as being urban or rural and effectively tied them to a locality.51 According to the National Bureau of Statistics of China, in 2017, 291 million people in China did not live in their *hukou* location.52 Yet the provision of certain government services, such as education, remains tied to one's *hukou* location, which is, in general, inherited from one's parents.53 In 2014, the government began to reform the *hukou* system to gradually eliminate the urban-rural distinction and allow some migrants to obtain *hukou* in smaller cities.54 Chinese sociologist Sun Liping 55 has noted, however, that due to uneven development across different regions in China, "resources and opportunities are mainly concentrated in a few large cities."56

The Chinese government continues to use the *hukou* system to restrict internal migration,57 and obtaining *hukou* in large cities such as Beijing remains difficult.58 In April 2018, the Beijing municipal government issued rules governing applications for Beijing *hukou* that awards points to applicants based on criteria such as education level and home ownership.59 In order to apply, residents must have contributed to social insurance in Beijing for seven consecutive years.60 Thus, migrants working in industries that often fail to provide social insurance in accordance with the PRC Social Insurance Law,61 like construction62 and courier services,63 will be ineligible to apply for a Beijing *hukou*.64 [For more information on social insurance, see Section II—Worker Rights.]

Some observers viewed the eviction campaign that began in November 2017 as part of the Beijing government's long-term plan to limit the population of Beijing.65 In September 2017, central authorities approved Beijing municipal authorities' Beijing General City Plan (2016–2035),66 which sets a cap for Beijing's population at 23 million by 2020.67 Chinese media noted that the fire seemed to have accelerated existing demolition plans.68 In the months leading up to the fire, Beijing authorities had reportedly demolished schools for migrant children69 and markets and shops where many migrants worked.70 Although the Beijing government issued a draft opinion in May 2018 calling for the expansion of dormitories for migrant workers, the draft opinion specifies that the addition of these rental units must conform to the general city plan.71

Beijing is not the only large city in China to set population limits, despite reports of worker shortages in major cities in some sectors.72 For example, in December 2017, central authorities approved a plan from Shanghai municipality to cap that city's population at approximately 25 million by 2035.73 In January 2018, officials at a State Council Standing Committee meeting discussed encouraging migrant workers to return to the countryside to start businesses as part of the government’s development strategy for rural areas.74 According to government statistics, the populations of both Beijing and Shanghai declined in 2017,75 with one expert attributing the decline in part to efforts in both cities to evict migrants.76
Special Topic: Forced Evictions in Beijing Municipality

Chinese authorities have a history of carrying out forced evictions in the name of urban development. International rights organizations documented widespread forced evictions prior to the 2008 Beijing Olympics and Expo 2010 in Shanghai municipality. In 2014, the UN Committee on Economic, Social and Cultural Rights urged China “to ensure that any relocation necessary for city renewal is carried out after prior consultation with the affected individuals . . .”.

International Human Rights Standards and Domestic Law

Actions taken by Chinese government officials enforcing the eviction campaign in Beijing contravene both international standards and Chinese law. In addition, the reported censorship and restrictions on the press and civil society during the eviction campaign violate international human rights standards guaranteeing freedom of expression and association. Restrictions on movement and discrimination arising from the hukou system contravene international human rights standards guaranteeing freedom of residence.
Notes to Section II—Special Topic: Forced Evictions in Beijing Municipality

1 For more in-depth analysis of this topic, see “Campaign of Forced Evictions in Beijing Contravenes International Human Rights Standards,” Congressional-Executive Commission on China, 14 March 18.


4 Benjamin Administration of Work Safety Committee Circular on Launch of Special Campaign of Major Investigations, Major Cleanup, and Major Rectification of Safety Risks” [Beijing shi anquan shengchan weiyuanhui guanyu kaizhan anquan yinhuan da paicha da qingli de tongzhi], issued 19 November 17, sec. 4.


