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**Speculative Modern: Urban Forms and the Politics of Property  
in Colonial Hong Kong**

by

Cecilia Louise Chu

A dissertation submitted in partial satisfaction of the  
requirements for the degree of  
Doctor of Philosophy

in

Architecture

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Nezar AlSayyad, Chair

Professor C. Greig Crysler

Professor Eugene F. Irschick

Spring 2012

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by Cecilia Louise Chu

## Abstract

### Speculative Modern: Urban Forms and the Politics of Property in Colonial Hong Kong

Cecilia Louise Chu

Doctor of Philosophy in Architecture

University of California, Berkeley

Professor Nezar AlSayyad, Chair

This dissertation traces the genealogy of property development and emergence of an urban milieu in Hong Kong between the 1870s and mid 1930s. This is a period that saw the transition of colonial rule from one that relied heavily on coercion to one that was increasingly “civil,” in the sense that a growing number of native Chinese came to willingly abide by, if not whole-heartedly accept, the rules and regulations of the colonial state whilst becoming more assertive in exercising their rights under the rule of law. Long hailed for its laissez-faire credentials and market freedom, Hong Kong offers a unique context to study what I call “speculative urbanism,” wherein the colonial government’s heavy reliance on generating revenue from private property supported a lucrative housing market that enriched a large number of native property owners. Although resenting the discrimination they encountered in the colonial territory, they were able to accumulate economic and social capital by working within and around the colonial regulatory system. Meanwhile, the growing stake of Chinese capital in Hong Kong’s economy was perceived as a threat by local British and European residents, who tried to maintain their privileges via discriminatory legislation.

A central goal of this study is to elucidate how particular forms of urban development predicated on opportunism and a “liberal governmentality” came to be consolidated within a racially divided, highly unequal, but nevertheless upwardly mobile, “modernizing” colonial city. By focusing on speculative building practices and the changing administrative framework that sought to regulate urban forms and social norms, this dissertation aims to illustrate some of the inherent contradictions in colonial development between the liberal, laissez-faire ideology that propelled capitalist expansion and the exclusionary impulses that clung to a hierarchical spatial order. Although this bifurcated milieu helped legitimized different rules for different peoples, it also opened up new channels for cultural and political negotiations. The examination of the competing discourses about the city and its development in Hong Kong’s early period also provides a crucial explanatory framework for the so-called “Hong Kong economic miracle” in the postwar era and the prevalence of speculative property activities that continues to the postcolonial present.

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## Chapter 1

# Introduction

When the late Qing reformer Kang Youwei first visited the Hong Kong's City of Victoria<sup>1</sup> in 1879, he was impressed by the “elegant buildings of the foreigners, the cleanliness of the streets, and the efficiency of the police.”<sup>2</sup> A few years later, Wang Tao, another prominent reformist writer exiled to Hong Kong, praised the British administration for its governing capability, particularly for instilling order and civility to this prosperous, thriving colony.<sup>3</sup> Like Kang, Wang was also in awe of the sophistication of the European houses and their meticulously cultivated gardens, but was appalled by the horrendous conditions of the crowded tenements where many Chinese laborers lived. He also noted the disproportionately high rent that was charged for these poorly built dwellings, and the chronic housing shortage that had become emblematic of the city – a situation that Wang alleged to be the most extreme on earth.

In the decades that followed, similar description of Hong Kong were to be reiterated by countless local and foreign writers: A booming colonial entrepot where European merchant princes dwelled in their palatial mansions; a ruthless migrant city where Chinese laborers shared bedspaces in subdivided tenements.<sup>4</sup> But the narratives of these sharply contrasting urban scenes, the scenes of a divided city where Europeans and Chinese lived separate lives, were not always meant to highlight social discrepancies and urban problems, but more often as colorful backdrops for telling the success stories of this great “emporium of the East.”<sup>5</sup> In these stories, contrasting images of the city were regularly juxtaposed as symbolic references to the colony's burgeoning commerce and “harmonious coexistence of cultures,” all enabled by a combination of British administration and Chinese entrepreneurship.

It is important to note that these aspirational accounts, which resonate strongly with many descriptions about contemporary Hong Kong, did not mean that people were so naïve to assume that social tensions did not exist. Newspapers throughout the late 19<sup>th</sup> and early

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<sup>1</sup> Up until the 1950s, the densely developed northern shore of Hong Kong Island was referred to as the City of Victoria. But the name is no longer in use as urban development rapidly expanded beyond the original city boundary in the 1960s.

<sup>2</sup> “Chronological Autobiography of K'ang Yu-wei,” translated in *K'ang Yu-wei: A Biography and a Symposium*, ed. Jung-pang Lo (Tucson: University of Arizona Press), 1967, 36. Quoted in Joseph W. Esherick, “Modernity and Nation in Chinese City,” Joseph W. Esherick, ed., *Remaking the Chinese City* (Honolulu: University of Hawai'i, 2000), 7.

<sup>3</sup> Wang Tao, 1883, quoted in Wong Wang-chi, *Li Shi De Chen Zhong* (Hong Kong: Oxford University Press, 2000), 225.

<sup>4</sup> Archival research I conducted on the period from the 1900s to 1950s unearthed a huge range of writings with these kinds of descriptions. For a compilation of selected pieces by Chinese writers, see Xiaosi, *Xianggang de You Yu: Wen Ren Bi Xia de Xianggang, 1925-1941* (Hong Kong: Huafeng, 1983).

<sup>5</sup> An early example of this much-cited analogy is an 1842 letter written by Governor Henry Pottinger, Hong Kong's first Governor Pottinger, who predicted “Hong Kong “will be a vast Emporium of Commerce and Wealth.” Pottinger to Ellenborough, 3 May 1842, FO17/56, 361.

20<sup>th</sup> century, for example, abounded with reports of crime of all sorts: robbery, murder, kidnapping and piracy committed mostly by Chinese criminals and vagabonds.<sup>6</sup> Hong Kong's proximity to Mainland China and the powerful influence of the anti-British Canton regime on the local population continued to incite unease within the British government. Frequent outbreaks of disease in the native quarters further reinforced the entrenched stereotype of Chinese as an inferior race that had yet to acquire knowledge of hygiene and other "civilized" habits of living. Like in many other European colonies, the mixture of discrimination and anxieties concerning the health of the white minority led the authorities to implement racial segregation and various discriminatory legislations that applied different rules to different peoples.<sup>7</sup>

But all the same, despite all the outright conflicts and underlying tensions, accounts of Hong Kong from the 1880s onwards continued to foreground the colony's commercial triumph before all else. Boosters of British trade lauded this success as the result of the colony's "laissez-faire" approach to the economy, wherein individuals from all other nations were encouraged to pursue wealth through commerce.<sup>8</sup> This rhetoric was also supported by a growing number of Chinese merchants and *compradors* (i.e.. middlemen) whose economic and social standings had greatly advanced under colonial rule. Meanwhile, Chinese reformers such as Wang and Kang saw in Hong Kong a model of development that they could appropriate for their own nation-building projects in China.<sup>9</sup> Despite their criticisms of the "social ills" fostered by colonial capitalism and the horrendous living conditions of the Chinese laborers, they were clearly attracted to the "modern elements" of the city exemplified by its (Western) architectural forms and urban order: its clean and wide streets, well-constructed buildings, and many other urban improvements visible in the European quarter were now widely viewed not only as evidence of progress, but also as conditions for enabling progress to happen. In line with the ideas of social reformers in Britain and elsewhere in the 19<sup>th</sup> century, a well maintained urban order was increasingly seen as a means to bring about a moral order. The promise was an urbanism that produced "civilizing effects," even though to many Chinese the implementation of such order did not necessarily have to be led by "Westerners."<sup>10</sup>

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<sup>6</sup> Christopher Munn, *Anglo-China: Chinese people and British rule in Hong Kong 1841-1880* (Richmond, Surrey: Curzon, 2001); Yiching Wu "Prelude to Culture: Interrogating Colonial Rule in Early British Hong Kong," *Dialectical Anthropology* 24 (1999): 141-170.

<sup>7</sup> Robert Home, *Of Planting and Planning: The Making of British Colonial Cities* (London: E & FN Spon, 1997); Anthony King, *Colonial Urban Development: Culture, Social power, and Environment* (London; Boston: Routledge & Paul, 1976); *Urbanism, Colonialism, and the World Economy* (London; New York, 1992).

<sup>8</sup> An example can be seen in a speech given by the Hong Kong Governor John Pope Hennessey, 1881, "Statement on the Census Returns and the Progress of the Colony," in "Restrictions Upon Chinese at Hong Kong," *British Parliamentary Papers*, vol. 25, 722-732.

<sup>9</sup> It is telling that committed reformist intellectuals such as Kang and Wang, who were themselves fierce critics of European imperialism, expressed their admiration for the achievements of the "barbaric foreigners" on this once barren island. See Wong's comment on Wang, in Wong, *Li Shi De Chen Zhong*, 225. Also see Esherick's comment on the reformers' vision on the modern city in "Modernity and Nation in the Chinese City," in Esherick ed., *Remaking the Chinese City*, 1-16.

<sup>10</sup> Examples of this can be found in many chapters in Esherick's edited volume.

This dissertation is a study of the emergence of a distinct urban milieu and forms of urban development in Hong Kong between the late 1870s and mid 1930s. This is a period that saw the transition of colonial rule from one that relied heavily on coercion to one that was increasingly “civil,” in the sense that a growing number of native Chinese came to willingly abide, if not whole-heartedly accept, the rules and regulations of the colonial state whilst becoming more assertive in exercising their rights under the rule of law. Long hailed for its laissez-faire credentials and market freedom, Hong Kong offers a unique context to study what I call “speculative urbanism,” wherein the colonial government’s heavy reliance on generating revenue from private property in a leasehold system supported a lucrative housing market that enriched a large number of Chinese property owners and rentier lords. Despite experiencing various kinds of discrimination, these Chinese strived to accumulate economic and social capital by working within and around the colonial regulatory system. And by the 1880s, over half of the private property holdings in Hong Kong came under the control of Chinese owners, who assumed a key role in driving urban growth and providing housing accommodation for a majority of the laboring population.

While a study of the prominent role of Chinese property owners in shaping Hong Kong’s development and urban forms may resonate well with the postcolonial claim of “decentering the West,”<sup>11</sup> it must be noted that this history also evidences a process through which the propertied class was incorporated more tightly into the colonial governing regime. One consequence of the rapid rise of Chinese property ownership was the alignment of interests between Chinese and European landlords, who regularly came together to contest legislation that affected their shared prospects, such as taxation, house rent, the provision of urban services and regulation of building standards. Although some government officials, such as colonial doctors, engineers and other technocrats, were keen to improve the city’s deplorable housing conditions and exercise a firmer control over urban development, their efforts were invariably hampered by the government’s longstanding concern over the balancing budgets and the fear that too many building regulations would drive away private capital. Meanwhile some European residents, worried that they might begin to lose their properties to ambitious Chinese investors, were pushing for a policy of racial segregation that prevented Chinese from owning properties in “European districts.” Yet, the move to apply discriminatory planning and other race-based regulations also brushed up against the principle of universal property rights, which the British hailed as a cornerstone of colonial capitalism and key strategy for pacifying the native population.

It is in view of these contradictory requirements of colonialism: between the encouragement for the Chinese to participate more fully in a “laissez-faire” economy, and the maintenance of a racialized and hierarchical colonial spatial order, that I set to trace a genealogy of Hong Kong’s urban milieu in the late 19<sup>th</sup> and early 20<sup>th</sup> century. My primary focus is on the forms and norms of urban housing, and my lens of investigation is the

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<sup>11</sup> This is an adaptation from Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton: Princeton University Press, 2000).

processes of accumulation and regulation. The pairing of these two processes -- both essential elements for sustaining colonial capitalism -- is aimed not only at highlighting their mutual entanglement (i.e. rampant development and speculation led to more stringent building regulation, but too much regulation led to the withering of investment interest), but also to show that both were intrinsically linked to an emerging “liberal practice” of government that relied less on directly controlling peoples’ behavior, but more on cultivating their conduct and desires in the pursuit of their “self-interests.”<sup>12</sup> In this view, property investment can be seen as a quintessential example of “conduct of conduct,” an individualizing activity wherein native subjects were encouraged to claim a stake in the economy of their own “free will” under a defined set of regulation, and by doing so helped maintain social stability and legitimize the rule of the colonial state. This is not to suggest that property ownership was an effective solution to social problems. But the study of the contested interests in building practices and their entanglements with the contradictory demands of colonialism can offer a useful angle to analyze the complex relationship between the colonial subjects and the state and the emergence of a particular mode of governance. To follow Tsai Jung-fang, Hong Kong society underwent significant changes and intensified social stratification in the 19<sup>th</sup> century with the growing power of Chinese capitalists.<sup>13</sup> To understand the making of this urban milieu, then, one must decipher the multiple motivations entailed in development practice and the competing discourses about the city produced by a myriad of social actors.

### 1.1. The “Hong Kong Success Story” and Its Sub-versions

In his book on the construction of South India, Eugene Irschick argues that knowledge of a colonial culture is always produced through a “dialogic process” that involves all of its constituencies, who continue to reconstruct that knowledge and rewrite their own histories.<sup>14</sup> This is not to downplay the inequality and exploitation that existed in a colonial situation. But more attention to dialogues -- not only antagonism and conflicts -- is necessary because both are essential components in the production of discourse. This implies that in order to understand the construction of the “Hong Kong success story,” one will need to analyze the specific arenas where interests between different factions of the “colonizers” and “colonized” intersect, and how such intersections had continued to reshape the relations between different groups of people and their relations with the state, as well as the hopes, aspirations and sense of self of individuals living under colonial rule.

An underlying argument of this thesis is that the history of Hong Kong, as with any history, is a cultural construction produced by many agents with contested agendas over long periods of time. Although Hong Kong’s postwar economic “miracle” has long been

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<sup>12</sup> Foucault, “Governmentality,” in Graham Burchell et. al. eds., *The Foucault Effect* (The University of Chicago Press, 1992), 87-104. For further interpretation of these ideas, see Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage Publications, 1999).

<sup>13</sup> Jung-fang Tsai, *Hong Kong in Chinese History: Community and social unrest in the British Colony, 1842-1913* (New York: Columbia University Press, 1993).

<sup>14</sup> Eugene Irschick, *Dialogue and History: Constructing South India, 1795-1895* (Berkeley; Los Angeles; London: University of California Press, 1994).

credited to British's decision to shift its economic policy during the cold war decades, the specific direction that Hong Kong assumed in its current development can only be fully explained by taking into account the political practices and historical experiences of the earlier era.<sup>15</sup> Indeed, an examination of the official and popular discourses about the city and its people in the late 19<sup>th</sup> and early 20<sup>th</sup> century reveals a startling similarity to many descriptions of contemporary Hong Kong. This can be seen in the truth claims that appear in key narratives, including the imperatives of market freedom, harmonious intercourse of "cultures," and a hardworking Chinese workforce governed by a "non-interventionist" government. Notwithstanding the frequent outbreaks of social unrests during the one and a half centuries of British rule and thereafter, this standardized narrative centering on economic success and upward mobility of an immigrant population continues to be invoked as a source of pride and aspiration by successive administrations, business elites and many Hong Kong citizens themselves. At the same time, the continuous emphasis on Hong Kong's pragmatism and the self-reliant character of its people – an emphasis that fits well with today's neoliberal logic – also repeatedly deflects the call for social reform and political change.<sup>16</sup>

Writing on the eve of the transition of Hong Kong's sovereignty from Britain to China in 1997, cultural critic Akbar Abbas contends that decolonization has not ushered in a critical "postcolonial consciousness" amongst Hong Kong's citizens.<sup>17</sup> Despite their growing urge to affirm their identity and "culture" in recent years, Abbas alleges that Hong Kong people have yet to develop more effective strategies that allow them to interrogate the colonial past, which has far too often been re-contained in sanitized or romanticized representations in which colonialism is portrayed as a largely benign phenomenon. This is evidenced in the recent waves to preserve the city's old buildings of all sorts, which have been hailed as "common heritage" and testimonies of the rapid rise of Hong Kong from a poor immigrant society to a wealthy, cosmopolitan "world city."<sup>18</sup>

While Abba's critique underscores the problems of preservation and the representation of history, his attribution of these problems to a seeming pervading economism and the transient nature of Hong Kong has unfortunately flattened some of the complexities entailed in the shaping of the "Hong Kong mentality" that he seeks to interrogate. Although he has rightly pointed to the need for critical reflection on colonial culture and history, his abstract mode of analysis ignores the agency responsible for the construction of this history itself. It is perhaps not surprising then, that Abbas' work has not been well

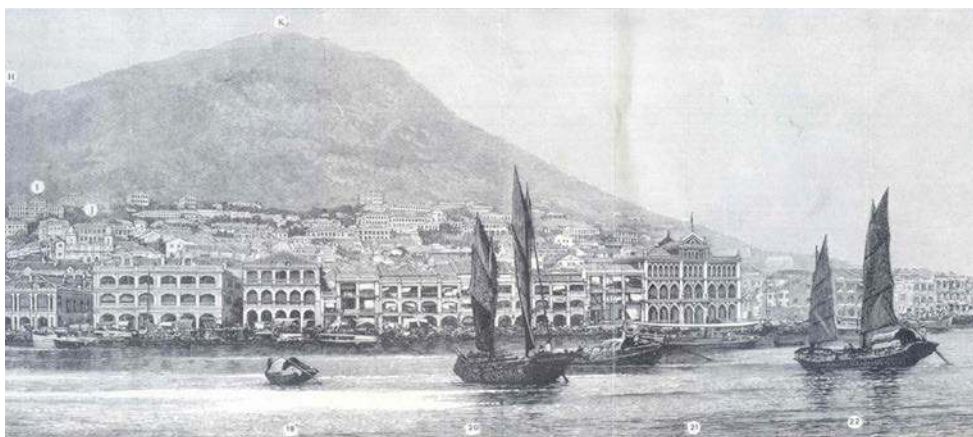
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<sup>15</sup> See Jeffrey Henderson and Richard P. Appelbaum, "Situating the State in East Asian Development Process," in Appelbaum and Henderson, eds., *States and Development in the Asian Pacific Rim* (Newbury Park; London; New Delhi: Sage Publications, 1992); and Manuel Castells *et. al.*, *The Shek Kip Mei Syndrome: Economic Development and Public Housing in Hong Kong and Singapore* (London: Pion, 1990), and "Four Tigers with a Dragon Head: A Comparative Analysis of the State, Economy, and Society in the Asian Pacific Rim," in Appelbaum and Henderson, 1992, 33-69.

<sup>16</sup> Cecilia Chu, "A Heritage of Disappearance," *Traditional Dwellings and Settlements Review* 18, no.2 (Spring 2007): 42-55.

<sup>17</sup> Akbar Abbas, *Hong Kong: Culture and the Politics of Disappearance* (Hong Kong: Hong Kong University Press, 1997).

<sup>18</sup> *Ibid.*, chapter 4 in Abbas. Also see Chu, 2007, and Jeremy Taylor, "Nation, Topography and Historiography," *Modern Chinese Literature and Culture* 15, no.2 (Fall 2003): 45-74.



**Figure 1.1 & 1.2.** Two illustrations published in the British press in the 1880s, showing the thriving port of Victoria. (Source: *Illustrated London News*).

received by some local historians, who charged him with applying theoretical frameworks disengaged from the actual historical context of Hong Kong – a context that has often been said to be “not comparable” with colonial situations elsewhere.<sup>19</sup>

In his incisive analysis of Hong Kong’s historiographies, Tak-Wing-Ngo identifies three types of dominant narratives about Hong Kong.<sup>20</sup> The first type is produced mostly by British-trained historians, who portray Hong Kong as a “barren-rock-turned-capitalist-paradise” thanks to the benevolent governance and good policy of the colonial state.<sup>21</sup> The

<sup>19</sup> John M. Carroll, “Introduction” in *Edge of Empires: Chinese Elites and British Colonials in Hong Kong* (Cambridge: Harvard University Press, 2005).