9 Huang Ziyi and Li Rongde, “Thousands Evicted in Beijing Crackdown After Fatal Fire,” Caixin, 24 November 17; Li Rongde and Yuan Suwen, “In Rare Move, State Media Publishes Veiled Disapproval of Beijing’s Fire Safety Campaign,” Caixin, 24 November 17; Haowei Zhi Wai (wangjxclub), “In Dreams I Did Not Know I Was a Visitor—Swan Rescue Team and People in the Cold Night” [Meng li bu zhi shen shi ke—tian’e jiuyuan dui yu han ye li de ren], WeChat, 28 November 17.


15 “Beijing Administration of Work Safety Committee Circular on Launch of Special Campaign of Major Investigations, Major Cleanup, and Major Rectification of Safety Risks” [Beijing shi anquan shengchan weiyuanhui guanyu kaizhan anquan yinhuan da paicha da qingli de tongzhi], issued 19 November 17, sec. 4.
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23 Haowei Zhi Wai (wangjxclub), “In Dreams I Did Not Know I Was a Visitor—Swan Rescue Team and People in the Cold Night” [Meng li bu zhi shen shi ke—tian’e jiuyuan dui yu han ye li de ren], WeChat post, 28 November 17. See also videos posted to Beijing-based artist Hua Yong’s Twitter account (@Huayong798) on November 29 and 30, 2017.
24 Haowei Zhi Wai (wangjxclub), “In Dreams I Did Not Know I Was a Visitor—Swan Rescue Team and People in the Cold Night” [Meng li bu zhi shen shi ke—tian’e jiuyuan dui yu han ye li de ren], WeChat post, 28 November 17.
25 Ibid.
26 Ibid.


32Xu Feipeng, “At Meeting of District Committee Secretaries, Cai Qi Stresses Defending the Nation, Guaranteeing Peace” [Cai qi zai qweei shuji hui shang qweiding jianzhu shuotu jinju bao yifang ping’an], Qianlong, 27 November 17.

33Wang Hao and Wu Hongli, “Cai Qi Greets Service Workers, Emphasizes Our City Can’t Operate Without Ordinary Laborers, Chen Jining AlsoGreets [Them]” [Cai qi kanwang weiwenn shenghuxing fuwu yu laodongzhe shi qiangdiao women zhe zuo zhuangshi libuqiu putong laodongzhe chen jining yitong weiweian], Qianlong, 12 December 17.


37Hua Yong, “After the Major Fire (14)” [Da huo zhihou (14)], Video file, YouTube, 29 November 17; Hua Yong, “After the Major Fire (15A)” [Da huo zhihou (15A)], Video file, YouTube, 29 November 17; Hua Yong, “After the Major Fire (16)” [Da huo zhihou (16)], Video file, YouTube, 30 November 17.