<sup>20</sup> Tak-Wing Ngo, “Colonialism in Hong Kong Revisited,” in Tak-Wing Ngo, ed., *Hong Kong’s History: State and Society Under Colonial Rule* (London and New York: Routledge, 1999), 1-2.

<sup>21</sup> The most authoritative example is G.B. Endacott, *A History of Hong Kong* (London: Oxford University Press, 1958). This text has been republished many times since its first edition.

second type of narratives come from Mainland Chinese historians, who tend to emphasize the close relationship between Hong Kong and China and the significant contribution of the latter to Hong Kong's development. The third type is mainly by home grown scholars, who claim that Hong Kong did not possess the conventional attributes of a colony, and that late 20<sup>th</sup> century Hong Kong showed little sign of "colonial presence."<sup>22</sup> It is argued that Hong Kong has always thrived under a form of "indirect rule," allowing its people to enjoy relative autonomy and freedom. Ngo notes that while each of these narratives represents a different ideological leaning, all have sought to simplify the relationship between the government and the governed by focusing on the successful economic policies that fostered a combination of market liberalism and political "non-intervention."

In addition to these three, there is a fourth type of narratives that emerged in recent years. Seeking to offer a more nuanced perspective of the colonial past, the work of Elizabeth Sinn, John Carroll, Carl T. Smith, Hui Po-Keung and others focus on studying the collaboration between Chinese and European merchants, and by doing so direct much-needed attention to the agency of the native elites.<sup>23</sup> Yet, despite their fascinating analysis of the relationship between the "colonizers" and the "colonized", it is also clear that the goal of these works is not to challenge the longstanding "Hong Kong success story." Rather, as many authors have explicitly acknowledged themselves, Hong Kong is seen as having unquestionably benefited from the adoption of colonial policy and legal system, which have been rightly preserved intact after the return of the colony's sovereignty to Mainland China.<sup>24</sup>

It is not my intention to reevaluate the contribution of these works or to dismiss the "Hong Kong story" simply as a myth (notwithstanding the many mythical elements in this story). Rather, I am interested in elucidating how certain constructs, in particular those associated with built forms and urban change, have been repeatedly deployed by different actors for specific purposes as well as how, through repeated utterances, these constructs have become part of historical knowledge over time. By naming them as "constructs," I am implying that these conceptions of the city are particular ways of framing reality and history. And in spite of their seeming "commonsense" quality, a closer examination would show that each of them entail inherent contradictions that run up against what was happening in actual practice.

The first of these constructs is a persistent "East-West" dualism that defines Hong Kong's

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<sup>22</sup> For example, see Lau Siu Kai, *The Ethos of the Hong Kong Chinese* (Hong Kong: Chinese University Press, 1988).

<sup>23</sup> Elizabeth Sinn, *Power and Charity: A Chinese Merchant Elite in Hong Kong* (Hong Kong; London: Hong Kong University Press, 2003); Carroll, *Edge of Empire*; Carl T. Smith, *A Sense of history: Studies in the Social and Urban History of Hong Kong* (Hong Kong: Hong Kong Educational Pub. Co., 1995); Hui Po-Keung, "Comprador Politics and Middleman Capitalism," in Ngo ed., *Hong Kong's History*, 30-45.

<sup>24</sup> For example, see Carroll's critique of postcolonial theory in the introduction of his book, *Edge of Empire*. Similar arguments can be seen in Sinn's introduction.



colonial landscape. While this seems to fit well with the dual-city thesis<sup>25</sup> that highlights the segregation between “native” and “European” environments in many 19<sup>th</sup> century colonial cities, a more careful reading of the urban conditions in Hong Kong, as with those elsewhere, would reveal that this stark division is far from clear and the associations with “native” and “foreign” built forms were much more ambiguous. One example that I explore at length (see chapter 2) is the history of *tong lau*, or Chinese tenement buildings. Although seen as characteristically “Chinese,” many *tong lau* were actually built and owned by European speculators, who preferred to invest their money in these buildings due to their potential to reap higher rentals. While the categorization of *tong lau* was defined by colonial land policy, it was persistently maintained by those with stakes in housing development. This included Europeans, but also many Chinese property owners and rent farmers, who claimed that because Chinese habits and culture were essentially different from those of “Westerners,” the *tong lau* should not be subjected to the more stringent housing standards applied to “Europeans buildings” – standards that they argued were not only inappropriate for Chinese households, but would lead to a complete waste of land resources and be ultimately detrimental to the colonial economy.

A second construct, somewhat in tension with the first, is the idea of Hong Kong as a modernizing city set on a course of continuous advancement. Although there was ongoing lamentation against property speculation, exorbitant rent and the city’s deplorable and insanitary housing conditions, the continuous emergence of new buildings and infrastructures visible in certain sections of the city was also taken as evidence of progress as well as conditions for further progress to happen.<sup>26</sup> Despite their resistance against many building regulations that they saw would impinge their interests, many landlords and tenants supported urban improvement schemes, such as the provision of better drainage and water insofar these amenities did not inflict expenses on them (see chapter 3). In their fight for equal access to the urban services that were provided to European households, for example, some of these Chinese aligned themselves with colonial engineers and medical practitioners, who had long been urging the government to increase investment in public goods in order to prevent epidemics outbreaks and to make the city more “healthy.” They also adapted some of the claims of social reformers in Britain and elsewhere, arguing that these investments were necessary not only for securing the wellbeing of the population, but the long term interests of the colony as a whole.

What can be seen in these claims is the perpetuation of a different kind of duality, one that underscores not so much the essential differences between the “colonizers” and the “colonized,” but between the “modern” and the “outmoded,” enabling wide anticipation of a better future in which the beneficence of modern amenities would be made available to all. While this conception of Hong Kong as a “modernizing city” resonates with the universalizing rhetoric of the colonial civilizing mission, it is also important to recognize

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<sup>25</sup> See Janet Abu-Lughod, “Tale of Two Cities: The Origins of Modern Cairo,” in *Comparative Studies in Society and History* 7 (1965): 422-57. See also King’s reinterpretation of the dual-city in *Urbanism, Colonialism and the World Economy*.

<sup>26</sup> See Wong, 2000. This kinds of praise can also be seen in W. Feldwick, *Present day Impressions of the Far East and Prominent & Progressive Chinese at Home and Abroad* (London: Globe Encyclopedia, 1917).

the many self-conscious attempts of individuals, who, in spite of their disadvantaged positions, associated their visions of the future with the colony's continual progress.<sup>27</sup> However, as I will discuss in the later chapters, these aspirational claims often did not match up with what went on in reality, where vested interests in property, deep-seated racial discrimination and the government's concern with balancing the budget deferred many schemes of urban improvement, in turn leading to endless contestations and the production of new moral claims to justify the status quo.

The third construct, which is closely related to the previous two, is the idea of Hong Kong as a land of market freedom, a capitalist enclave located outside the troubled Chinese Mainland, a temporary refuge that offered opportunities for those willing to take risks and work hard to become wealthy and successful. Although most Chinese in Hong Kong resented the injustice of colonial rule, the fact that many of their countrymen had "made it" in a British territory also helped reinforce a strong belief in upward mobility and individual capability. And given the centrality of property investment in wealth accumulation, it should not be surprising that images of relentless urban development have become the most powerful and sustained representation of economic success. While this construct continued to inspire the less-well-to-dos to strive for personal advancement, it also enabled the British to claim credit for their governing capability in bringing civility and order to what was once a "barren colonial outpost." Meanwhile, the growing significance of Chinese capital in Hong Kong's economy helped garner a sense of nationalistic sentiment among the wider Chinese population, who were eager to see their British and European "colonizers" one day being outplayed in economic competition.

Although property development is only one among many factors that propelled Hong Kong's economic growth, it has undoubtedly played a key role in the shaping of political and social relations and the production of discourses about the city. While the competing agendas of different groups often placed them in seeming antagonistic positions, their common reliance on the colonial land system and urban policies nonetheless helped consolidate support for a particular mode of urban development, which, in time, has become largely "naturalized." To analyze these interlocking dynamics, it is necessary to pay attention to the reciprocal relations between the "agency" and "structures" of colonial development and how these have shaped and reshaped the urban landscape and built forms. To this end, I now turn to some recent works in colonial urbanism helpful in guiding the enquiry of this dissertation.

## 1.2. Negotiating Space: "Agency" and "Structures" in Colonial Urbanism

Recent scholarship of colonial urbanism has explored the construction of colonial epistemologies vis-a-vis the built environment. As a spatial frame in which colonial policies and everyday social life were enacted, built forms were not only representations of dominant ideologies but also a medium through which cultural meanings and values were

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<sup>27</sup> Many examples of these can be found in Chinese popular magazines and newspapers published between the 1910s and 1930s.

continuously reconstructed by different groups of people.<sup>28</sup> This perspective highlights the significant roles played by colonized people, whose agency has begun to receive more attention in historical research in the past two decades. But what is at stake in the study of colonial development, as Anthony King has reminded us, must also go beyond “reactivating” the voices of the “colonized” and to address how their actions interacted with the structural dynamics of colonialism.<sup>29</sup> The foremost task of scholars, then, is to steer a difficult path between the universal and the particular: while the built environment must be seen as a product of a larger global system of production, the distinctiveness of and differences between each place can only be understood by examining their colonial and pre-colonial past.<sup>30</sup>

In his study of British colonial cities, Robert Home points out that although racial segregation was a prevalent phenomenon in colonial territories, it served different purposes in the Empire over its history, and was often modified to suit existing circumstances.<sup>31</sup> This proposition has been reflected in a number of recent historiographies that illustrate how the efforts of segregation and regulation in colonial cities did not often succeed as initially anticipated by the “colonizers.” For example, Swati Chattopadhyay has demonstrated that the boundaries of the “dual-city” in colonial Calcutta were not as rigid and static as has long been assumed. The Indian and European settlements, or the respective “black” and “white” towns, were not autonomous entities but “subjected to the economic, political and social conditions of colonial culture that penetrated the insularity of both towns.”<sup>32</sup> In Brenda Yeoh’s seminal study on colonial Singapore, it is shown that colonial urban policies were constantly unsettled by many conflicts that took place in urban space.<sup>33</sup> This “dialectics of power” between the “colonizers” and the “colonized” was most clearly evidenced in her account of the Municipal Authority’s attempt to regulate native dwellings.<sup>34</sup> Not only did the inhabitants of these spaces develop novel ways to evade colonial rules and regulations, the whole effort was also hampered by corruption, the lack of public funds and the myriad of vested interests entailed in urban development.

Building on Edward Said’s formulation of Orientalism, Nezar AlSayyad reminds scholars that the duality of colonial cities was achieved not only by physical segregation alone, but also by ongoing practices of representation that reinforced the differences between the “colonizers” and the “colonized.”<sup>35</sup> Once constructed, the built environment became a

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<sup>28</sup> Peter Scriver and Vikramaditya Prakash, eds., *Colonial Modernities: Building, Dwelling and Architecture in British India and Ceylon* (London; New York: 2007); Mrinalini Rajagoplan and Madhuri Desai, eds., *Colonial Frames / Nationalist Histories* (London: Ashgate Publishers, 2012).

<sup>29</sup> King, “Rethinking Colonialism, in *Forms of Dominance: on the Architecture and Urbanism of the Colonial Enterprise*, ed. Nezar AlSayyad (Aldershot: Avebury, 1992), 347.

<sup>30</sup> King, *Urbanism, Colonialism and the World Economy*, 9.

<sup>31</sup> Home, *Of Planting and Planning*, 118.

<sup>32</sup> Swati Chattopadhyay, *Representing Calcutta: Modernity, Nationalism, and the Colonial Uncanny* (New York: Routledge, 2005).

<sup>33</sup> Brenda Yeoh, *Contesting space in colonial Singapore: Power Relations and the Urban Built Environment* (Singapore: Singapore University Press, 1999).

<sup>34</sup> *Ibid.*, 148-153.

<sup>35</sup> AlSayyad, “Urbanism and the Dominance Equation: Reflections on Colonialism and National Identity,” in AlSayyad ed., *Forms of Dominance*, 1992.

crucial component in image making, symbol creation, and identity formulation.<sup>36</sup> And however much these images may distort or essentialize indigenous cultures, they must be considered as a factual reality in themselves because of constituting actually existing discourses and producing actual material consequences. In his research on Cairo, AlSayyad further points out that the “truths” about colonial cities and their peoples were not solely constructed by the British and Europeans, but also by many indigenous individuals who were active agents complicit in the colonizing process.<sup>37</sup> This point is very important, because while it reiterates the need to recognize contingencies and nuances, it urges one not to lose track of the very concrete relationship of power embedded in colonial rule, and the fact that inequalities and injustices may not always map out transparently with the perceived duality in the colonial landscape.

The study of local practices in enabling colonialism, which entails simultaneous cooption and contestation between the “colonizers” and the “colonized,” further underscores the fundamental contradictions in colonial development. As Nicholas Thomas has remarked, if colonizing projects were “frequently split between assimilationist and segregationist ways of dealing with indigenous populations,” so “colonizing [practice] constantly generated obstacles to neat boundaries and hierarchies between populations.”<sup>38</sup> These forms of contradiction and their capacity to destabilize the colonial order have also been highlighted by Robert Peckham and David Pomfret,<sup>39</sup> who argue that the need to prevent epidemic outbreaks and to ensure the proper functioning of trade central to the colonial economy prompted authorities to derive strategies for managing indigenous populations in certain spaces and across boundaries, and by doing so “inadvertently produced the conditions within which some of the colonized subjects acceded to a form of ‘subjecthood’ (albeit one defined in terms of health rather than formal political right)” with growing demand for political representation.<sup>39</sup>

The inherent tensions in the management of the colonial urban order point to the entanglement of imperialism, governmentality and the belief in development and progress. In his discussion of the emergence of “liberal governmentality” in British colonial cities, Patrick Joyce contends that while colonial rule was entwined with the construction of racial difference, there was always an underlying strand of universalism at play within the logics of colonial development.<sup>40</sup> Referring to the work of Thomas Metcalf, Joyce writes that this universalism was most evident in the arenas of private property, the rule of law,

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<sup>36</sup> Ibid, 16.

<sup>37</sup> AlSayyad, “Ali Mubarak’s Cairo,” in AlSayyad et.al., eds., *Making Cairo Medieval* (Lanham, MD.: Lezington Books, 2004), 49-66.

<sup>38</sup> Nicholas Thomas, *Colonialism’s Culture: Anthropology, Travel and Government* (Cambridge: Polity, 1994), 2.

<sup>39</sup> Robert Peckham and David Pomfret, “Introduction: Medicine, Hygiene, and the Re-ordering of Empire,” in *Imperial Contagions: Medicine and the Cultures of Planning in Asia, 1880-1941*, eds. Robert Peckham and David Pomfret (Hong Kong: Hong Kong University Press, 2012).

<sup>40</sup> Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London; New York: Verso), 2003, 248-49. For related observations made on the context of the French Empire, see Paul Rabinow, *French Modern: Norms and Forms of the Social Environment* (Chicago; London: The University of Chicago Press), 1989; and Gwendolyn Wright, *The Politics of Design in French Colonial Urbanism* (Chicago: The University of Chicago Press), 1991.

the liberty of the individual, and education in Western knowledge.<sup>41</sup> Despite the British belief that a majority of their colonized subjects had yet to reach the threshold of “civilization,” the predication of their own colonial authority on notions of universal human progress also instilled a degree of contradiction between authority and liberty in colonial development. Although many indigenous actors resented the discrimination they encountered in the colonies, they also invariably sought to advance their positions by appealing to the universalizing claims that supported colonial capitalism, particularly the emphasis on the need to protect market freedoms and to limit the power of governing authorities, which had to be constantly weighed against the rights of subjects on the one hand, and economic processes on the other.<sup>42</sup>

The recognition of this rationality of governance, which Joyce refers to as “a rule of freedom,” points to a new way of thinking about the relations between the government and the governed and the new forms of knowledge required to support these relations. However, while this formulation provides an extremely useful way to rethink the agency of individual subjects and the emergence of urban milieus in modern societies, a question remains in regards to the extent to which such a conceptual framing, which is derived from specific histories in Western liberal democracies, can adequately address the structural dynamics in “non-Western” colonies governed by authoritarian, “non-liberal” regimes.<sup>43</sup> In other words, how did the entrenched inequalities built into the colonial system shape these “practices of freedom” in particular ways, and how might such practices in turn affect the sense of self and aspirations of individuals and the ways they relate to the state and to other social groups? And how -- more specifically relating to the concern of this dissertation -- might a study of a history of property practices, which is intrinsically connected to a universal conception of property right, provides new insights on the construction of history of Hong Kong and the peculiar marriage of market liberalism and “political unfreedom” that characterizes its colonial and postcolonial development?

Before probing these problematics further, it would be useful to first examine some recent approaches to the study of liberalism as a form of rule that emerged in Western liberal democracies in the 19<sup>th</sup> century and consider how such rule had been reappropriated and adopted in “non-Western” colonies.

### 1.3. Colonialism and the Liberal Strategies of Exclusion

Although liberalism is usually understood as a political philosophy committed to limited government and individual liberty, Michel Foucault has argued that it should be

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<sup>41</sup> Ibid, Joyce, *The Rule of Freedom*; Thomas Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1994), 35.

<sup>42</sup> Dean. Governmentality [ADD PAGE\*\*\*] \*

<sup>43</sup> Indeed, in his discussion on India, Joyce seems to have contradicted himself by first positing that it is important to recognize the tensions between liberty and authority which was a condition produced by capitalism, but then asserting the limit to this “rule of freedom” due to the continual disregard of individual rights of native subjects.

approached not as an abstract ideology of freedom and liberty, but as “an art of government,” “a manner of doing things” that orients toward certain objectives and is self-regulated by continuous reflection.”<sup>44</sup> This implies that one needs to study what Foucault calls “regimes of practices,” attending to “the programs of conduct that have both prescriptive effects regarding what is to be done and codifying effects regarding what is to be known.”<sup>45</sup> In this view, the primary function of regulation (in the broad sense of the term) in liberal societies is not for sanctioning illegal activities, but for inducing people to regulate themselves and thereby becoming their own “legislators.”<sup>46</sup> Foucault further notes that laws are “tactics” for arranging things to achieve certain ends, and it is not through laws but the actions of individual subjects that the aims of government are to be reached.”<sup>47</sup> However, although the objectives of laws might be unambiguous in writing, they are open to contestations in practice. This is precisely because as “tactics,” laws must be reinterpreted by individuals responsible for their execution. As many examples of legal battles concerning the regulation of housing in the following chapters show, despite their seemingly coherent claims to abide by the colonial rule of law, all the actors involved sought to manipulate the laws in various ways to protect their own interests.

One way to consider the problematic linkage between liberalism and colonialism is to recognize that much of the literature of liberalism stresses the explicit character of a “universal free subject” capable of regulating his or her own conduct.<sup>48</sup> As Mitchell Dean observes, implicit in the early writings on liberalism is a consistent assumption that liberal rule is not practicable for those who do not display the attributes of a “mature subjectivity.” This exclusionary impulse in liberalism is further delineated in the work of Uday Mehta, who has identified that at the core of 19<sup>th</sup> century liberal thought is a form of “ethical despotism.”<sup>49</sup> Referring to John Stewart Mill’s writings on the principles of liberty, Mehta contends that although liberalism was based on a universal premise that all human beings are fundamentally equal, it has no application to “backward societies” and indeed “to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion.”<sup>50</sup> From this point of view, despotism was believed to be a legitimate form of government for “barbarians” and “colonized people” provided that the their improvement by taken as the “end” of governing and the means justified by actually effecting that end.<sup>51</sup> It is therefore not surprising that many prominent

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<sup>44</sup> Dean, *Governmentality: Power and Rule in Modern Society* (London; Thousand Oaks; New Dehli: Sage Publications), 131-148.

<sup>45</sup> Foucault, “Questions of Method,” chapter in *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991), 75. Foucault has further explained that practice is to be understood as “places where what is said and what is done, rules imposed and reasons given, the planned and the taken for granted meet and interconnect.”

<sup>46</sup> The analogy is borrowed from Antonio Gramsci’s article, “State and Civil Society,” in *Selections from the Prison Notebooks of Antonio Gramsci*, (New York: International Publishers, 1971), 266.

<sup>47</sup> Foucault, “Governmentality,” in *The Foucault Effect*, 96.

<sup>48</sup> Dean, *Governmentality*, 32.

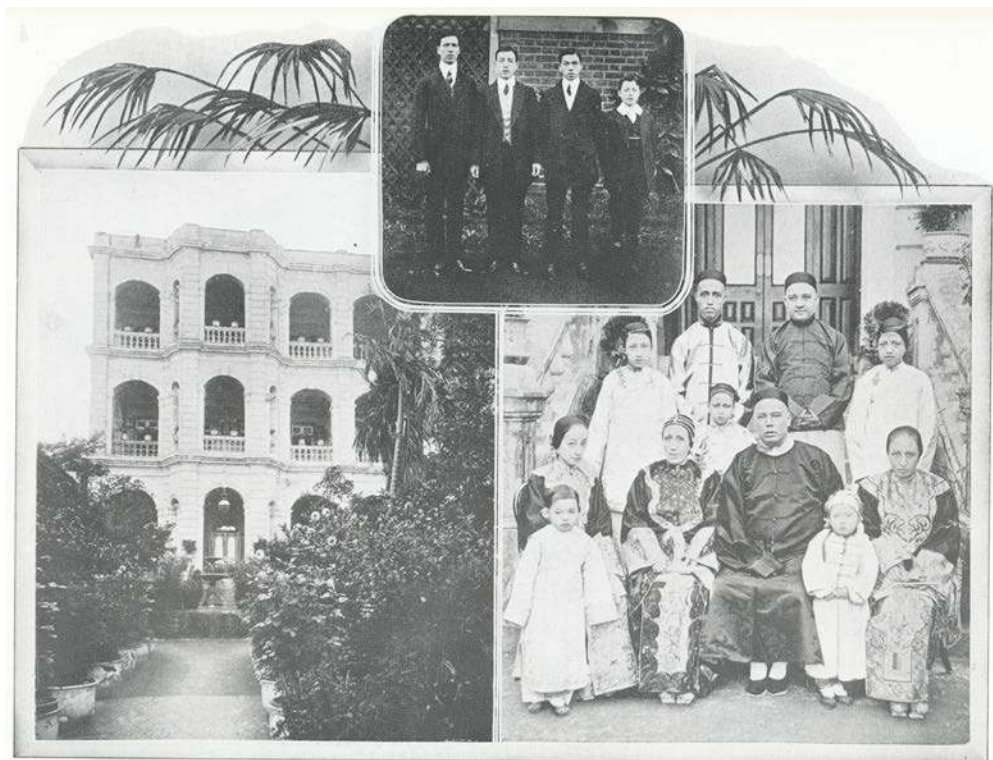
<sup>49</sup> Uday Mehta, “Liberal Strategies of Exclusion,” in Frederick Cooper and Ann Laura Stoler, eds., *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley; Los Angeles; London: University of California Press, 1997), 59-86.

<sup>50</sup> *Ibid.*, 75.

<sup>51</sup> *Ibid.*

British and French liberal thinkers who were highly critical of European imperialism themselves had decisively turned to support the expansion of colonial empires in the mid 19<sup>th</sup> century.<sup>52</sup>

It is important to identify that within these “liberal strategies of exclusion” are two fundamentally contradictory assumptions: one based on a discourse of “improvement” that saw all human beings as equal and “improvable” through positive environments and exposure to Western education, and the other on a discourse of difference that insisted on the existence of diverse “traits” and varied levels of cultural development between different peoples. The rise of a social constructionist view of societies in the social sciences and medicine in the 19<sup>th</sup> century partially helped to resolve this conundrum. By providing pathologized accounts on the “habits” and “cultures” of different subject groups, a universalized claim of human progress was thus reaffirmed while reproducing a racialized discourse of difference.<sup>53</sup> This rationalization of “cultural hierarchy,” often framed in a scientific language, would become a key justification for new sets of exclusionary policies across the British Empire in the late 19<sup>th</sup> and early 20<sup>th</sup> century.



**Figure 1.3.** A portrait of a Chinese family posing in front of their palatial Western-style home in the Mid-level District, 1900s. (Source: *20<sup>th</sup> Century Impressions of Hongkong*, 1908).

<sup>52</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton; Oxford: Princeton University Press), 1-2.

<sup>53</sup> Schula Marks, “What is Colonial About Colonial Medicine? And What Happened to Imperialism and Health?” *Social History of Medicine* 10, 2 (1997).

Perhaps the most tangible example of such policies was the formalization of racial segregation in many colonies with the establishment of “European reservations” – areas where only members of the white race were allowed to live on the basis that their “habitats” and “physical makeup” were different from those of the natives.<sup>54</sup> However, as I will discuss in the following chapters, such rationales of exclusion repeatedly brushed up against other logics in ongoing colonial development. One argument against urban segregation in Hong Kong was that it was an economically inefficient practice that defied the British “laissez-faire” principle, leading to rent dissipation of European properties within the reservation (see chapter 2 and 5). This led to many debates over granting exemptions to wealthy Chinese and Eurasians for acquiring properties in the reservation, on the ground that these people represented a “better class” of natives that was more “civilized” and possessed “clean habits” compatible with those of the Europeans.

#### 1.4. Historicizing the “Rule of Difference”

The topic of exclusion and racial discrimination has attracted much attention in recent scholarship on colonialism and imperialism. By examining how colonial regimes deployed the “rule of difference” for legitimizing discriminatory policies that protected European privilege, these works reveal the hollow (and ideological) content of the “civilizing mission” and distorted representations of colonized peoples.<sup>55</sup> However, as David Scott asserts, because many of these critiques have continued to hang on to a conceptual opposition between the “colonizers” and “the colonized”, they also fail to unpack the complex mechanisms at work in the “rule of difference” and the multiple ways in which “race” has been used as a classificatory signifier. If the rule of colonial difference is a rule of exclusion/inclusion, then what are the specific power-effects of “race”? In other words, what concerns Scott is that although race as a system of representation is seen to operate across colonial territories, one needs to understand “when and through what kind of rationalities that it was inserted as a subject-constituting practice.”<sup>56</sup> The crucial question then, he concludes, is not about whether the natives were included or excluded so much as the introduction of new “political games” that both the “colonizers” and the “colonized” were obliged to play if they were to be exert impacts on politics.

Although Scott does not elaborate in any detail on how colonized people participated in the construction of the colonial discourse (and often tends to subsume any discussion of native agency under the term “colonial governmentality”), his main proposition that there is a need to historicize the modalities of “the rule of difference” – a point clearly owed to

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<sup>54</sup> Home, *Of Planting and Planning*.

<sup>55</sup> Scott, “Colonial Governmentality,” in Janathan Xavier Ina, ed., *Anthropologies of Modernity: Foucault, Governmentality and Life Politics* (Blackwell Publishing Ltd., 2005), 24. Here I am following Scott’s identification of two primary strands of critiques of the colonial discourse. The first one, which owes much to Edward Said’s *Orientalism*, has been concerned with showing how colonialist textuality works at the level of image and language to produced a distorted representation of colonized people. The other strategy has sought to show the ideological content of colonialism’s claim to have introduced the colonies to liberal-democratic political principles.

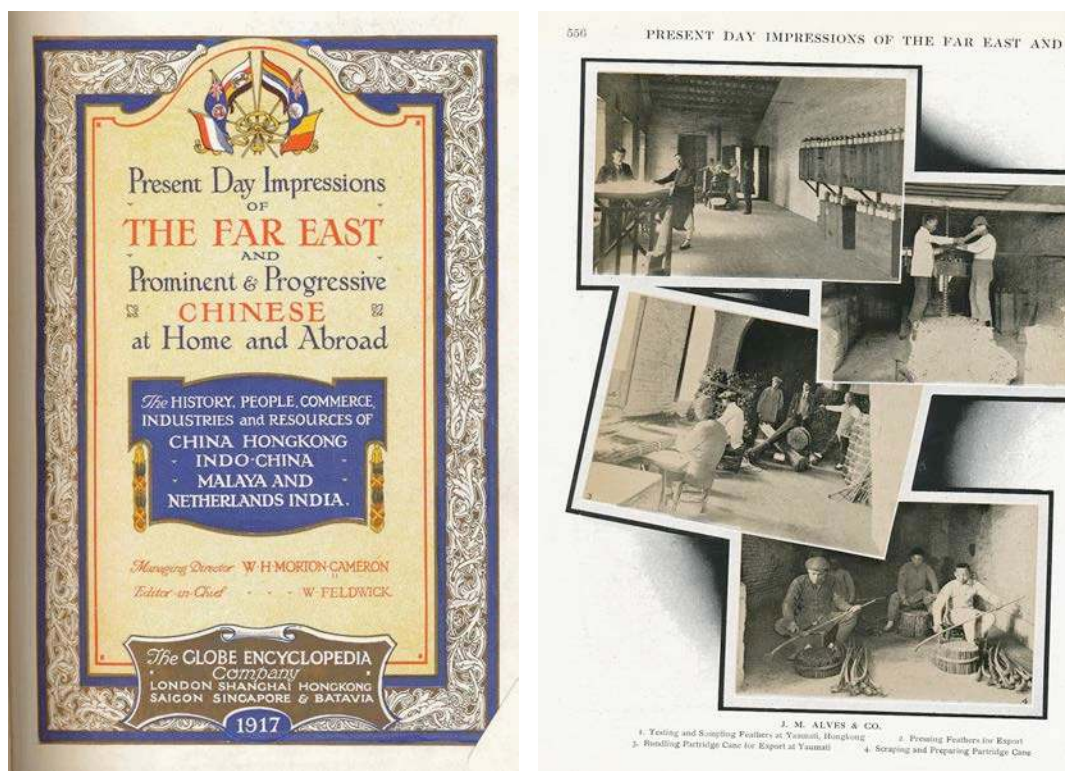
<sup>56</sup> *Ibid.*



Foucault -- provides a useful lens for my analysis of the urban development in colonial Hong Kong. While the injustice inflicted on the native Chinese was certainly real, an examination of the processes through which particular exclusionary policies were enacted would reveal that there were markedly divergent opinions on these rules both within the European and Chinese populations. One example that illustrates the malleability of “race” as a cultural signifier is the repeated attempts by Chinese landlords to deter building regulations that aimed to improve the sanitary conditions of the Chinese tenements (see chapter 3). The landlords argued that these expensive improvement schemes, which were based on “Western scientific ideas,” would not have any effect on the tenement dwellers because unlike Europeans, these Chinese had long been accustomed to crowded living condition for centuries. However, this rhetoric of cultural difference quickly gave way to one of universalism when the colonial government decided to cut back on the provision of urban services to the tenements. Here the landlords petitioned that such a decision would only induce the Chinese tenants not to keep their dwellings clean and therefore would defeat the government’s longstanding goal to improve the Chinese’s habits and to protect the “overall interests” of the Hong Kong community.

These cases, along with other ones that I explore in this dissertation, lead to a number of observations about colonial governance. The first is that despite the authoritarian nature of colonial rule, the making of urban policy was not a straightforward, top-down process as commonly assumed, but involved continuous negotiations between different subject groups that all played a role in upholding the colonial capitalist system. The second is these actors tended at times to change their positions to align with those at odds with them in another situations. Third, while colonial social relations were structured according to a hierarchical racial order, this very structure also obscured the internal stratifications among the native and European populations as well as some of the common interests that cut across particular factions within the two groups. Fourth, the racial categories established under the colonial system were open to rearticulation by different peoples, who appropriated their meanings and associations to achieve specific purposes. Finally, these ongoing re-articulations of the notions of race and cultures fed the construction of colonial knowledge and further elaboration of the regulatory framework, which in turn spawned new tactics and strategies to resist or evade these rules.

The above observations raise yet further questions: If the preoccupation with material gains (such as the landlords’ desire to accumulate ever more rental profit, or the colonial administrators’ attempt to maximize revenue from land premiums and property rates) played such a prominent role in shaping the actions of “subjects of interests,” does this not imply that insofar the Chinese were able to profit and advance their economic standing they would render themselves subservient to their colonial masters? Isn’t this conjecture a fallback to the longstanding discourse that Hong Kong, like many colonial port cities, was a *laissez-faire* enclave where lofty ideals and nationalist aspirations had no place but always gave way to a pervading materialism – a rhetoric that had been repeatedly invoked by successive governing authorities in their attempts to dispel political challenge throughout the colonial period?



**Figure 1.4 & 1.5.** Cover and inner page of a major British publication that documents the advancement of Chinese enterprise in the Far East in 1902. The volume, which amounts to over 600 pages with ample illustrations, was published by The Globe Encyclopedia Company, a leading publisher with branches across the British Empire. (Source: *Feldwick, Present Day Impressions of The Far East and Prominent and Progressive Chinese at Home and Abroad*, 1917).

While few historiographies have directly engaged with this question, Tsai's study of the social conflicts in early Hong Kong offers us a more complex view of the Chinese's attitude towards the colonial government.<sup>57</sup> Although Hong Kong did not go through the same kind of violent struggles for national independence that took place in other European colonies, the colony nevertheless has a long history of resistance to British rule. Tsai argues that the colonial situation brought the Chinese and the Europeans into an ambivalent, interlocking relationship that was simultaneously characterized by collaboration and hostility, and partnership and antagonism.<sup>58</sup> Although they prospered under the colonial capitalist system, many Chinese merchants and compradors maintained a strong sense of patriotism to authorities in Mainland China and resented European domination over their home country. However, their close ties to foreign capital also prompted them to support peaceful reforms along Western capitalist lines to strengthen

<sup>57</sup> Tsai, *Hong Kong in Chinese History*; Chan, *The Making of Chinese Society*; and Ming K. Chan and John D. Young, *Precarious Balance: Hong Kong Between China and Britain, 1842-1992* (Hong Kong: Hong Kong University Press, 1994).

<sup>58</sup> *Ibid.*

China under British tutelage.<sup>59</sup> At the same time, they retained a persistent desire to “defeat” the British and Europeans through economic competition.

### 1.5. Modernization, Urban Improvement and the Construction of Colonial Cultures

A persistent issue underlying this dissertation is the mediation between competing ideas of the “modern” and how they were manifested in urban policies and building projects. While contestations were present in all, closer examination of the truth claims made in each case nevertheless indicates a certain convergence of opinions about Hong Kong as a “modernizing city.” While Ngo has rightly argued that all the dominant narratives of Hong Kong entail a simplification of its histories, my contention is that the very simplicity and resilience of these narratives are indications of the complex processes at work in their (ideological) construction.<sup>60</sup>

As mentioned earlier, studies of colonial cities in recent years have shed much light on the contradictions of colonial rule. Building on the contribution of these works, I attempt to further explore how different sets of discourses interacted with each other and how they have become accepted as commonsense knowledge over time. In the case of Hong Kong, these involve the examination not only of those longstanding truth claims centering on the laissez-faire economy and market freedom, but also other related assumptions that may appear more technical and neutral in nature, such as the continual improvement of health, sanitation and living conditions that went hand in hand with progress. To this end, my study of the debates over the regulation of building standards and the provision of urban utilities in Hong Kong’s early period provides insights into the epistemological shifts that accompanied these developments. My aim thus is to go beyond the emphasis on conflicts and contestations by also taking into consideration of the longer-term effects of these actions. In this way, I seek to offer a genealogical perspective on the colonial regulatory system, which was continually modified to adapt to various circumstances and in turn reshaped the physical forms of the city.

In his study of modernization in France, Paul Rabinow has suggested that the growing threats of epidemics to the economy in 19<sup>th</sup> century Europe set in motion a series of changes to the rationality of urban governance.<sup>61</sup> Although many early efforts of combating diseases had failed, the recognition of health as a major economico-political problem helped accelerate the development of “bio-political practices,” wherein individual subjects, now construed as a collective entity, a “population”, could be revealed in their

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<sup>59</sup> There were also significant divisions within the Chinese merchants towards the directions of political reform in China. This was further complicated by the fact that different merchant groups were tied to different factions and power blocs within China’s political regime. For a discussion on the political activities of Hong Kong merchants in China, see Baoxian Zhong, *Chinese Business Groups in Hong Kong and Political Change in South China: 1900-25* (London: London: Macmillan, 1996).

<sup>60</sup> Ngo, *Hong Kong’s History*.

<sup>61</sup> Rabinow, *French Modern*.

social, biological and economic forms by the application of scientific knowledge.<sup>62</sup> A consequence of this transformation was the proliferation of new techniques for investigating the social environment. The search for causal relations between urban forms and social norms was built upon a belief that the health and productivity of populations could be optimized by the provision of positive environmental settings.<sup>63</sup> Concomitant to this process was the rise of medicine and sanitary engineering – the two harbingers for the shaping of urban landscapes. By the turn of the century, doctors and engineers came to be seen as all-purpose experts, providing advice on housing, planning and other urban policies that aimed to remake the urban milieu.<sup>64</sup> The power of these professional experts was most pronounced in the colonies, where the recourse to state power granted them a degree of authority in influencing public affairs that were difficult to achieve in Europe itself.<sup>65</sup>

Although recent scholarship has explored the role of medical science and engineering as tools of colonialism, these critiques have not significantly altered the common perception that the history of public health and urban services was largely a universal story of (scientific) progress.<sup>66</sup> As Christopher Hamlin contends, the fact that so many technological achievements, such as underground drainage and water supplies that came to define the modern built environment were no longer seen as questionable only proves the extent to which they have been “blackboxed.”<sup>67</sup> But although a world in which modern sanitation is rejected might seem inconceivable in the present, it was not so in the nineteenth century. The now widely praised Chadwickean public health reforms, which involved heavy expenditure and state intervention, were constantly challenged for their rationality, practicality and cultural appropriateness when they were first introduced. Widespread resistance against regulations to improve housing and sanitation can be found in cities across the empire, where concepts of health and culture and the meanings of rights and obligations were being debated and constructed anew by different groups of people.

These dynamics were fully played out in the debates over the regulation of housing before and after the 1894 bubonic plague outbreak in Hong Kong (see chapter 3). While emerging theories of diseases and their relations to sanitation were gaining wider acceptance at this time, they were selectively endorsed by colonial administrators and bureaucrats, who used

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<sup>62</sup> Dean, *Governmentality*, 99; Foucault, “Right of Death and Power Over Life,” in Paul Rabinow ed., *The Foucault Reader* (New York: Pantheon Books, 1984), 265-266.

<sup>63</sup> Dean, 119; Rabinow, *French Modern*.

<sup>64</sup> Home, *Of Planting and Planning*, 42-43. For a discussion on the construction of “moral topographies,” see Osborne and Rose, “Spatial Phenomenotechnics: Making Space with Charles Booth and Patrick Geddes,” *Environment and Planning D: Society and Space* 22 (Spring 2004): 209-28.

<sup>65</sup> Gwendolyn Wright, *The Politics of Design in French Colonial Urbanism*, 306-307. Note that Wright’s idea of “colonies as laboratories of modernism” has been challenged by Peckham and Pomfret. See introductory chapter their edited volume, *Medicine and the Cultures of Planning*.

<sup>66</sup> Teresa Meade and Mark Walker, eds., *Science, Medicine and Cultural Imperialism* (New York: St. Martin’s Press, 1991); Roy MacLeod and Milton Lewis eds., *Disease, Medicine and Empire: Perspectives on Western Medicine and the Experience of European Expansion* (NY: Routledge, 1988); Peckham and Pomfret eds.

<sup>67</sup> Christopher Hamlin, *Public Health and Social Justice in the Age of Chadwick, Britain, 1800-1854* (Cambridge: Cambridge University Press, 1998).

them to legitimize policies that fit with their political agendas. Meanwhile, landlords, tenants and others with stakes in housing reform all sought to rationalize their priorities as those that served society's best interest. While their competing claims underscore their agency in the shaping of the urban environment, a more careful study of the situation also provides some insight into how consensus was forged through these prolonged contestations, as well as how a particular kind of regulatory framework and rationality of development was gradually consolidated.