38Hua Yong, “After the Major Fire (10)” [Da huo zhihou (10)], Video file, YouTube, 29 November 17; Hua Yong, “After the Major Fire (11 Part 1)” [Da huo zhihou (11 shang)], Video file, YouTube, 29 November 17.
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42 Hua Yong, “After the Major Fire 2017–12–04 (2) [Da huo zhihou 2017–12–04 (2) [Video file, YouTube, 4 December 17; Hua Yong, “2017–12–07 Hua Yong at the Scene (18)” [2017–12–07 hua yong zai xianchang (18)] [Video file], YouTube, 7 December 17.
43 Videos can be found at Hua Yong’s YouTube account and Twitter account. See also Austin Ramzy, “Artist Flees Beijing After Filming Devastation of Mass Evictions,” New York Times, 12 December 17.
44 Austin Ramzy, “Artist Flees Beijing After Filming Devastation of Mass Evictions,” New York Times, 12 December 17; Rights Defense Network, “Five Who Helped Hua Yong Escape From Xinjian Village, Beijing, Detained, Hua Yong Calls for [Their] Rescue” [Beijing xinjian cun 5 mingu hushong hua yong de cunmin bei zhuabu hua yong yu guanzhu juyuan], 12 December 17. The following videos show an official attempting to remove Hua and local Beijing residents helping Hua to flee the area: Hua Yong, “2017–12–07 Hua Yong at the Scene (18)” [2017–12–07 hua yong zai xianchang (18)] [Video file], YouTube, 7 December 17; Hua Yong, “2017–12–07 Hua Yong at the Scene (19)” [2017–12–07 hua yong zai xianchang (19)] [Video file], YouTube, 7 December 17; Hua Yong, “2017–12–07 Hua Yong at the Scene (20)” [2017–12–07 hua yong zai xianchang (20)] [Video file], YouTube, 7 December 17.
45 Rights Defense Network, “Five Who Helped Hua Yong Escape From Xinjian Village, Beijing, Detained, Hua Yong Calls for [Their] Rescue” [Beijing xinjian cun 5 mingu hushong hua yong de cunmin bei zhuabu hua yong yu guanzhu juyuan], 12 December 17; Rights Defense Network, “Hua Yong Visits 6 Criminally Detained Villagers From Xinjian Village, Beijing, Released, Hua Yong Says One To Follow [the Case] and Provide Legal Aid” [Hua yong nanfan jingxian xinjian cun min zao xingguo min yu jiuge guanzhu qingying yu fulu juyuan], 12 December 17. For more information, see the Commission’s Political Prisoner Database records 2018-00043 for Gu Tianjian, 2018-00044 for Hu Dehua, 2018-00045 for Hu Fuqiang, 2018-00046 for Shen Deli, and 2018-00047 for Zhang Shudong.
46 “Hua Yong Filmed ‘Low-End Population’ Evictions, Is Detained, Citizens Protest in Solidarity” [Hua yong qiaoshi “dudian renkou” bei quzhu shi zhuo zhuabu hangxing shangjiao ju pai shengyuan], Radio Free Asia, 17 December 17. For more information on Hua Yong, see the Commission’s Political Prisoner Database records 2018-00054. Hua recorded a series of videos in Tianjin prior to his detention. See, e.g., Hua Yong (huayong798), Twitter post, 15 December 17, 6:35 a.m.; Hua Yong (huayong798), Twitter post, 15 December 17, 6:55 a.m.; Hua Yong (huayong798), Twitter post, 15 December 17, 7:07 a.m.
47 By releasing the seven individuals on bail (qubao houshen or “guarantee pending further investigation”), authorities may continue to restrict their freedom of movement, summon them for further questioning, and monitor them for up to 12 months. For a description of bail (qubao houshen), also translated as “guarantee pending further investigation,” under Chinese legal provisions, see Human Rights in China. “HRIC Law Note: Five Detained Women Released on ‘Guarantee Pending Further Investigation.’” 13 April 15. For relevant Chinese legal provisions, see PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 65–72, 77; Ministry of Public Security, Public Security Procedural Provisions on Handling Criminal Cases [Gong’an jingji yunxing wenzhong xianghao, hao yu yuqi], 18 January 18. For more information on the woman, Dong Yaoqiong, see the Commission’s Political Prisoner Database record 2018-00343.