In hindsight, it is difficult to ascertain to what extent local officials, property owners and tenants concurred with the sanitary reforms advocated by professional experts. But what matters here is not only about determining which policy or project was adopted or rejected, but also the discursive effects generated by these different proposals and how the debates over their implementations reshaped the discourse of building practices. These include, for example, the formation of numerous committees for assessing the feasibility and desirability of new building projects, the setting up of "arbitration boards" for dealing with compensation for landlords whose properties had been confiscated, and the enactment of new legislation that facilitated the planning and financing of new infrastructures, etc. (see chapter 4). Meanwhile, the proliferating discussions about the beneficence of "healthy environments" also affected the valuation of properties, prompting new demand for better housing with modern utilities as well as a gradual "normalization" of the right to urban services among some of the poor tenement dwellers.<sup>68</sup> The push to expand infrastructures also began to reshape the design of streets and houses and the spatial reordering of districts, as exemplified by the increasingly sophisticated drawings and technical documents produced in this period.

But despite the emergence of new sanitary norms and conceptions of a "healthy environment," the long assumed cultural divide between Chinese and Europeans in Hong Kong continued to hold sway. The urge by British sanitary engineers to provide universal water supplies to all the Chinese tenements – an expensive undertaking that would take many years to accomplish – became a flashpoint of contention over the allocation of resources and prioritization of urban policy. In their attempt to limit government spending, some of the colonial administrators argued that because the Chinese laborers living in the tenements were "culturally inferior" in relation to modern technologies, it was inappropriate to provide these services to them, at least not in the immediate future.<sup>69</sup> But this view was not shared by officials of the Colonial Office in London, who were less concerned with balancing the budget (which was the sole responsibility of the local administration) than with establishing a well-run urban order with positive "moral effects" on the native Chinese. Meanwhile, owners and rentier lords of the tenements supported the moral discourse associated with the advent of modern utilities, even though their concern

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<sup>68</sup> The growing demand for modern utilities in the 19<sup>th</sup> century was a shared phenomenon in many cities around the world. Part of my understanding of these dynamics comes from reading a recent monograph by Michael Rubenstein, *Public Works: Infrastructure, Irish Modernism, and the Postcolonial* (Notre Dame, Indiana: University of Notre Dame Press, 2010).

<sup>69</sup> See chapter 3 for discussion of this case.

was more about how these utilities might raise the rental revenue and overall value of their properties.

The continuous wrangling over the provision of urban services and housing reform is fascinating, not only in that they illustrate how the ideals of modernization centering on maximizing the health and productivity of the population had been continuously tampered by practical constraints on the ground, but also how these constraints became the very basis for constructing new discourses of culture. Although the Europeans' ascription of "native habits" could be deemed as acts of discrimination in retrospect, it should be noted that the binarism that underlie these ascriptions, predicated on the mutual exclusion of "Chinese" and "Western" cultures, have always served multiple functions in history. This bifurcated milieu helped the British to justify the application of discriminatory legislation. But it also provided new channels for cultural and political negotiations. As demonstrated in the studies of Tsai, Carroll, Smith, Sinn and others, the reference to an "autonomous native culture" not only enabled the Chinese to assert their identity and agency, but also allows the elites among them to develop a paternalistic relationship with their fellow countrymen, and by doing so establish a cultural hegemony that appeals to the traditional Confucian idea of social hierarchy.<sup>70</sup> Meanwhile, the invocation of cultural difference was repeatedly deployed by governing authorities to portray Hong Kong as land of "inclusiveness": that it was a harmonious, modernizing entrepot where Eastern" and "Western" cultures coexisted, with all the constituencies sharing a common goal of improving their economic prospects and pursuing their own success stories.



**Figure 1.6. & 1.7.** Images of the newly completed Central Market in 1895. (Source: The National Archives of the U.K.; Public Records Office, London).

<sup>70</sup> Tsai, *Hong Kong in Chinese History*.

## 1.6. Hong Kong: A “Colonial Exception”?

This benign portrayal of Hong Kong as a “colonial exception”: a civilized, pragmatic colonial society devoid of the conflicts and violence associated with so many other colonial contexts, has remained to this day. However, the longstanding stereotype of “Hong Kong people as more interested in making money than politics and cultures”<sup>71</sup> – an assumption that has so often been used to explain Hong Kong’s remarkable economic growth and relative stability in the postwar era, has been increasingly unsettled by the surge of popular protests in the years following the transfer of Hong Kong’s sovereignty in 1997. These include numerous campaigns against urban renewal projects that involved the demolition of colonial-era buildings, which have been hailed as Hong Kong’s “vernacular heritage” representing the city’s triumphal rise from a backwater fishing village to an international metropolis.<sup>72</sup> These protests have sparked off intense debates over the city’s urban future, even though the efforts to salvage “historical buildings” have continued to be hampered by the projected loss of property value in a “high land price” system that has long encouraged relentless redevelopment and speculation.<sup>73</sup>

While some cultural commentators have interpreted this “sudden enthusiasm” toward heritage and “culture” as a sign of growing historical consciousness stimulated by decolonization, a closer examination of the debates over preservation indicates a more ambivalent attitude toward unification. As I have argued elsewhere, the trend to embrace heritage may be read as an attempt by Hong Kong citizens to reassert their (colonial) identity, which has been threatened by reintegration with the Chinese nation – long conceived as an alien territory less advanced and modern than capitalist Hong Kong.<sup>74</sup> In this context, these colonial remnants that include both “Chinese” and “European” buildings seems to have assumed a more prominent role in the retelling of the Hong Kong story, where the colonial past is now reclaimed as a resource against a threatening larger nationhood. But there is a double irony here. First, the perceived “vernacular quality” embodied in these buildings was produced by the colonial system, which, from the beginning was premised on maintaining a bifurcation of cultures that enabled the application of different rules to different peoples.<sup>75</sup> Second, the power of these crumbling structures as testimony of Hong Kong’s “coming-of-age” can only be made manifest by abstracting them as components of a coherent narrative of progress.

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<sup>71</sup> Lau, *The Ethos of the Hong Kong Chinese*.

<sup>72</sup> Chu, “Heritage of Disappearance? Shekkipmei and Collective Memory(s) in Posthandover Hong Kong.”

<sup>73</sup> Ibid. It should be noted that, somewhat ironically, the change to Chinese sovereignty in 1997 also has simultaneously increased the fervor for property speculation.

<sup>74</sup> Ibid.

<sup>75</sup> For a theoretical discussion of the rule of colonial difference, see Partha Chatterjee, *The Nation and Its Fragments* (Princeton: Princeton University Press, 1993), 18-22. For examples of specific governing strategies in other colonial cities, see Yeoh, *Contesting Space*, and Chattopadhyay, *Representing Calcutta*. Also see Anoma Pieris, “Redefining the Dual City: Changing Ideas of Plural Citizenship in Colonial/Postcolonial Singapore,” and Imran Bin Tajudeen, “Racialized Architectural Tropes in National Heritage: ‘Malay’ Kampung Houses and ‘Chinese’ Shophouses in Melaka and Singapore,” in *Colonial Frames, Nationalist Histories*, 2012.

As I have discussed elsewhere in a study of the recent preservation campaigns, the nostalgia gathered around “cultural heritage” is predicated no so much on appreciating the actual qualities of the buildings, but on a comparison between their representation of a humbler past and a more modern and affluent present.<sup>76</sup> As “negative evidence” of modernization, the actually existing spaces of these buildings, along with their actually existing inhabitants, have been rendered largely irrelevant. These ironies can only be understood with reference to the ambivalent history of Hong Kong as a colonial capitalist enclave and the multiple discourses that continue to shape its development and the aspirations and self-image of its citizens. The nostalgia of “old Hong Kong” in the postcolonial era derives essentially from the paradox of Hong Kong’s colonial modernity, with images of the city being continually recast as components of the “Hong Kong success story.”

## Why is it taking so long to decide how to save HK's precious heritage?

Critics say that a consultation paper on the issue is vague and fails to make any concrete proposals

Klaudia Lee

The government has been criticised for condemning precious remnants of Hong Kong's history to the wrecker's ball by failing to make concrete proposals in its long-awaited review of heritage conservation policy.

The consultation paper released yesterday makes no suggestions to address the most contentious issue in protecting heritage structures – how to deal with private ownership – but instead raises a number of broad questions. These include “what should we conserve”, “how do we conserve our built heritage” and “who should pay?”

However, such principles had already been discussed at length by the Culture and Heritage Commission, said former commission member Ada Wong Ying-kay. The release of the consultation paper comes after the commission, the government's former top policy adviser on cultural development, spent three years discussing such matters before making its final report last year. The commission has been disbanded.

Ms Wong said: “Why is there such a huge regression? Over the past few years, the Culture and Heritage Commission has already discussed the principles of heritage preservation. But now they do it from zero again.”

She said the paper was “vague” and the government should propose concrete measures instead of rehearsing discussions on broad principles.

Siu Kwok-kin, head of the Chinese Department of Zhaohui University and a member of the Antiquities Advisory Board, said he also felt “frustrated” by the consultation paper, saying that valuable buildings would continue to disappear because of the government's delay in coming up with firm policies.

Speaking at the release of the consultation paper, Secretary for Home Affairs Patrick Hui Chi-ping admitted that the existing Antiquities and Monuments Ordinance, enacted in 1976, had failed to keep

### WHAT IS HONG KONG'S HERITAGE?

The review of heritage conservation policies outlined both the existing criteria for preservation and alternative criteria

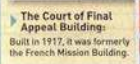
#### These buildings are preserved as monuments

They are among the 60 designated buildings which have been protected because:

- They are associated with historical events or figures
- They represent the architectural style of a particular period
- They display excellence in building techniques
- They have retained their original form



**Government House:**  
Established in 1855 as the residence for colonial governors. Now a venue for official functions.



**The Court of Final Appeal Building:**  
Built in 1917, it was formerly the French Mission Building.



**Central Magistracy:**  
Established in 1914. It was closed in 1979 and is now used by different associations affiliated to the police.

SCMP Graphic

**Lee Tung Street (Wedding Card street), Wan Chai:**  
Home to the wedding invitation industry for more than 30 years.

**Nga Tsin Wai walled village:**  
A 13th-century walled village. About 100 to 200 people still live in the 30 to 40 houses remaining there.

**Are these also worth preserving?**  
The consultation paper asks whether buildings or other areas with distinct character – but without architectural merit or historical significance – are worth preserving as heritage monuments. It suggested possible criteria such as:

- They are part of Hong Kong's –collective memory–
- They display special characteristics
- They are representative of a traditional way of life

**Graham Street, Central:**  
A street built in the 1840s now occupied by market stalls, leading from Central to Mid-Levels.

**Figure 1.8.** A 2004 article published in the South China Morning Post on the call for the government to enact better policy to preserve Hong Kong’s cultural heritage (Source: *South China Morning Post*.)

<sup>76</sup> Chu, “A Heritage of Disappearance?”



## 1.7. Sources and Organization of the Dissertation

The sources of this dissertation are primarily archival and can be divided into several types. The first is the original correspondences between the Hong Kong government and the British Colonial Office obtained from the British National Archive in London and the Public Records Office in the Special Administrative Region of Hong Kong. While these official sources convey the position of governing authorities, they contain many anecdotal references to the viewpoints of other agents (even though these narratives were often selected and structured to present particular arguments). A careful examination of these documents also reveals a host of divergent opinions on policy issues amongst colonial administrators as well as different positions between the latter and the officials in London. Analysis of these conflicts will be complemented by the reading of legislative proceedings and a large number of reports on housing, sanitation, public health and the colonial economy conducted by both officials and unofficial commissioners.

A second type of sources is newspapers, journals and magazines published mainly between the 1890 and 1930. These include materials both in English and Chinese language, even though I have relied more on English sources due to their wider availability. The comparison of editorials, opinion letters and special columns that appeared in different publications is important for my analysis of the dynamics that evolved around the regulation of property development and the provision of urban services. Although these sources do not represent the positions of all the constituencies, the discrepancies that exist between them nevertheless open up new ways to reinterpret historical events that have largely been reified in the mainstream historiographies.

The last type of sources include promotional materials for building projects, including advertisements for land auctions, property sales as well as meeting records of investment companies that are publicly available. These sources provide an important entry for understanding the market dynamics of housing investment as well as the relations between different agents with stakes in development.

The dissertation is organized into five main chapters. This introductory chapter provides a theoretical frame for my investigation and outlines the problems of Hong Kong's historiographies. Chapter two begins with a discussion of the colonial land system and how it shaped the patterns of urban growth in early Hong Kong and investment choices of Chinese and Europeans property owners. It then moves on to examine the housing problems that exacerbated in the late 1870s and early 1880s under the governorship of Pope-Hennessy, a so-called "pro-native" governor who encouraged wealthy Chinese to establish their business premises alongside Europeans in the Central commercial district. While the increase of Chinese property ownership brought substantial tax revenue to the government, it also incited growing paranoia of a "native takeover" among some of the European residents, who urged for a stronger policy of racial segregation. This eventually led to the establishment of a "European Residential Reservation" in which no "Chinese houses" were allowed. While the formalization of building types reinforced a dichotomy between "European" and "Chinese" cultures, it also enabled Chinese property owners to

resist the application of some of the building regulations, which they claimed were not suitable for the living habits of the Chinese.

Chapter three explores a number of controversies over the colonial government's efforts to improve the sanitary conditions of the Chinese tenements, which were deemed to be hotbeds of disease that endangered the health of the population. These initiatives, which include the universal provision of water and other urban services, were enthusiastically supported by colonial engineers, who asserted that the availability of better utilities to all would not only lead to the improvement of public health, but also help establish new political relations between the colonial state and its native subjects. However, these efforts were hampered by the reluctance of the government to invest money on public goods on the one hand, and the entrenched prejudice of some of the Europeans and administrators against the Chinese. The chapter ends with an analysis of the changing relations between the colonial government and Chinese elites after the 1894 bubonic plague outbreak, which led to the first large scale resumption of properties in Hong Kong's history. While these Chinese vehemently protested against the resumption exercise, they also assisted the Governor to implement a series of sanitary campaigns that aimed to improve the tenements.

Chapter four continues with the theme of urban improvement by tracing the legislative changes to building and public health regulation. Here I challenge the conventional narrative in which improvement to housing conditions and urban life proceeds in a linear fashion. By examining the prolonged debates over major building ordinances, including the many lengthy conversations between officials and others appointed to investigate the effectiveness of the new regulations, I illustrate the many back and forth negotiations over urban policies and the competing rationalities behind the making of legislative decisions. The chapter also includes a study of the corruption practices spawned by some of these new building rules, as well as the responses to a number of building collapses and how these reshaped the discourse of health and the environment.

Chapter five turns to explore a number of large scale suburban developments initiated by private developers in the interwar years, a time when Hong Kong went through successive land booms amidst simmering Chinese nationalism. By comparing the visions of a number of projects conceived along racial lines, I elucidate the changing rhetoric of race and their associations with emerging ideas of modern planning and housing reform. This chapter is augmented by the study of commentary pieces in the popular press, which shows how different social actors participated in the continual reconstruction of the discourse of Hong Kong and colonial cultures.

## 2. A Geography of Accumulation: Speculation and Regulation in Nineteenth Century Victoria

A cursory glance over the city reveals the fact that property owners on all sides are feverishly putting story on story, or if they can afford it, are razing old buildings and hurriedly running up much loftier ones in their stead. [T]hey are eager to participate in the flowing tide of rent; and who can blame them?<sup>1</sup>

Land is the foundation of all prosperity and any legislation which lessens its security of tenure must be disastrous to the community affected by it and in the end to the government itself which cannot separate its interests from the community it governs.<sup>2</sup>

Planning historians have noted that racial segregation in European colonies reached its peak between the 1880s and 1920s, a period when many cities established “European reservations” – areas formally zoned as residential districts for the “white race.”<sup>3</sup> While Hong Kong was no exception to this kind of development, the shaping of its “dual-city”<sup>4</sup> character must be contextualized within the informal segregation process that began in the early years of colonial rule. One important factor that came into play was the need of the colonial government to retain Chinese investment capital, which, from early on had provided an important basis for economic growth in the colony. Meanwhile, the encouragement of Chinese property ownership and the continual influx of immigrants from Mainland China incited growing anxieties amongst some of the European residents of yielding too much economic power to the natives and the concomitant risk of erosion of “white privilege.” The precarious situation in turn sparked prolonged debates over the rationale of colonial development and racial segregation, and the extent to which the colonial state should exercise control over the urban order.

As will be discussed in the following sections, these debates prompted the production of new discourses that justified a “rule of difference.” Among the most significant was the idea that Europeans were physically more vulnerable to tropical diseases, hot climate and congested living environments than the native Chinese, and therefore were in need of residing in areas at a higher altitude away from the crowded native quarters. The demand to protect the “vulnerable white race” became more urgent in the last quarter of the 19<sup>th</sup> century, when escalating property speculation placed some of the less well-off Europeans at risk of losing their properties to aggressive Chinese investors. However, the call to implement segregation by race was resisted by some of the colonial

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<sup>1</sup> *The Hongkong Daily Press*, 31 May 1900.

<sup>2</sup> “Commission to Inquire into the Administration of the Sanitary and Building Regulations Enacted by the Public Health and Building Ordinance 1903,” no. 10, 1903, *Hong Kong Government Sessional Papers*, 9.

<sup>3</sup> Home, *Of Planning and Planning*; King, *Colonial Urban Development*.

<sup>4</sup> For definition of the dual city, see Abu-Lughod, “Tale of Two Cities: The Origins of Modern Cairo,” 1965.

administrators themselves, who argued that such practices were against the British laissez-faire principle and the “natural” law of supply and demand of the housing market. Meanwhile, the categorization of “Chinese” and “European” environments enabled property owners to manipulate the regulatory system in order to maximum their rental profits. But before moving on to discuss the dynamics in this period, it is necessary to first examine the patterns of development and housing investment in Victoria – the first and largest town in Hong Kong, and how the colonial land system had contributed to particular urban forms and the shaping of relations between different “stakeholders” in development practices.

## 2.1. The Propensity of Land

Like many colonial port cities set up primarily for trade in the 19<sup>th</sup> century, the early growth of Victoria – the first and largest town in Hong Kong, assumed a haphazard character without a long term plan. Spurred by the prospect of establishing a British territory on the China coast, land speculation took off feverishly even before the colony was formally ceded to the British crown in 1841.<sup>5</sup> According to colonial records, plots were taken over by British and European merchants in what appeared to be a “free-for-all,” and land was sold by indigenous Chinese inhabitants without a land registry for purchasers to check title (apparently much of this ownership turned out to be fictitious).<sup>6</sup> The chaotic situation, as Nigel Cameron put it, was “aggravated by all parties attempting to seize the main chance, and by the more shrewd who wanted to stake claims to land which, in the event of Hong Kong become legally British, would dramatically increase in value.”<sup>7</sup>

To safeguard the right of the Crown and to bring the situation under some control, the interim colonial authority scrambled to set up some principles of land disposal. In a proclamation made in May 1841, all the land in Hong Kong Island was declared as crown land and would be classified into marine, town and suburban lots. Allotments would be leased out at public auctions in which bidders would compete for the highest payment of an annual rate under a 75 years lease term (later changed to the highest payment of a one-off premium with a standardized rate).<sup>8</sup> To ensure orderly development, all the lots were required to be officially surveyed prior to the sale, and leaseholders were obliged to construct a substantial building with a minimum value on

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<sup>5</sup> Although Britain took possession of Hong Kong in 1841, it was only in 1842 that the latter formally became a British colony with the signing of the Treaty of Nanking. The treaty was ratified in 1843 by both the British and Chinese governments. See Endacott, *A History of Hong Kong*, 14-25

<sup>6</sup> The Land Registry was not established until 1844. For discussion of the “land grabbing” scenario, see Dafydd M.D. Evans, “The Foundation of Hong Kong: A Chapter of Accidents,” in Majorie Topley ed., *Hong Kong: The Interaction of Traditions and Life in the Towns*, (Hong Kong: The Hong Kong Branch of the Royal Asiatic Society, 1975), 1-41, and chapter one in Roger Nissim, *Land Administration and Practice in Hong Kong* (Hong Kong: Hong Kong University Press), 2008, 3.

<sup>7</sup> Nigel Cameron, *An Illustrated History of Hong Kong* (Hong Kong: Oxford University Press, 1991), 34.

<sup>8</sup> *Report from the HongKong Land Commission of 1886-1887 on the History of the Sale, Tenure, and Occupation of the Crown Lands of the Colony*, 1887.



affirming the claim of “indirect rule” and colonial benevolence. In reality, however, many of these revenue farms became a locus for extortion and abuse of power.<sup>12</sup> When the government began to tighten building and sanitary regulations amidst rising concern of public health in the later period, many conflicts arose as the new rules inevitably impinged on the interests of a large number of Chinese involved in these businesses.

The other major channel for raising public revenue was the collection of land rent and property rates. The substantial profits gained from the early land sales convinced the government to adopt a “high land price policy.”<sup>13</sup> Unlike the monopolies in which revenue was extracted indirectly via the local “farmers”, the land system entailed direct government control over the land and housing market. To maximize profits, the colonial authority needed to limit the land supplies to keep their value high, whilst at the same time ensuring that the regulations on property development were not so onerous that they would drive away private capital.<sup>14</sup> Although this system was lauded for its success in boosting fiscal reserve and creating a competitive “free” land market, it soon led to a number of protracted problems.

First, the policy led to a chronic housing shortage which led to high land values and in turn drove up rents to an exorbitant level. While the government was reluctant to spend money on public infrastructure and urban services, private developers built what they could to suit the state of the market at the lowest cost, resulting in the construction of many poor quality houses. The problem was particularly acute in the Chinese districts where many native laborers could only afford to live in crowded subdivided tenements. The second problem was that the heavy property rate<sup>15</sup> and land premium set off continuous complaints from the powerful merchants, who frequently petitioned the government to grant them special concessions on their lease terms.<sup>16</sup> It is worth noting that, although most of these early petitions were drafted by British and European merchants, they were supported by a large number of Chinese property owners. Notwithstanding the antagonism between the Chinese and Europeans landlords, their shared interests based on property often drew them together to resist legislation that affected their investment prospects. The frequent closed door negotiations between

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<sup>12</sup> Ibid.

<sup>13</sup> Property rates were set at a fixed amount while the leaseholder was required to pay a one-time premium when the land was granted. See Nissim, *Land Administration and Practice in Hong Kong*, 10-12.

<sup>14</sup> Evans, “The Foundation of Hong Kong,” 21.

<sup>15</sup> See Nissim, *Land Administration*, 10-12.

<sup>16</sup> A case in point was a petition sent to London when Hong Kong was undergoing its first recession in 1848. Signed by a majority of the colony’s landholders, the petition asked for the reduction of land rent and property rates, and the revision of the standard 75 years lease term, which the petitioners argued was too short to induce them to spend money on improvement of their building premises. The Colonial Office refused to concur to the rent reduction, but granted a significant concession that revised the standard lease period from 75 to 999 years – a term that remained unchanged until 1898 when it reverted back to 75 years. The revision of the lease term coincided with the leasing of the New Territories in 1898. The then Secretary of State Joseph Chamberlain explained that the grant of 999 years had deprived the government of control over the land and of all the advantage of any future enhanced value of the land. See Nissim, 14.



**Figure 2.2 & 2.3.** Two maps showing the development patterns in 19<sup>th</sup> century Victoria. The top is a plan layout of the land plots sold in the first land auction in 1843. The bottom was a plan of the same area in the 1880s. (Source: The National Archives of the U.K.: Public Records Office, London).

merchants and officials would also become a normative practice that characterized urban development throughout the history of Hong Kong.

This brief account of the early development of Hong Kong shows that, contrary to the familiar rhetoric that Hong Kong was a “laissez-faire heaven” built on free trade and an open economy, the actual policies and institutions set in place were in fact highly interventionist and involved constant manipulation of the land market and local trade. Because Hong Kong was never meant to become a settler colony with a large number of European residents, the British knew that its viability would depend on attracting Chinese merchants and traders who could supply substantial capital and help foster entrepot trade. The colonial authority was thus keen to promote Chinese property ownership from the very beginning. Besides aiming to maximize revenue from their investments, it also hoped to create new legal and social obligations between the native

property owners and the government, and thereby achieving social stability in the new colony. However, the claim to the protection of universal property rights, which was posited as the “cornerstone” of capitalist development, began to brush up against other demands of colonialism, most notably the need to secure the interests of the European minority.

The contradictions can be seen in full display in subsequent debates over the course of development in the late 1870s and early 1880s, when the rapidly increasing holdings of Chinese landholders and the expansion of the Chinese settlements began to threaten the sense of security of the European residents. It is also worth noting that by this time the enactment of race-based policies came under growing criticisms, not only from educated Chinese, but also from some of the more “liberally-minded” colonial governors. However, as will be discussed in more details in the later chapters, some of the discriminatory policies were enacted without causing significant dissention via negotiation between legislators and representatives of the “Chinese community,” who tended to support the colonial government as a way to bolster their own social position as local community leaders.

## 2.2. The Chinese Bazaar and Early Informal Segregation

Notwithstanding the chaotic growth in early Victoria, the distinctions between “Chinese” and “European buildings” were instituted from the beginning. Up until the 1880s, the major mechanism for regulating urban growth were conditions written into government land leases, which required all new buildings to be constructed in the same “type” and “style” as those in the same neighborhood.<sup>17</sup> As in other British colonies, such as Dar es Salaam in East Africa, the categorization of building types worked well as a “backdoor policy” to segregate the populations without explicitly mentioning the notion of race.<sup>18</sup> Thus, by the mid-nineteenth century Victoria was divided into several districts in close proximity. These included the Central business district along the waterfront, which was lined with Neo-Renaissance and Georgian style buildings, and which housed all the major international trading houses and government administrative offices, as well as recreation clubs, churches, hotels, and other commercial enterprises primarily owned and used by British and European merchants. Uphill, overlooking the Central District, was the Midlevel, which had been developed as a European residential district dominated by palatial bungalows and villas. To the west of the Central district was the Chinese district, or so-called “Chinatown.” This area was packed with hundreds of rows of *tong lau*, and had from early on become a bustling center of domestic trades. It was also the principal home for many Chinese laborers, who found lodging in tenements concentrated in the neighborhood of Taipingshan.<sup>19</sup>

<sup>17</sup> J.M. Price, 8 May 1877, British Parliamentary Papers, vol. 25, 649; Roger Bristow, *Land-use Planning in Hong Kong: History, Policies and Procedures* (Hong Kong: Oxford University Press, 1984), 30.

<sup>18</sup> Sarah L. Smiley, “The City of Three Colors: Segregation in Colonial Dar es Salaam, 1891-1961,” *Historical Geography* 37 (2009): 178-96.

<sup>19</sup> See Evans, “The Foundation of Hong Kong,” and Frank Leeming, *Street Studies in Hong Kong*.





**Figure 2.4.** View of Taipingshan district, 1880s. Notice the more spacious European houses located at the Midlevel in the background (Source: The National Archives of the U.K.: Public Records Office, London).



**Figure 2.5.** View from Battery Point toward the Central business district, 1880s. (Source: The National Archives of the U.K.: Public Records Office, London).



**Figure 2.6.** Peddar Street in the Central District, showing the imposing clock tower in the background, 1880s. (Source: The National Archives of the U.K.: Public Records Office, London).

It is unclear to what extent the Hong Kong bazaars were related to those that existed elsewhere. The typical oblong shape of the lots was likely based on the assumption that buildings erected here would be used as shops and tenements similar to those in other “Chinatowns” in Southeast Asia. In an official correspondence in 1842, the Upper Bazaar was described as consisting of 150 lots on two rows of streets to be set “as straight as possible.”<sup>20</sup> Each lot was to be of 20 feet wide and 40 feet deep, with “the front of the shops not to be less than five feet away from the edge of the street.”<sup>21</sup> For buildings facing main streets, verandahs (i.e. balconies) were permitted to be built over pedestrian space, creating a covered sidewalk on both sides of the street. Because these verandahs were added after the buildings were completed and were not covered by the terms of the government lease, much dispute arose later in regards to their regulation and usage, particularly after a number of verandahs had collapsed due to poor construction.

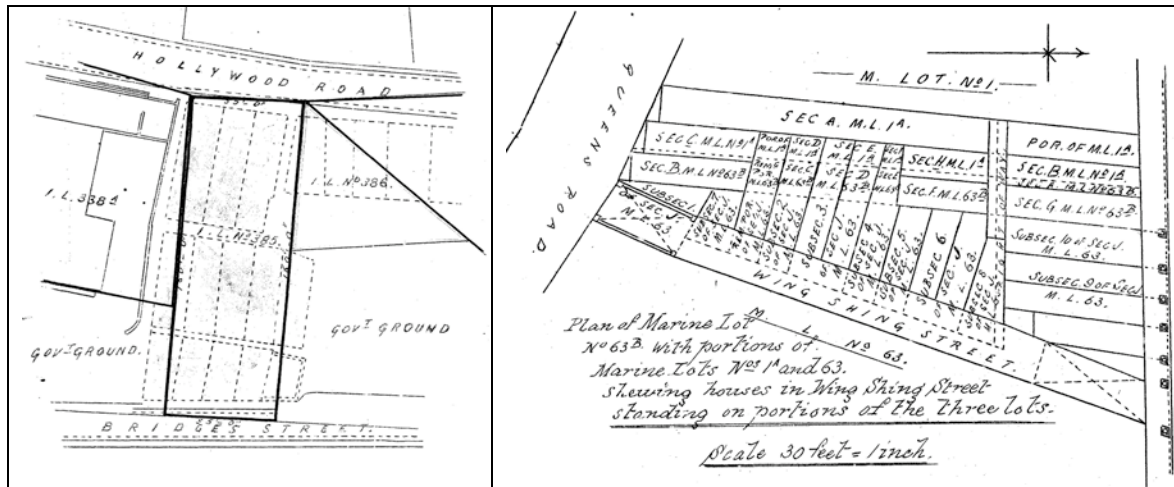


**Figure 2.7 & 2.8.** Two drawings showing the verandahs of *tong lau*. (Source: The National Archives of the U.K.: Public Records Office, London).

<sup>20</sup> CO129/10, 1842.

<sup>21</sup> Ibid. For houses fronting the main street in the Lower Bazaar, the eaves were allowed to be projected out to form a verandah.

These basic rules of planning were likely based on those implemented earlier in other colonies such as Singapore, where regulations were explicitly set up to ensure control over development and aesthetics of the streetscapes.<sup>22</sup> However, these rules had never been effective in Hong Kong due to inadequate enforcement. A related problem was that a great number of lots had over the years been divided up and sub-leased by the original landholders to different “section holders”. As remarked in a housing report in 1886, over the years many houses in the Chinese districts had been built upon one lot, all owned by different persons, as section holders and sub-section holders,<sup>23</sup> and many new houses had disregarded the original lot boundaries and encroached upon each other, leading to countless lawsuits. Owing to the difficulty in collecting crown rent, the government decided to grant separate titles to some of the section holders after 1860, allowing each to become a “crown leasee” directly responsible for paying his portion of the land rent. While this new policy enabled the government to revalue these properties and thus further increase its rent revenue and taxes, it did practically nothing to prevent the encroachment of the lots and fragmentation of the urban landscape.



**Figure 2.9 & 2.10.** Two drawings from the Land Commission Report of 1886, showing the subdivision of lots and encroachments. (Source: *Report from the Hongkong Land Commission of 1886-1887*, The National Archives of the U.K.: Public Records Office, London).

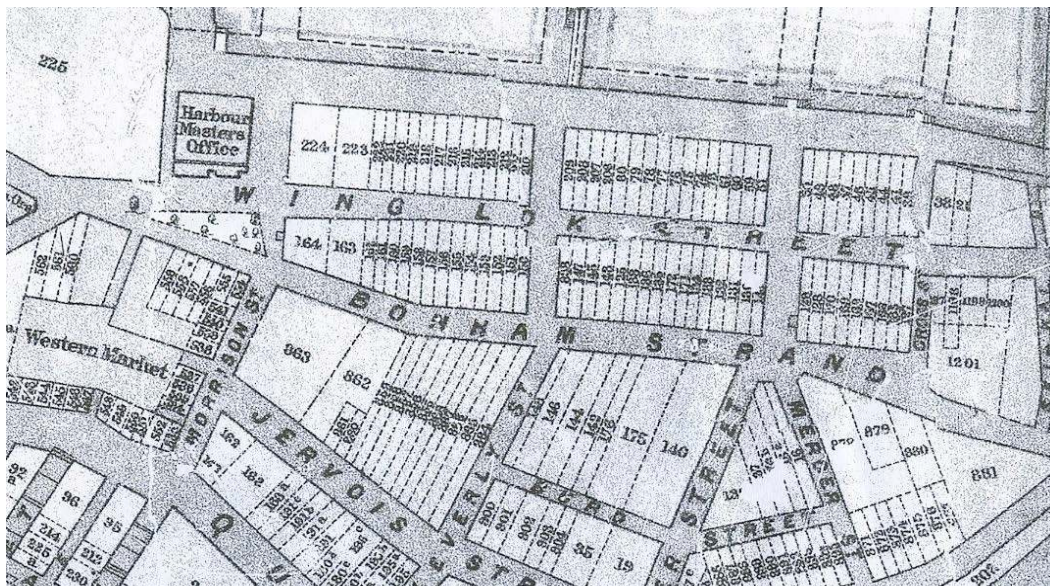
### 2.3. The *Tong Lau* and the “Chinese House”

Like the urban townhouses in southern China, the form of the houses in the Chinese bazaars was dictated by the measurements of the Chinese fir pole that constituted their structural frame, which consisted of a narrow width that varied between 12 and 16 feet. Up until the 1950s, all the houses built with this construction method were referred to as

<sup>22</sup> See Home, *Of Planting and Planning*, 118-122; Teo Siew Eng, “Planning Principles in Pre and Post-independence Singapore,” *Town Planning Review* 63, 2 (1992): 163-185.

<sup>23</sup> *Report from the Hongkong Land Commission of 1886-1887 on the History of the Sale, Tenure, and Occupation of the Crown Lands of the Colony.*

*tong lau* (translated as “Chinese-style building”) in the Cantonese language (i.e. the major dialect spoken in Hong Kong) regardless of their interior layouts and functions.<sup>24</sup> In contrast, the meaning of the term “Chinese house” that appeared in colonial policy documents was much more specific. Used interchangeably with the term “Chinese tenements,” the “Chinese house” was thus conceived by the government as a specific housing type based on the assumption that part of the building would be used as subdivided housing, even though in reality not all the *tong lau* were used as tenements at any point in history.



**Figure 2.11.** A plan showing the typical layouts of the lots in the Lower Bazaar in 1889. (Source: The National Archives of the U.K.: Public Records Office, London).

Under this official classificatory system, the antithesis of the *tong lau* was the “European house” (or *yang lau* in Cantonese, meaning “foreign-style building”), which was defined by its assumed function as single occupancy residential dwelling. As mentioned earlier, the categorization of building types in the early years worked well to segregate the populations. This was no doubt due to the fact that a majority of the Chinese in Hong Kong at this time were sojourn laborers who could only afford to live in a bed space in the tenements. In this context, the categories of the Chinese house and the European house also became significant markers of social status, with each inscribed with a range of cultural meanings associated with their inhabitants. Meanwhile, the frequent invocation of the prefix “tong” (i.e. Chinese) and “yang” (i.e. “Western”) in everyday language as a means to differentiate what were “native” or “foreign” continued to

<sup>24</sup> The exact translation of tang-lou into English is “Chinese-style building.” In contemporary usage of the term, tang-lou refers to two types of building. The first is the tenements that were constructed before the Second World War (the type that this article discusses). The other type refers to buildings constructed after the War without elevators. Despite the differences, there is always a tendency to conflate the two types of buildings. Regardless whether they are used and both are regarded as outmoded residential dwellings when compared to the modern high-rises.

reinforce a binary frame of reference for making sense of a colonial landscape that was spatially and socially divided.

With the continual influx of immigrants from China seeking shelter and jobs, the number of *tong lau* in Hong Kong increased three-fold between the 1850s and 1870s, with a majority of them used as subdivided tenements. Although their construction methods remained conventional, these *tong lau* gradually evolved into a form quite different from that of their mainland precedents. As documented in a colonial report, this was partly an effect of “European influence” (particularly in regards to their applied ornamentation), but “primarily due to the necessity for economy of space on account of the high price of land and great cost of preparing level sites for building.”<sup>25</sup> In contrary to the more spacious, two-storey townhouses in Canton, a majority of the *tong lau* in Hong Kong were built back-to-back, and were extended up to three or more stories with the purpose of maximizing floor spaces. The buildings’ upper floors were typically partitioned into cubicles, with each floor accommodating up to five or six households. Additional “cocklofts” were often built above the cubicles to provide extra beds that were sometimes rented to multiple tenants who took shifts sleeping in these spaces.

In evaluating these early tenements, the report also noted that the construction costs of many tong-lou were cut down in a number of ways. The wooden floor joists of the upper stories, for example, were often sparsely jointed, making it impossible to cleanse the floors with water. The bricks used in their construction were often porous and poorly manufactured, making them prone to rapid deterioration and collapse. Although a building ordinance was enacted in 1856 requiring every house to comply with a set of construction standards,<sup>26</sup> such as the provision of windows, house drains and a certain minimum space per person, etc., these rules were rarely observed in actual practice.<sup>27</sup> Earlier reports by colonial officials also noted that animals, including pigs, were frequently found in the upper floors of the tenements, and that the basements of some of them were used as cattle sheds.<sup>28</sup>

Written in a language in line with the emerging discourse of sanitary science, the medical and sanitary reports produced in this period generally assumed a highly negative view towards native housing, which was condemned as “insanitary” and unwholesome. But despite their vivid description of squalor, the documentation of construction defects in these writings nonetheless offered a partial picture of the linkage between the forms and processes of these buildings. The observation of the differences between the *tang lau* in Hong Kong and Canton, for example, underscored the significance of economic

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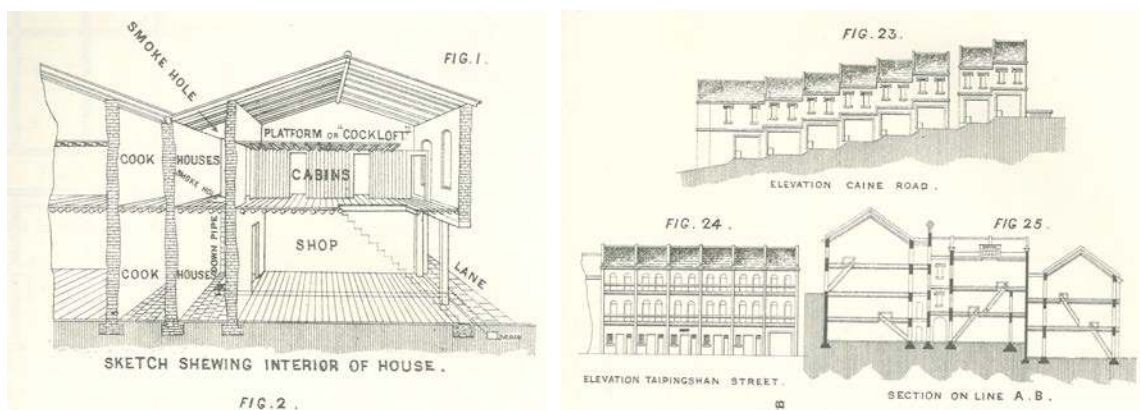
<sup>25</sup> Osbert Chadwick, *Report of the Sanitary Condition of Hong Kong*, 100.