48 “After Two Days' Criminal Detention, Hua Yong Released on Bail, Flew to Chengdu To Celebrate Daughter's Birthday” [Hua yong bei xingju liang ri hou qubao feidi chengdu peitong nu'er], Radio Free Asia, 17 December 17; LifeTime Horizons (lifejira.com), Twitter post, 18 December 17, 5:28 p.m.; Rights Defense Network, “Monthly Report of Political Prisoners and Prisoners of Conscience Detained in Mainland China” [Zhongguo dalu zai ya zhengzhi fan, liangxin fan yuedu baogao], 31 May 18; Civil Rights & Livelihood Watch, “Artist Hua Yong Drives To Celebrate Daughter’s Birthday” [Hua yong bei xingju liang ri hou qubao feidi chengdu peitong nu'er], Radio Free Asia, 17 December 17; Rights Defense Network, “Hua Yong Visits 6 Criminally Detained Villagers From Xinjian Village, Beijing, Released, Hua Yong Says One To Follow [the Case] and Provide Legal Aid” [Hua yong nanfan jingxian xinjian cun min zao xingguo min yu jiuge guanzhu qingying yu fulu juyuan], 12 December 17; Rights Defense Network, “Hua Yong Visits 6 Criminally Detained Villagers From Xinjian Village, Beijing, Released, Hua Yong Says One To Follow [the Case] and Provide Legal Aid” [Hua yong nanfan jingxian xinjian cun min zao xingguo min yu jiuge guanzhu qingying yu fulu juyuan], 12 December 17. See, e.g., Hua Yong (huayong798), Twitter post, 15 December 17, 6:35 a.m.; Hua Yong (huayong798), Twitter post, 15 December 17, 6:55 a.m.; Hua Yong (huayong798), Twitter post, 15 December 17, 7:07 a.m.
49 Hua Yong, “After the Major Fire 2017–12–04 (2) [Da huo zhihou 2017–12–04 (2) [Video file, YouTube, 4 December 17; Hua Yong, “2017–12–07 Hua Yong at the Scene (18)” [2017–12–07 hua yong zai xianchang (18)] [Video file], YouTube, 7 December 17; Hua Yong, “2017–12–07 Hua Yong at the Scene (19)” [2017–12–07 hua yong zai xianchang (19)] [Video file], YouTube, 7 December 17; Hua Yong, “2017–12–07 Hua Yong at the Scene (20)” [2017–12–07 hua yong zai xianchang (20)] [Video file], YouTube, 7 December 17.
52 National People’s Congress Standing Committee, PRC Regulations on Household Registration [Zhonghua renmin gongheguo hukou dengji tiaoli], issued and effective 9 January 58.
54 State Council, Opinion on Further Carrying Out Reform of the Household Registration System [Guowuyuan guanyu jin yi bu tujin huihui zuhu gaige de yijian], issued 30 July 14, paras. 4–9; “China To Help 100m Settle in Cities,” Xinhua, reprinted in China Daily, 30 July 14; State Council, General Office, “Plan Promoting 100 Million Individuals in Cities Without Household Registration To Obtain Hukou” [Tuidong yi fei huji renkou zai chengshi luohu fang'an], issued 30 September 16, paras. 4–6; China Digital Times, “Beijing To Scrap Urban-Rural Residency Distinction,” 21 September 16.
55 China Digital Times, “Person of the Week: Sun Liping,” 8 June 17.
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56 Sun Liping (Sun liping shehui guancha), “Sun Liping: It Was a Tragedy, but Not a Reason for Clearing the Population” [Sun liping: na jian shi shi beiju, dan bing bushi qingli renkou de liyou], WeChat post, 21 November 17.