<sup>26</sup> Ordinance No.8, 1956.

<sup>27</sup> Ordinance No.8, 1856.

<sup>28</sup> Some of the most vehement protests came from the Surveyor General J.M. Price and the Colonial Surgeon Phineas Ayres during the tenure of Governor Hennessey, who had been accused of delaying much-needed new sanitary legislations. As Price commented, Hennessey’s support for the Chinese landowners led to “dispirited action of the higher sanitary officers of the Colony, and the relaxed surveillance of the Nuisance Inspectors.” See Price to Colonial Office, 15<sup>th</sup> August 1881, 739.

considerations that influenced the decisions of the Chinese builders, who needed to operate within a defined set of official regulations and established construction methods. As admitted by one official, that the differences between the ultimate forms of the Chinese houses in different locations showed that “the Chinese were not so averse, as commonly supposed, to change their ‘habits’ to suit altered conditions.”<sup>29</sup> That said, the widespread practice of cost-cutting in the *tong lau* construction was to many Europeans yet another manifestation of “immoral Chinese traits.” Although not all the “defective” buildings were built or owned by Chinese, the stereotype of the “untrustworthy natives” continued to hold sway.



**Figure 2.12 & 2.13.** Drawings showing the typical configurations of Chinese houses in Victoria, 1882. (Source: Chadwick, *Report of the Sanitary Condition of Hong Kong*, 1882, The National Archives of the U.K.: Public Records Office, London).

## 2.4. The Tenement Landlords: Outcasts, Middlemen and New Elites

Although the colonial authority had reserved the most valuable land on the island for European merchants, the granting of the right to Chinese to buy and sell land properties nonetheless helped create a new class of native landlords, who, like their European counterparts, came to amass substantial fortunes from their investments under the “high land price system.” To understand the dynamics of these speculative practices, it would be helpful to examine the types of investors and their varied relationships with each other and with the colonial state.

Unlike most of China’s large gentry-class who inherited land from their ancestors (who were typically connected with the Imperial Qing government), the early native landholders in Hong Kong were mostly of humble origins. In the 1840s, the colonial authority selectively granted land to those Chinese who had supplied the British forces by defying the Qing government’s order that forbid all Chinese from working with foreigners.<sup>30</sup> Many of these Chinese belonged to the boat population -- the *Tankas*, or so-

<sup>29</sup> Chadwick, *Report of the Sanitary Condition of Hong Kong*, 1882.

<sup>30</sup> Carl T. Smith, *Chinese Christians: Elites, Middlemen, and the Church in Hong Kong* (Hong Kong: Oxford University Press), 1985.

called “Chinese gypsies”, who had long association with piracy in the South China sea. The fact that they were a marginalized group themselves in Chinese society arguably made them more willing to collaborate with “foreign enemies” in return for a quick profit. However, their growing power in the Chinese community also led to widespread extortion and crime in early Hong Kong. As pointed out by Munn, the government’s attempt to cultivate co-option with the Chinese was a slow and clumsy process. Its decision to favor these “shady war collaborators” through land grants and monopoly privileges not only fostered an atmosphere of disorder, but also deterred the more established Cantonese merchants from coming to settle in the colony – a situation that only began to change after the outbreak of the Taiping Revolution in the 1850s, when many wealthy Chinese fled to Hong Kong amidst ongoing unrest in the mainland.

An example of a Tanka who rose to prominence under the colonial system was Loo Aqoi, who was a “Sea King” (i.e. pirate leader) before Hong Kong became a colony. His offer of service to the incoming British fleets and merchant vessels eventually earned him the grant of a significant portion of land in the Lower Bazaar. Aside from owning a large number of *tong lau* in the area, he also operated a market, a gambling house and many brothels, and at a time held the lucrative opium monopoly. By 1850, he was collecting rent on over a hundred properties, and became a recognized leader of the native community. Although government officials repeatedly lamented the unruly nature of the Chinese settlement due to the influence of “criminal characters,” the rapid ascendance of Loo and other “outcasts” of Chinese society also allowed the reassertion of familiar colonial rhetoric: that Hong Kong was indeed “a land of the free”, an entrepreneurial heaven where oppressed natives were freed from the bondage of Chinese tyranny, all enabled by the rule of an enlightened colonial government.

Besides the boat people, the building boom in the early days also attracted a large number of Chinese contractors and tradespersons to Hong Kong from neighboring Canton. Many of them were unable to survive the perils of business. The lack of knowledge in Western-style construction often led to underestimation on contracts, resulting in bankruptcy and even imprisonment.<sup>31</sup> But for those who were fortunate enough to survive, many prospered by investing their money on land and turning them into profitable rental properties.<sup>32</sup> One of these contractors was one Tam Achoy, who was formerly a foreman in the government dockyard in Singapore. After arriving Hong Kong, he built some of the colony’s most prestigious European buildings.<sup>33</sup> He was later granted a section of land in the Lower Bazaar and soon became one of the largest ratepayers in Hong Kong. In the 1850s, he began to buy up additional properties along the waterfront and built a wharf, which he leased to the European operated firm, Hong Kong, Canton and Macau Steamboat Company. When the coolie trade began to flourish in the 1860s, he became a major broker and played a key role in shipping thousands of Chinese laborers to California and Southeast Asia.

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<sup>31</sup> Ibid., 114.

<sup>32</sup> Ibid., See also John Carroll’s account of Tam, in Carroll, *Edge of Empire*, 31-32.

<sup>33</sup> Smith, 115. These include the P. & O. Building and the Exchange Building, which was bought by the government later and was used as the Supreme Court Building.

Another major group of landholders were the Chinese merchants who came from Canton to Hong Kong after the outbreak of the Taiping revolution in the mid 1850s. Along with the compradors working for European companies, these Chinese actively invested in real estate and quickly expanded their capital, soon establishing themselves as a new group of native elites by the 1860s and 70s.<sup>34</sup> Generally more educated and better connected with the European mercantile community, some entered into partnerships with European investment firms, often by providing the latter with much needed capital. These investments formed the foundation of the fortunes of several prominent Chinese families that continued to be influential in Hong Kong society for over a century.

In his study of the Chinese elites in Hong Kong, Smith has pointed out that the Chinese merchants' financial investment led them to identify their interests with those of the British and Europeans.<sup>35</sup> But their desire to retain close ties with their clans and families in mainland China often placed them in a precarious position, as they were accused by the Chinese government as being "traitors" to Chinese interests. In an effort to dissolve these tensions and cultivate relations with government officials (and sometimes in response to explicit demands of the Chinese authorities), they regularly contributed large sum of money to their home province, with much of it spent on infrastructure projects such as reclamation, road construction and other urban improvement schemes modeled after Western lines.<sup>36</sup> While some of these projects were speculative, they were generally bolder in vision than those implemented by the colonial government in Hong Kong. It is also ironic that while these merchant landlords had long been accused for their profit-seeking mentality and total lack of concern for the conditions of their rental properties in Hong Kong, they came to be regarded as important advocates of modernization in China. As will be discussed in chapter four, some of these visionary developments were partially carried out in "garden-city" projects in Hong Kong in the 1910s and early 1920s, when the opening up of Kowloon Peninsula and the New Territories vastly increased the availability of land for building purposes.

The last major group of landholders were the European merchants. As mentioned earlier, the land auctions in which properties intended for Chinese occupation were sold was open to both Chinese and non-Chinese proprietors. Given the tenements' potential in generating good rental profits, many European investment companies also bought up large quantities of *tong lau* in the Chinese bazaars. These buildings were usually managed by the companies' compradors, who also owned properties in the area themselves. The mixed pattern of property ownerships was further complicated by the fact that many European companies also had Chinese shareholders. The decision to distribute shares to Chinese was a pragmatic move aiming to reduce competition and to increase capital.<sup>37</sup> A case in point was the Hong Kong Land Investment Company Ltd. (later renamed as Hongkong Land Company), which included two of Hong Kong's

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<sup>34</sup> See Carroll's discussion of the Chinese elites, in *Edge of Empire*; and Sinn, *Power and Charity*.

<sup>35</sup> Smith, *Chinese Christians*, 116-120.

<sup>36</sup> One example was the case of Li Sing, who became one of the largest landholders in Hong Kong by the 1860s. See Smith, *Chinese Christians*, 118-120.

<sup>37</sup> Fung, *A Century of Hong Kong Real Estate Development*, 39.



wealthiest Chinese, Li Sing and Pun Pong, on its Board of Directors.<sup>38</sup> According to Cameron's account, the joining of Li and Pun in 1889 had immediately helped raise the value of the shares of the company and doubled its working capital to \$2.5 million, and thus constituted a moment of excitement and optimism for the future of the company.<sup>39</sup>

Finally, the sustained housing shortage also provided profit-making opportunities for other individuals with lesser means. As discussed earlier, many of the original land lots in the bazaars were divided up into sections and subsections on which a large number of *tong lau* were built. These houses were further sublet by the section holders to many "rentier lords," who would then subdivide each floor into cubicles or bed spaces for renting out to individual lodgers. These rentier lords typically stayed in the same premise (sometimes occupying only a bedspace along the corridor) and lived mainly on their subletting income. As caricatured in many local popular writings, the rentier lord was a much-hated figure: a greedy, stingy, immoral opportunist who was always trying to squeeze money from their poor tenants.<sup>40</sup> However, it is worth noting that because the subletting system was often organized along ethnic lines (i.e. most of the tenants came from the same villages of those of the rentier lords), it also constituted an important support network for many migrant laborers. Despite the daily conflicts that erupted in the tenements between the rentier lords and their tenants over rent and money matter, their similar backgrounds also led them to identify with each other's interest and drew them together when these interests were threatened.<sup>41</sup>

This brief account of the backgrounds and multiple motivations of the various people associated with the tenements illustrates the contradictory dynamics that shaped urban expansion in early Hong Kong under the colonial "high land price system". It highlights some of the complex relations that had developed between different constituencies striving for accumulation by utilizing the differing resources available to them. Although the "Chinese house" and "European house" were defined as mutually exclusive categories, their property values were intrinsically tied to the functions of a competitive housing market. And despite the persistent stereotype of the "Chinese house" as squalid, insanitary dwellings, they became a vital source of revenue for the colonial government, a preferable form of investment for Chinese and European property owners, and the only option of accommodation for many thousands of poor Chinese laborers. By the 1870s, the *tong lau* overtook "European houses" as the major form of property holding in the colony.<sup>42</sup>

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<sup>38</sup> Cameron, *The Hong Kong Land Company Ltd.: A Brief History*, 5.

<sup>39</sup> Ibid. As Cameron explains: "In this way, with the issue of 25,000 new shares, \$50 paid-up and with a premium of the same amount on each, the Chinese capital and interests were brought in to the company on a fifty-fifty basis, half of the new shares being offered to existing shareholders and half to Chinese investors."

<sup>40</sup> Fong, *Home of Yesterday* (Hong Kong: Joint Publishing Co., Ltd., 1993).

<sup>41</sup> See Tsai's discussion of these overlapping interests in *Hong Kong in Chinese History*.

<sup>42</sup> Hennessy, 6 June 1881, 23 May 1881, *British Parliamentary Papers*, vol. 25, 720-723.

## 2.5. Blurring Boundaries: The Limits of Housing Typologies

The shortage of housing was exacerbated after the 1860s by continual political unrest in China, driving waves of refugees to Hong Kong in search of shelter and jobs.<sup>43</sup> At this time the rapid growth of “Chinese houses” became a subject of concern for some European residents, who worried about the depreciation of their properties as “Chinese houses” began to encroach upon the “European district.” Although the terms of the standard land lease managed to keep the “European” and “Chinese” houses apart in the early years, this mechanism was ultimately unable to stop the gradual spread of *tong lau* into the Central district and the Midlevel. The reason was that as these buildings spread, they could always be shown to have similar “types” next to them, and thus satisfy the requirements of the land lease.<sup>44</sup> The scenario of “Chinese houses invading upon European territories” generated much alarm when a number of prominent commercial buildings at the edge of the Central district were torn down to make way for *tong lau*. The incidents incited criticism in the local English press, condemning property speculators for their profit-seeking mentality, and faulting the government for failing to protect the well-being of the (“European”) community.<sup>45</sup>

This anxiety over the surging number of *tong lau* must be seen in relation to two other historical developments. The first was a changing pattern of property ownership after the 1860s, when a growing proportion of properties came under the control of Chinese businessmen. Unlike the sojourning laborers and “vagabonds” who made up a majority of the native population in the early years of the colony, these landlords were mostly wealthy proprietors who had migrated to the colony from Canton and brought substantial capital with them. Along with other early settlers who became prosperous through trade and investment, these Chinese began to establish themselves as a new native elite.<sup>46</sup> The emergence of this new “power bloc” generated a mixed reaction in the colonial administration. Some officials, including Governor John Pope Hennessy (1877-1883), believed that the expansion of Chinese investment would instill social stability and enhance the “overall commercial interest of England.”<sup>47</sup> Other officials were more ambivalent toward the rising economic status of the Chinese, sensing that the government was increasingly caught between its duties to ensure “laissez-faire” competition and to protect the privileges of the European residents (see the discussion on Hennessy’s policies in chapter 3).

The other cause for unease was the perceived danger of epidemic outbreaks in the crowded tenements. The focus on the relationship between disease and the built

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<sup>43</sup> As touched upon earlier Hong Kong saw successive influxes of refugees during the Taiping Revolution, which lasted from 1850-1864.

<sup>44</sup> Price, 5 May 1877, *British Parliamentary Papers*, vol. 25, 647.

<sup>45</sup> These kinds of discussions appeared frequently in editorials and letters in local English newspapers, including *The Hongkong Daily Press*, *The China Mail*, and *The Hongkong Telegraph*.

<sup>46</sup> Carroll, *Edge of Empire*; Smith, *Chinese Christians*.

<sup>47</sup> Hennessy, 3 June 1881, *British Parliamentary Papers*, vol. 25, 731.

environment was closely linked to the emerging discourse of public health.<sup>48</sup> At the same time, in the absence of reliable explanations for the causes of many diseases, this discourse was bound up with moral and cultural prejudice. As shown in the many sanitary reports published by colonial doctors and engineers of the period, native peoples were deemed likely carriers of diseases due to their “dirty habits” and “uncivilized way of living.”<sup>49</sup> In this context, the portrayal of the “Chinese house” as a backward, unhygienic dwelling, in every way different from the normative, decent “European house,” also provided a convenient frame for making essentialized statements about the Chinese race. As the next section illustrates, the drawing of racial boundaries along the lines of health and culture would be used to legitimize a new set of segregation policies. However, the institution of a new planning system would involve a contested process in which a host of existing and new discourses were brought to bear.

In short, the economic boom in the 1860s and 70s saw two parallel trends of urban development in Hong Kong. One was a rapid rise of Chinese property ownership coupled with expansion of the “Chinese districts.” The other was a tendency among many landowners to convert existing “European houses” into *tong lau* with the intention of turning them into more profitable tenements. Although the “Chinese house” and “European house” were conceived as specific building types in official terms, the actual distinction between them was not always clear. This was particularly the case for the houses located near the border zones between the “European” and “Chinese” districts along the western portion of Queens Road, which had been developed into a bustling commercial precinct with an eclectic mixture of “native” and “foreign” businesses.<sup>50</sup>

An example showing this blurring of building categories was an application submitted to the Surveyor General in 1877 by Paul Chater, a prominent Parsee merchant and unofficial member of the Hong Kong Legislative Council. In this application, Chater proposed to convert two European commercial buildings located on Queens Road into “Chinese houses” with shops and residential dwellings.<sup>51</sup> To fulfill the requirement of the government lease, the exterior appearance of the new houses would be designed to assimilate the architectural style of their adjacent “European buildings.” The proposal was promptly approved by the Surveyor General J.M. Price, who said he could “see no legal impediment obstructing the sale,” and that “to disallow it would not only be

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<sup>48</sup> McCleod and Lewis, *Medicine and Empire*; Joyce, *The Rule of Freedom*; Yeoh, *Contesting Space in Colonial Singapore*.

<sup>49</sup> Levine, “Modernity, Medicine, and Colonialism: The Contagious Diseases Ordinances in Hong Kong and the Straits Settlements,” *Positions: East Asia Critique* 6, 3 (1998): 675-705; Myron Echenberg, *Plague Ports: The Global Urban Impact of Bubonic Plague, 1894-1901* (New York & London: New York University Press, 2007); Yeoh, *Contesting Space*.

<sup>50</sup> Under the governorship of John Pope-Hennessy, who was known by his contemporaries for his “pro-Chinese” agenda, a large number of Chinese merchants gained permission to establish businesses along the Western portion of the Central District, particularly along Queens Road. The move led to a rapid transformation of the area into a bustling commercial precinct with an increasingly eclectic mix of Chinese and European buildings accommodating a wide range of businesses.

<sup>51</sup> Price to Austin, 8 May 1877, *British Parliamentary Papers*, vol. 25, 649-650; “Chinese Business Houses in Hong Kong,” CO129/179/13355, 1879.

injudicious but also counter to the business interests of the colony as a whole.” In addition, Price suggested that:

“By making these concessions the government could to some extent prevent the disfigurement of the city. ...a matter in which its European inhabitants no less than the Government must take a direct personal interest, by insisting upon as high a standard of street architecture for Chinese shops as we have prescribed for European buildings in our most central thoroughfares.”<sup>52</sup>

Although Price delayed no time in approving the construction of Chinese houses in the business district, he rejected another similar application by a British trading firm for converting a row of “European houses” into “Chinese houses” in the Mid-level residential district. The latter case was different, Price explained, because “it was neither necessary nor urgent for native dwelling-houses to occupy [the Mid-level] district.”<sup>53</sup> To substantiate his judgment, Price stated that there existed “fundamental differences between the two kinds of buildings and the ways of life of their inhabitants”:

“The two types of structure, European and Chinese, and the habits, customs, and general method of life of their respective inmates, differ so essentially as to render the close neighborhood of the latter in many ways inconvenient to the former, and the question therefore arises whether in directly sanctioning the erection of Chinese tenements contiguous to valuable European ones, the Government would not be lending its sanction to the depreciation of the latter.”

Experience teaches us that a European house standing next to or between Chinese properties, will not let as profitably as one standing among buildings of its own class, and it would therefore, I think, be but prudent to consider whether in issuing the building permits alluded to, we do not really expose ourselves to the possibility of legal claims from those European house owners whose interests may be prejudiced under such permits.”<sup>54</sup>

While this statement discriminated against “Chinese houses,” it is worth noting that the key terms of reference here were not race, but the forms of architecture and the cultural practices of the inhabitants associated with building types. Price’s double-standard treatment of the two cases seems to be an attempt to resolve the contradiction between the perceived monetary and symbolic values of the “Chinese house”: that it was both a profitable property holding benefiting the overall economy as well as disdainful native dwelling threatening to depreciate European properties and endangering public health. By permitting “Chinese houses” to be built in the European commercial district and not the residential district,” Price believed that the government was able to cater for the colony’s “business interests” whilst protecting the integrity of European properties in the Midlevel.

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<sup>52</sup> Price, 8 May 1877, *British Parliamentary Papers*, Vol.25, 649.

<sup>53</sup> Hennessey to Carnavon, 6 Nov 1877, *British Parliamentary Papers*, Vol. 25, 657-658.

<sup>54</sup> Price, 8 May 1877, *British Parliamentary Papers*, vol. 25, 649.



**Figure 2.14 & 2.15.** Façade design of the Chinese house to be erected on Queens Road by Paul Chater. (Source: CO129/179/13355, 1879, The National Archives of the U.K.: Public Records Office, London).