57 About On the Road,” University of Chicago, Paulson Institute, MacroPolo, last visited 16 July 18; State Council, Opinion on Further Carrying Out Reform of the Household Registration System (Guowuyuan guanyu jin yi bi tujuan huji zhudu gaige de yijian), issued 30 July 14, paras. 6–7.


59 Beijing Municipal Human Resources and Social Security Bureau et al., Rules on Operations and Management of Beijing Municipality Points-Based Household Registration (Trial) [Beijing shi jifen luohu caozuo guanli xize (shixing)], issued and effective 11 April 18, art. 13(2)–(3); Wang Su and Li Rongde, “Chart: Beijing Residency System No Longer ‘Pointless,’” Caixin, 12 April 18; Wu Wei, “Beijing’s First Batch of Points-Based Hukou Applications Launches Next Monday” [Beijing shou pi jifen luohu shenbao xia zhouyi qidong], Beijing News, 12 April 18.

60 Beijing Municipal Human Resources and Social Security Bureau et al., Rules on Operations and Management of Beijing Municipality Points-Based Household Registration (Trial) [Beijing shi jifen luohu caozuo guanli xize (shixing)], issued and effective 11 April 18, art. 12(3); Wang Su and Li Rongde, “Chart: Beijing Residency System No Longer ‘Pointless,’” Caixin, 12 April 18; Wu Wei, “Beijing’s First Batch of Points-Based Hukou Applications Launches Next Monday” [Beijing shou pi jifen luohu shenbao xia zhouyi qidong], Beijing News, 12 April 18. For more information on the low social insurance coverage rates of migrant workers, see Ministry of Human Resources and Social Security, “2017 Annual Statistics Bulletin on Human Resources and Social Security Employment Developments” [2017 niandu renli ziyuan he shehui baozhang eyeyiqu de yijian], issued 31 January 17.

61 Beijing Municipal Human Resources and Social Security Bureau et al., Rules on Operations and Management of Beijing Municipality Points-Based Household Registration (Trial) [Beijing shi jifen luohu caozuo guanli xize (shixing)], issued and effective 11 April 18, art. 12(3); Wang Su and Li Rongde, “Chart: Beijing Residency System No Longer ‘Pointless,’” Caixin, 12 April 18; Wu Wei, “Beijing’s First Batch of Points-Based Hukou Applications Launches Next Monday” [Beijing shou pi jifen luohu shenbao xia zhouyi qidong], Beijing News, 12 April 18. For more information on the low social insurance coverage rates of migrant workers, see Ministry of Human Resources and Social Security, “2017 Annual Statistics Bulletin on Human Resources and Social Security Employment Developments” [2017 niandu renli ziyuan he shehui baozhang eyeyiqu de yijian], issued 31 January 17.


71 Beijing Municipal Commission of Housing and Urban-Rural Development et al., Opinion on Developing Rental of Collective Worker Dormitories (Provisional) [Beijing shi zhenning zuojia renkou zai chengshi luohu fang’an] (shixing) (zhengqiu yijian gao), 25 May 18, secs. 1–2. See also A Ruhan, “Beijing Promotes Rental of Collective Worker Dormitories” [Beijing tu zulinxing zhuangzhi jiti sushe], Beijing Business Today, 23 May 18.

72 Beijing Municipal Commission of Housing and Urban-Rural Development et al., Opinion on Developing Rental of Collective Worker Dormitories (Provisional) [Beijing shi zhenning zuojia renkou zai chengshi luohu fang’an] (shixing) (zhengqiu yijian gao), 25 May 18, secs. 1–2. See also A Ruhan, “Beijing Promotes Rental of Collective Worker Dormitories” [Beijing tu zulinxing zhuangzhi jiti sushe], Beijing Business Today, 23 May 18.


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87 "Bai Tiantian, "Beijing, Shanghai Record First Population Decline in 40 Years," Global Times, 23 January 18.
91 UN Committee on Economic, Social and Cultural Rights, CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant), E/1992/23, 13 December 91, para. 8(a). Note that this finding is reaffirmed in UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The Right to Adequate Housing (Art. 11.1): Forced Evictions, E/1998/2, 20 May 97, para. 1; UN Committee on Economic, Social and Cultural Rights, CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant), E/1992/23, 13 December 91, para. 18; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 2(1), 12(1), 12(3).
94 PRC Administrative Enforcement Law [Zhonghua renmin gongheguo xingzheng qiangzhi fa], passed 30 June 11, effective 1 January 12, arts. 43–44. For analyses of the legality of the evictions in Beijing under Chinese law, see "Full Text of Request From Jiang Ping, He Weifang and Other Scholars and Lawyers to the Standing Committee of the National People's Congress for a Review of the Constitutionality of the Beijing Government's Campaign To Expel Non-residents and Relevant Administrative Documents" [Jiang ping, he weifang bang xuehu zhi shi beijing shi zhengfu qugan wailai jumin de xingdong ji qi yiju de xingzheng wenjian xiang quanxuan fenxi], 4 January 14. See also Benjamin Haas, "China's Shanghai Sets Population at 25 Million To Avoid 'Big City Disease'," Guardian, 26 December 17.
96 "Beijing, Shanghai Record First Population Decline in 40 Years," Global Times, 23 January 18.
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