But the rationale used to justify this decision was somewhat contradictory. If there was no danger that the values of “European buildings” in Central would depreciate insofar their neighboring “Chinese houses” conformed to a high standard of architecture, why then, could not the same be applied to the houses in the Midlevel? Note that Price had avoided mentioning architectural aesthetics altogether when discussing the latter case, but redirected the focus to the correlation between the types of houses and the “habits, customs and general methods of life” of their inhabitants. It would appear that the decision to ban “Chinese houses” in the Midlevel was not so much about protecting the property values of “European houses,” but retaining the homogeneity of the European population in the neighborhood. It also seems that, in contrast to the Central business district, the term “European” took on a wider range of associations in the residential context. Although not explicitly mentioned, here the preservation of “Europeanness” implied not only the exclusion of “European houses” but all “non-European” persons. However, the argument about the correlation between the housing types and their inhabitants was arguably rhetorical in two ways. First, the so-called “Europeans” living in the Mid-level were hardly a homogenous group, but included many ethnicities that did not all share a particular “European way of life.” Second, by this time a number of wealthy Chinese and Eurasian families had already been living in “European houses” that they acquired in the district. Despite these circumstances, the Midlevel was continuously being referred to as a homogenous “European residential district.” And notwithstanding the fact that some of the Chinese and Eurasians living there had adopted

a “Western” lifestyle, these peoples were persistently seen as outsiders because of their race.

Although the emphasis on the relationship between architecture and culture was used to justify racial exclusion, it is worth noting that underlying this emphasis was a certain belief in environmental determinism, which assumed human behaviors were modifiable according to their physical settings. This assumption, which corresponded with an emerging liberal universalism in which all human beings were seen to be equal and “improvable” through the provision of positive environments and acquisition of Western knowledge, was also the central rationale behind the British civilizing mission that supported colonial capitalist expansion in the 19<sup>th</sup> century.<sup>55</sup> As William Glover has shown in his study of colonial India, the presumed connection between material settings and human sentiments was a core feature behind many colonial projects designed to transform the existing social norms of native peoples thereby turning them into modern, “governable” subjects.<sup>56</sup> However, this liberal ideology of “improvement” would repeatedly collide with another entrenched belief: the discourse of difference that insisted on the irreconcilable “characters” of the colonizers and the colonized – claims that ultimately aimed to preserve European privileges and hierarchical social order in actual colonial contexts.

## 2.6. Consolidating the Divide: The 1888 European Residential Reservation Ordinance

The two proposals for Chinese houses alerted Price to the loophole in the existing government land lease, which he now saw would be unable to control the expansion of the Chinese district. To provide a long-term solution, he suggested drawing a permanent boundary between the Midlevel district and the lower part of Victoria.<sup>57</sup> This suggestion did not gain immediate support from the colonial administration, however. Instead, Governor Hennessey, who had been known for his “pro-market” (and so-called “pro-Chinese position.”)<sup>58</sup>, commented that the protective mechanism of segregation did not do justice “either to the Chinese who want to buy property, or to the Europeans who want to sell it.”<sup>59</sup> Nevertheless, other officials, including Registrar General Cecil C. Smith, argued that the perceived high demand for Chinese houses was mainly fictitious, and urged stronger state intervention to control the rental market, since the colonial authority had a moral responsibility to protect “European properties” from depreciation.<sup>60</sup>

<sup>55</sup> Mehta, “Liberal Strategies of Exclusion”; and Metcalf, *Ideologies of the Raj*.

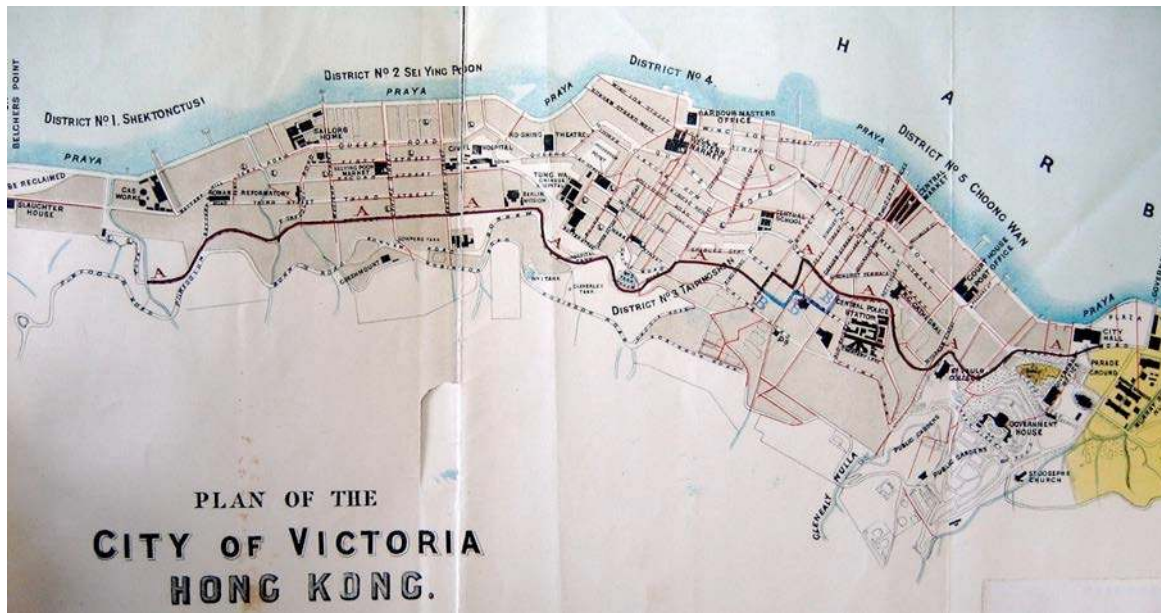
<sup>56</sup> William Glover, “Objects, Models, and Exemplary Works: Educating Sentiment in Colonial India,” *The Journal of Asian Studies* 64, 3 (2005): 539-566.

<sup>57</sup> CO129/228/18826, 1902, 235-60.

<sup>58</sup> For a discussion of the “pro-Chinese” policies of Governor Hennessey, see Lowe and McLaughlin, “Pope Hennessey and the Native Race Craze.”

<sup>59</sup> Hennessey, 27 September 1877, *British Parliamentary Papers*, vol. 25, 648.

<sup>60</sup> Cecil C. Smith, 16 May 1877, *British Parliamentary Papers*, vol. 25, 651.



**Figure 2.16.** A map showing Price’s suggested demarcation between the European and Chinese district. (Source: The National Archives of the U.K.: Public Records Office, London).

The contradictory stance toward racial segregation among colonial officials would persist for another decade. However, by the later 1880s the tide of opinion began to turn to support establishment of a “European reservation.” A major driving force was the anticipated completion of the Peak Tramway, which helped accelerate the development of the Peak district. Located 1,200 feet above sea level, the Peak had formerly been populated only sparsely by the colony’s wealthiest residents, who journeyed up and down in private sedan chairs carried by Chinese “coolies.” To many British and Europeans who were not of elite origins, the prospect of moving to the Peak was seen as a means to raise their social status.<sup>61</sup> However, the increased accessibility of the Peak also prompted demands to police its boundary against unwanted entrants, especially wealthy Chinese who had been fast establishing their presence in the Midlevel district.<sup>62</sup>

In May 1888, shortly before the official opening of the Peak Tramway, the Hong Kong Legislative Council passed the European Residential Reservation Ordinance, which designated a large area above the Midlevel as a “European reservation,” in which only “European houses” were permitted.<sup>63</sup> The ordinance stated that its purpose was to ensure the well-being of Europeans, who were by nature more vulnerable to the tropical climate than the native Chinese.

<sup>61</sup> Lethbridge, *Hong Kong: Stability and Change*; 528; Lai and Yu, “The Rise and Fall of Discriminatory Zoning in Hong Kong,” 301.

<sup>62</sup> Wesley-Smith, *Discriminatory Legislation in Hong Kong*.

<sup>63</sup> Ordinance No.16, 1888.

Whereas the health and comfort of Europeans in a tropical climate demand conditions which are inconsistent with the neighborhood of houses crowded with occupants and otherwise used after the manner customary with the Chinese inhabitants, and whereas the influx of Chinese into the Colony tends constantly to narrow the area of the City of Victoria where such conditions are attainable, and it is desirable to reserve by law a district where such conditions may be secured.

The ordinance emphasized that Europeans in Hong Kong were unfortunate victims of climate and property speculation, and that due to the constant pressure of the housing market, it was legitimate to reserve the cooler and more spacious hills district for their occupation. It is interesting to note that, as in the earlier sanction on “Chinese houses” in the Central district, the ordinance displayed ambiguity in its interpretation of the relation between house types and their inhabitants. On the one hand, it stated that Chinese and Europeans were physically different and should live separately in areas suited to their natural inclinations. On the other hand, it compromised this rationale by inserting an additional clause stating that the ordinance was not meant to prevent “Chinese persons” from living in the reservation insofar as their houses were built according to “European standards.” This statement led some British historians to conclude that the ordinance was not discriminatory.<sup>64</sup> But, in reality, only one Chinese family managed to establish a residence in the reservation throughout the effective term of the ordinance. And, as accounted by one of its members, the family experienced constant discrimination from white neighbors and were for the most part isolated from the rest of the “European community.”<sup>65</sup>

These contradictions raise two related questions. First, if it was obvious that the purpose of the reservation was to protect the homogeneity of the Peak district by segregating populations, why did the government have to insist that Chinese (aside from coolies and servants for European households) were able to establish their residence there as long as they lived in “European houses”? Second, why was it that no Chinese -- except for the one lone family — moved into the reservation, given that many of them could afford to purchase “European houses”?

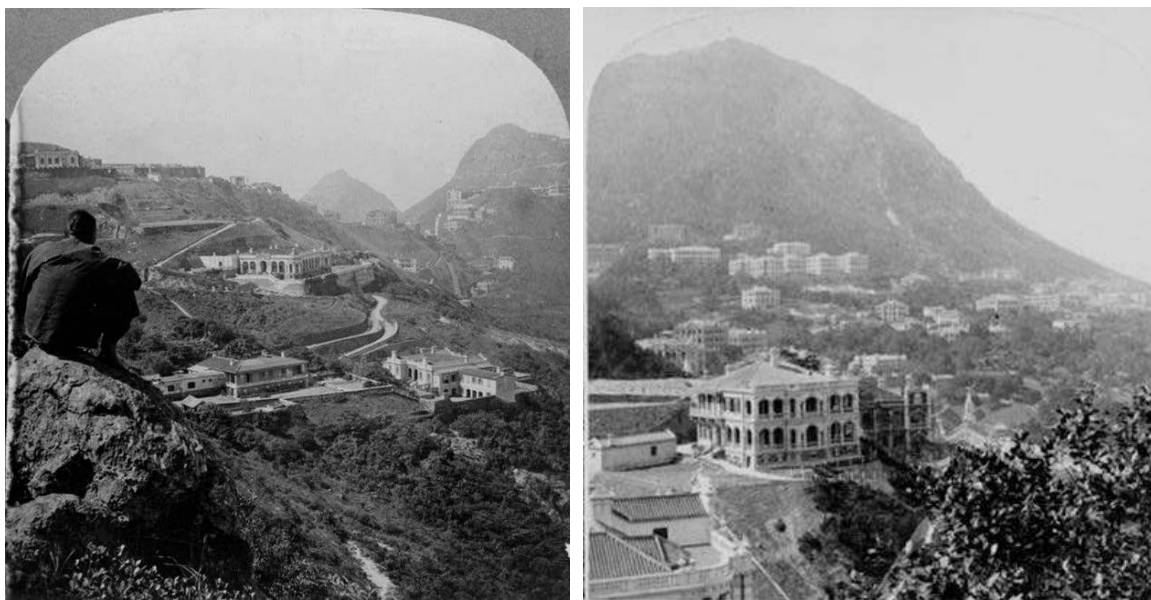
An examination of the legislative debates of the period suggests that the additional clause permitting Chinese residence in the Peak was inserted largely as a symbolic gesture to “give face” to the native elites. This is substantiated by the fact that prior to passage of the legislation, colonial officials discussed the matter with “leading Chinese”

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<sup>64</sup> This seems to be the general view of many early British historians. An example is Geoffrey Robley Sayer, who saw it as “a reservation, which, so far from excluding the Chinese, expressly admitted them on terms (namely the acceptance of European conditions) to territory hitherto closed to them.” Sayer, *Hong Kong, 1862-1919: Years of Discretion* (Hong Kong: Hong Kong University Press, 1975), 129.

<sup>65</sup> The only Chinese person who established residence in the Peak was Sir Robert Ho Tung (1862-1956). Ho was, in fact, a Eurasian, but he identified himself as Chinese throughout his life. See Jean Gittins, *Eastern Windows, Western Skies* (Hong Kong: South China Morning Post, 1969), 12.





**Figure. 2.17 & 2.18.** European houses in the Peak district. (Source: Prints and Photographs Division, Library of Congress, Washington, D.C.).

to solicit their support.<sup>66</sup> Although there were no written records of a deal between the two parties, it was clear the Chinese elites had implicitly agreed not to protest the ordinance before it was presented in the Legislative Council. Also worth noting is that the governor, William Des Veux, was highly aware of the sensitive nature of the legislation and repeatedly stressed that there was no racial discrimination involved.<sup>67</sup> Again referring to the ordinance's focus on houses and not "persons," Des Veux claimed that "the rights of all races [would] be not less equal in this district than elsewhere," and that the reservation would be beneficial to the health of the whole community by reserving much-needed open space for the fast-expanding city.

One possible way to explain Chinese accommodation to the arrangement is to look further at the convergence of their interests with the strictures of the colonial system, and to consider the kinds of truth claims commonly held and shared by the native elites and their European counterparts. Notwithstanding the prevalent social tensions throughout the colonial period, the idea of a "free and harmonious colonial society" had continuously been hailed as the foundation of Hong Kong's economic success in both official and popular discourse.<sup>68</sup> Among those who most often repeated this claim were well-to-do Chinese, whose economic and social standing had advanced greatly under

<sup>66</sup> As stated by the Chinese member in the Legislative Council, the "leading Chinese" in Hong Kong had made it clear they were not opposed to the European reservation, insofar as the governor-in-council reserved the right to grant them exemptions. See *Hong Kong Hansard*, 19 April 1904.

<sup>67</sup> *Hong Kong Hansard*, 27 March 1888.

<sup>68</sup> Ngo, *Hong Kong's History*; Wue, *Picturing Hong Kong Photography 1855-1910*, 1999.

British colonial rule.<sup>69</sup> Although subject to discrimination, many elite Chinese residents had cultivated close business ties with the colonial government and with European merchants, and had been enlisted as representatives of the Chinese community by the administration to help maintain social peace. In this regard, it can be argued that their intertwined political and economic interests led them to accept, albeit unwillingly, some discriminatory policies and regulations in exchange for longer-term cooperation with a government that granted them important concessions to pursue their various investment and business practices.

Another possible explanation for Chinese consent to the reservation may have been economic. As pointed out by Lawrence Lai and Marco Yu in an analysis of changing property values in the Peak district, the protectionist mechanism of the reservation led to an unintended dissipation of rents from European houses and a heightened demand for Chinese houses in other areas of the city.<sup>70</sup> Thus, as property speculation in the rest of Hong Kong continued to escalate after passage of the reservation ordinance, houses in the Peak, in fact, became unattractive as investments. In other words, the establishment of discriminatory zoning, like other price-control measures, created distortions in the housing market, and was economically “inefficient.” Indeed, this can be seen as one reason for the eventual dissolution of the segregation policy in the 1930s, when many European landowners were desperate to liquidate their properties amidst the onset of a recession.<sup>71</sup>

As noted by Tsai, Hong Kong’s colonial situation brought the local Chinese elites into an ambivalent relationship with the Europeans that was simultaneously characterized by collaboration and antagonism.<sup>72</sup> Despite the existence of profound inequalities, to many Chinese merchants, traders and laborers alike, Hong Kong was still a land of opportunities, where they could advance themselves by using resources not available on the mainland. Far from fitting with the stereotype of “docile and ignorant natives” frequently portrayed in the English press, the Chinese were highly aware of their bargaining power, which derived from their growing access to capital, and they had used their “nonpolitical” stance to position themselves vis-à-vis the colonial authorities and foreign businesses.

One of the ways in which the Chinese elites tried to use their “nonpolitical” leverage vis-à-vis the colonial government and the Chinese community was through regular petitions to the government on matters affecting their interests, such as taxation, house rent, regulation of property, and distribution of public resources. Depending on the issues,

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<sup>69</sup> Lethbridge, *Hong Kong: Stability and Change*; Carroll, *Edge of Empire*; Sinn, *Power and Charity*; and Wai Kwan Chan, *The Making of Hong Kong Society: Three Studies of Class Formation in Early Hong Kong* (Oxford: Clarendon Press, 1991).

<sup>70</sup> Lai and Yu, “The Rise and Fall of Discriminatory Zoning in Hong Kong.”

<sup>71</sup> The European Residential Reservation Ordinance was superseded by the 1904 Hill District Reservation Ordinance, which explicitly prohibited Chinese to live in the Hill district. See the discussion in chapter 5 of this dissertation.

<sup>72</sup> Tsai, *Hong Kong in Chinese History*, 292,

these petitions sometimes enlisted the support of other colonial constituencies, and at other times they claimed to speak on behalf of the “Chinese community.” An early example was a petition against the regulation of “Chinese houses.”

## 2.7. Reappropriating Chineseness: The Landlords’ Petition Against the “Improved” Tenements

In 1878, not long after Chater obtained approval to construct the two “Chinese houses” in the Central district, another application was sent to Surveyor General Price by a Chinese landholder, Li Tak-Cheong, to erect a total of eighty-seven *tong lau* on the new Praya in the Chinese district.<sup>73</sup> After reviewing Li’s plans, Price rejected the proposal on the grounds that the new houses did not meet the sanitary standards outlined in the building regulations. Price then issued a set of instructions for Li to improve the design by including additional alleyways, windows, and backyards that would bring more light into the dwellings and improve their ventilation. Calling the proposed houses “the most aggravated type of fever-den,” Price lamented that part of the problem lay with the Chinese tenants’ ignorance about sanitation, which allowed speculative agents such as Li to extract high rents for poorly designed dwellings.

The proposed *tong lau*, in fact, did not differ significantly from the colony’s existing tenements, which had long been condemned for their appalling conditions by sanitary officials.<sup>74</sup> However, what made this case particularly alarming to the surveyor general was its unprecedented scale, which involved not only house-building but also the creation of private streets and alleyways on a site newly reclaimed by the government. In his letter to the colonial secretary, Price pointed out that Li had “become by far the largest builder in the colony and had been carrying out his operations on a wholesale scale.” As Li’s only apparent concern was to maximize his profits, Price urged the government to implement a more comprehensive set of planning laws to safeguard the future growth of Hong Kong.<sup>75</sup>

After seeing Price’s requested changes to his proposed houses, Li was alarmed. He immediately met with other Chinese landlords and sent a collective petition to the governor.<sup>76</sup> And as the battle over the building plans continued, this petition, which was jointly signed by all the “leading Chinese” in Hong Kong, subsequently found its way to the Colonial Office in London. In the petition, the property owners argued that Price’s proposed improved tenements, which would accommodate far fewer tenants due to requirements for alleyways, backyards, and more windows, were not suited for the Chinese at all. Chinese people, they claimed, were essentially different from

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<sup>73</sup> Price, 23 March 1878, *British Parliamentary Papers*, vol. 25, 750.

<sup>74</sup> These opinions can be seen in the annual sanitary reports published by the Colonial Surgeon. For example, see Ayres, 1874.

<sup>75</sup> Price, 23 March 1878, *British Parliamentary Papers*, vol. 25, 750-51.

<sup>76</sup> Leong, 27 July 1878; and Hennessey, 13 July 1878, *British Parliamentary Papers*, vol. 25, 678-679.

“Westerners” in their living standards, and would not appreciate such sanitary provisions, designed for a “very superior class of residence.” Chinese habits were, they went on to say,

...the outcome of a lengthened experience among the Chinese living in large and crowded cities, and are as deep rooted as most of their social customs, so that it is quite certain that the tenants for whom these houses are intended as they would not understand the reason, would in no way avail themselves of the facilities for the free access of light and air which the Surveyor General’s proposed alternations would provide for them.

The windows looking out into the proposed alleys would be kept closed and the alleys themselves not being intended for use as thoroughfares, would be made receptacles for the deposit of refuse and filth which would beyond question be suffered to accumulate to an extent in itself dangerous to health.<sup>77</sup>

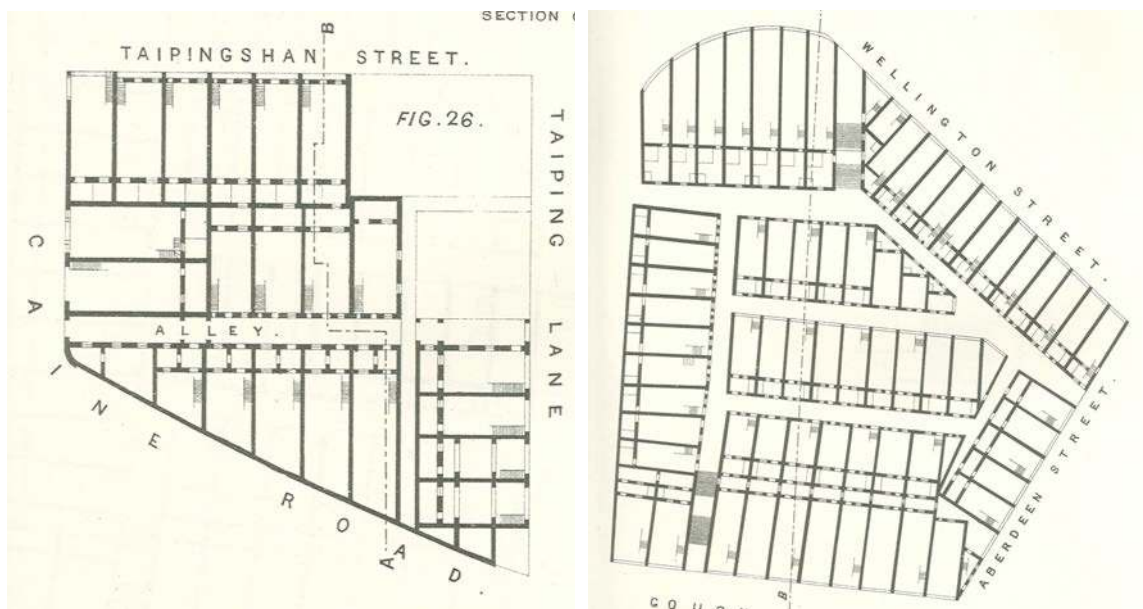
The landlords also claimed that back-to-back housing, which was from the point of view of Western sanitarians “unhealthy” due to the lack of light and air, was a legitimate form of housing throughout Chinese history.<sup>78</sup> Citing examples of Mainland Chinese cities that were free from epidemics, they argued that “it [had] been the practices from time immemorial to build houses back-to-back.” The petition then went on to state that the new proposal would lead to a waste of land resources, and that since land was extremely valuable in Hong Kong, it was necessary to make the best use of space in order to enable housing investments to be profitable. Meanwhile, since Chinese tenants were “as a rule unwilling to pay high rents,” it was only by dividing the houses into tenement dwellings that many families and individuals could find suitable shelter.

While the petition was obviously aimed at preserving the rentier interests of the property owners, its main argument was structured around a generalized claim about racial difference. Building on the existing cultural divide between Chinese and Europeans, it sought to discredit the sanitary regulations — now cast as a product of “Western science” — by affirming that it was wrong to apply “Western standards” of housing to the Chinese, who possessed a different, but no less sophisticated system for managing their health and environment. The assertion of the Chinese ability to take care of themselves according to their own cultural knowledge also had the effect of arousing a sense of collective pride and nationalistic sentiment, even though the ultimate intention was, ironically, to reinforce the status quo of colonial laissez-faire practices. By framing the sanitary debate around the notions of race and culture, the petition sought to elide the simmering criticisms of housing speculation, as well as the internal class differences among the Chinese population. As will be discussed in the following chapters, this recourse to “cultural difference” would be repeatedly deployed in the resistance against various schemes of improvement.

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<sup>77</sup> Ibid

<sup>78</sup> Leong, 27 July 1878, *British Parliamentary Papers*, vol. 25, 679.



**Figure 2.19 & 2.20.** Examples of back-to-back tenements in the Chinese district of Victoria. (Source: Chadwick, *Report of the Sanitary Condition of Hong Kong*, 1882, The National Archives of the U.K.: Public Records Office, London).

The above discussion, which focuses largely on the voices of the landlords, inevitably raises the question about agency: To what extent in reality did the poor Chinese tenement dwellers fit with the various stereotypes ascribed to them by the landlords, the officials and others who condemned the “Chinese houses” as hotbed of diseases? While there exist no first-hand account of the views and experiences of these people in the archives,<sup>79</sup> it is possible to discern some of the contradictory influences acting on them from indirect sources.

According to government reports produced in this period, “lower-class natives” were surprisingly receptive to some of the sanitary measures advocated by colonial medical practitioners.<sup>80</sup> As pointed out by Phineas Ayres – the long time colonial surgeon in Hong Kong and a staunch critic of the conditions of the tenements – many Chinese were found not opposed to the improvements to their houses, particularly insofar as they did not cause them to pay more rent.<sup>81</sup> Along with some other officials, Ayres attributed the problem to the landlords, who were never willing to sacrifice their rental income for improving the wellbeing of their tenants. When forced to conform to new building

<sup>79</sup> This was the case until the 1920s, when opinion pieces on housing issues by anonymous Chinese writers began to appear regularly in the local popular press.

<sup>80</sup> See Hennessy, *British Parliamentary Papers*, vol. 25, 723-24. See also Elizabeth Sinn’s discussion of the vaccination work performed by the Chinese-run Tung Wah Hospital, in *Power and Charity*, 65-66.

<sup>81</sup> Ayres, “Report of Dr. Ayres,” enclosure E in no. 45, 8 July 1880, *British Parliamentary Papers*, vol. 25, 751-752.

standards that reduced rental space, they would raise rents to make their tenants cover the cost.<sup>82</sup>

Ayres' statements may suggest that the tenement landlords were concerned with nothing but the maximization of profits – a scenario that fits well with burgeoning criticisms in the local English press against the Chinese property owners. But the moral high ground assumed by these critics must be interpreted against a background in which the colonial administration had long been reluctant to invest in infrastructure and urban services. The dissatisfaction with the state of things also stemmed from the absence of a representative government in Hong Kong, where all local affairs continued to be managed by appointed officials that dominated the legislative council<sup>83</sup> (see also chapter 4). But this “laissez-faire” approach to urban development that characterized much of early Hong Kong would soon undergo significant changes toward the end of the 19<sup>th</sup> century, when growing threats of disease outbreaks began to set in motion of a series of epistemological and technological shifts in urban governance. The recognition of health and as a major economic and political problem would help facilitate new ways of thinking about the allocation of resources and the role of urban services, as well as the responsibility of individuals in helping to protect the wellbeing of the “population.” It is to these efforts of making “sanitary subjects” and the contestations generated in the process that the next chapter turns.

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<sup>82</sup> Ibid. Also see Smith, “Minute by the Registrar General,” enclosure 3 in no. 1, May 16, 1877, *British Parliamentary Papers*, vol. 25, 651.

<sup>83</sup> For a discussion of the organization of the government see Miners, *Hong Kong Under Imperial Rule*.

## Chapter 3

# Combatting Nuisance: The Improvement Discourse and the Colonial Conundrum

Chinese towns are proverbially filthy, far surpassing in the present day the horrible condition given in history of the medieval cities of Europe during the greater epidemics of the 15<sup>th</sup> century.<sup>1</sup>

The British role is to bring to the [colonized] countries all the gains of civilization by applied science (whether in the development of material resources, or the eradication of disease, etc., with as little interference as possible with native customs and modes of thought.<sup>2</sup>

What do drains and sewers do? They function as the material embodiments of an essentially political division between public and private spheres; pipes, drains and sewer functioned to establish the integrity of the private home, yet without recourse to direct intervention.<sup>3</sup>

### 3.1. Contesting the “Sanitary Syndrome”: Governor Hennessey’s “Pro-native” Agenda

The previous chapter has shown that the implementation of racial segregation in Hong Kong was far from a totalizing, top-down process, but one that was constantly being challenged by competing economic and political agendas. The entanglement of public and private interests in property repeatedly thwarted attempts to improve the conditions of tenement houses, which, somewhat ironically, constituted the most profitable form of investment under the “high land price” land system. Meanwhile, the fast expansion of these buildings prompted growing fears amongst European residents that an epidemic outbreak was imminent in these overcrowded “rabbit warrens.”<sup>4</sup> These anxieties were exacerbated by the close proximities of the Chinese and European districts, as it was believed that contagious diseases could spread quickly around the city, leading to unimaginable catastrophes.<sup>5</sup>

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<sup>1</sup> MacKinnon, 1881, *British Parliamentary Papers*, vol. 25.

<sup>2</sup> Lugard, *The Dual Mandate in Tropical Africa*, 1965.

<sup>3</sup> Osbourne, “Security and Vitality: Drains, Liberalism and Power in the Nineteenth Century,” in Andrew Barry et al. eds., *Foucault and Political Reason: Liberalism, Neoliberalism and Rationalities of Government* (Chicago: Chicago University Press, 1996), 114-15.

<sup>4</sup> This was perhaps the most commonly used term used to describe the tenements in the local English newspapers.

<sup>5</sup> Although the most disastrous epidemics did not arrive until 1894, numerous disease outbreaks had regularly occurred in the territory. These include the infamous “Hong Kong fever” that killed a large number of British troops in the early 1840s.

As discussed earlier, the colonial administration was not unaware of the poor state of the tenements. Colonial doctors and engineers had for years been urging for the enforcement of more stringent construction standards for the Chinese houses and to improve the provision of urban services that they saw to be essential for health.<sup>6</sup> Yet, their incessant warnings of the danger of epidemic outbreaks were unable to bring about significant policy changes. Within the colonial administration, opinions were divided between those who believed that more regulations were needed to improve housing conditions and others who were convinced that any changes would be useless because it was the entrenched “insanitary” habits of the people that posed the greatest danger of diseases. Still more were worried that stricter enforcement of sanitary rules would drive away investment, especially by the Chinese, who controlled a majority of property holdings in the colony.

The tensions over sanitary improvement reached its peak during the governorship of John Pope-Hennessy (1878-1882), whose policies were seen by many of his contemporaries to be overly “pro-Chinese.”<sup>7</sup> This was most apparent in his encouragement of the growth of Chinese businesses and property ownership, which Hennessey believed to be beneficial to Hong Kong’s economy and ultimately serving the long-term interest of England.<sup>8</sup> But the patronage that Hennessey provided for Chinese merchants and landlords and his eagerness to increase their representation in the colonial legislature also alienated him from many local British and Europeans, who were keen to maintain their power and privilege and were strongly opposed to native involvement in the management of colonial affairs. This view was supported by some of Hennessey’s own advisors, who believed that the Chinese were unable to exercise fair judgment on matters related to sanitation and health, not only because they were seen to care nothing else beside profit-making, but also because of their complete ignorance about “Western science.”<sup>9</sup> However, these assumptions were dismissed by Hennessey, who insisted that European prejudice against the Chinese and their culture were largely unjustified.

In their analysis of Hennessey’s career, Kate Lowe and Eugene McLaughlin have explained that Hennessey’s “pro-native” agenda and his interest in pushing for “racial equality” stemmed from his own personal history.<sup>10</sup> As an Irishman who saw himself as a member of a colonized country held in subjection by English force, he was sensitive to what he perceived as discrimination against the native people. Thus whenever the “foreign community” in Hong Kong alleged inferiority of race as the reason for any

<sup>6</sup> Ayres 1874; 1876; 1880; 1881.

<sup>7</sup> Kate Lowe and Eugene McLaughlin, “Sir John Pope Hennessey and the ‘Native Race Craze’: Colonial Government in Hong Kong, 1877-1882,” in *The Journal of Imperial and Commonwealth History* 20, 2 (May 1992): 223-247; James Pope-Hennessy, *Half Crown Colony*; Endacott, *A History of Hong Kong*.

<sup>8</sup> Hennessey 1881, *British Parliamentary Papers*, vol. 25, 722-732. Hennessey’s other policies include prison reform, the abolition of slavery and education. For a detailed examination of Hennessey’s life and legacy, see James Pope-Hennessy, *Half Crown Colony*, 1969.

<sup>9</sup> MacKinnon, 1881, *British Parliamentary Papers*, vol. 25, 46; Price 1880, *British Parliamentary Papers*, vol. 25, 750.

<sup>10</sup> Lowe and McLaughlin, “Sir Pope Hennessey and the Native Race Craze.”



action towards the Chinese, he tended to interpret this as an indirect assault on his own person (228-29). It is worth noting that while Hennessey had encouraged the incorporation of Chinese elites into the colonial governing regime,<sup>11</sup> he frequently opposed the application of English legislation on the Chinese on the basis of “cultural difference.” Using rhetoric similar to those of the Chinese landlords (as discussed in the last section of chapter 2), Hennessey argued that it was inappropriate to apply “Western” sanitary standards to Chinese houses because their inhabitants were accustomed to “different ways of living.” But Hennessey went even further, asserting that “Western sanitarians” should indeed learn from traditional Chinese practices, such as the disposal of waste and recycling, which he thought were more “sanitary,” efficient and economical than the ones used in Britain itself.<sup>12</sup>

It should not be surprising then, that Hennessey’s policies put him at odds with many of his own advisors in his administration, particularly those that were professionally trained in engineering and medical science. An example showing these clashes of opinion on sanitation was Hennessey’s attempt to eliminate the use of house drains in Victoria. The rationale was based on recent complaints in other cities, where the underground drainage system was found to be defective due to inadequate water supply and difficulty in maintenance. Despite once having been hailed as a great modern invention that would make cities more healthy, this system was now increasingly being criticized for doing exactly the opposite: the prevalence of leaky pipes, choked drains and dysfunctional water closets was blamed for breeding diseases and endangering public health.<sup>13</sup> Although engineers had pointed out that the problem could be overcome by increasing the water supply, these conditions nevertheless became a perfect excuse for those who opposed large-scale investment in infrastructure and urban services.

The dispute over drainage was instigated by Hennessey’s observation that scavengers had been regularly emptying refuse into the public sewers, leading to the choking of drains and increased risk of disease outbreak.<sup>14</sup> To rectify the situation, Hennessey proposed to replace the use of drains by expanding on two existing systems used by the Chinese. The first was the so-called “house-bucket system,” which involved the collection of wastes from households by private contractors via hand-carried buckets. The second was the “dry-earth system,” which involved burying wastes in “dry-earth closets” provided to each building. To emphasize the advantage of these systems over drainage, the Governor referred to the opinion of a Sinologist working in Peking, Dr. Dudgeon, who had long been acquainted with Chinese culture:

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<sup>11</sup> Hennessey appointed the first Chinese, Ng Choy, to the Legislative Council. See discussion in Lowe and McLaughlin.

<sup>12</sup> Hennessey, 23 August 1880, *British Parliamentary Papers*, vol. 25, 666.

<sup>13</sup> For a discussion of the problems associated with water supply in the West, see Martin V. Melosi, *The Sanitary City* (Pittsburgh: University of Pittsburgh Press, 2008); and Patrick Joyce, “The Water and the Blood of the City: Naturalising the Governed,” chapter in *The Rule of Freedom: Liberalism and the Modern City* (London; New York: Verso, 2003), 62-97.

<sup>14</sup> Hennessey, 23 August 1880, *British Parliamentary Papers*, vol. 25, 666.

The advantages claimed for the dry-earth system are gained here free of expense the individual or public. The industrious and frugal habits of the Chinese, and even their very poverty, thus work to their advantage (all sanitary measures more than repay their cost), for it compels them to utilize all excrementious matter. Every particle of every kind of manure, are collected and preserved with the greatest care.<sup>15</sup>

Hennessey's suggestions led to vehement protest from the staff in his administration. In a memorandum sent to the Colonial Office, Surveyor General Price complained that the Governor's proposal, which was based on the opinions of men with no professional knowledge, were wholly impractical if not pure fantasies.<sup>16</sup> The abolition of drains was impossible, Price argued, because although the "house-bucket system" removed "remunerative matter" (i.e. faeces, urine, food scraps, and other organic matter that could be converted into fertilizers for agricultural use), it did not get rid of wastes with no economic values, including a large amount of "unremunerative liquids" (i.e. sullage, slops, rice water, soap-suds, etc.) that must continually be discharged into existing drains. Price also pointed out that because night soil removal was a profitable monopoly run by Chinese "farmers," households of poor circumstances could not be relied on to incur the expenses involved. And even if they could, there would be a huge challenge in organizing regular removal "as long as the house drains – the natural receptacles for waste liquids -- continue in existence, close at their very hand."<sup>17</sup> As for the adoption of the "dry-earth" system, Price disagreed with the Governor that this would be safer for health, because although earth deodorized faecal matter, it did not reduce the risk of infection as the latter continued to accumulate next the houses.<sup>18</sup> Furthermore, the poor soil quality in Hong Kong Island meant that dry earth would need to be imported, making it uneconomical in actual practice.

In short, Price was asserting that these proposals, which were conceived without any knowledge of the economics and actual operation of scavenging, were absolutely impracticable to be applied in Hong Kong. Price reiterated that the only solution was to place the existing drainage system in proper working order. That is, increase public funding on water supplies, enforce regulations to make people keep the drains clean, and promote education among the Chinese on hygiene and sanitation. All of these should be augmented by better supervision of the work of scavengers, night soil contractors, health inspectors, as well as by stricter regulation on the operation of latrines, food markets, slaughtering houses and other monopolies controlled by Chinese "farmers."<sup>19</sup>

Despite these complaints, Hennessey was nevertheless determined to pursue his agenda. The dispute over drainage turned into an impasse by 1881, prompting Hennessey to attempt firing Price and the Colonial Surgeon Dr. Ayres and to set up a new sanitary

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<sup>15</sup> Dudgeon, in Hennessey 23 August 1880, *British Parliamentary Papers*, vol. 25, 665.

<sup>16</sup> Price, 30 June 1880, *British Parliamentary Papers*, vol.25, 715.

<sup>17</sup> Ibid.

<sup>18</sup> Price, 15 August 1881, *British Parliamentary Papers*, vol. 25, 739.

<sup>19</sup> Ibid., 738-40.

department with his own chosen staff.<sup>20</sup> To add insult to injury to his professional advisors, Hennessey suspended the use of the standard contract for appointing inspectors of nuisance, citing that the guidelines contained in these documents, such as the procedures for house-to-house inspection, needed to be rewritten by incorporating opinions of the “stakeholders”; that is, the Chinese landlords and inhabitants that would be affected by these rules.<sup>21</sup> Feeling completely demoralized, Price and Ayres sent desperate petitions to the Secretary of State in London urging for intervention regarding the Governor’s actions, which were said to have promulgated a strong sense of dispiritedness among the sanitary staff.<sup>22</sup> After receiving further complaints, the Colonial Office appointed Osbert Chadwick, a reputable consulting engineer, to visit Hong Kong to investigate the situation. As will be discussed in more detail later, Chadwick’s visit resulted in the publication of a major sanitary survey that would become the blueprint for sanitary and housing reform in the following decades.

Although historians today have tended to portray Hennessey as an exceptional figure whose political view was far too “liberal” for his time, a closer look at his policies and the controversies they generated also suggests the emergence of different strategies or rule and relations of power between the colonial state and the Chinese subjects in the late 19<sup>th</sup> century. With the rise of the Chinese mercantile class and development of more “traditional” social organization under their control, the earlier images of the migrant Chinese as vagabonds and criminals were gradually replaced by a greater sense of (colonial) order.<sup>23</sup> However, the growing economic power of Chinese merchants and the expansion of native communal structures such as guilds and native-place associations were regarded by many British and Europeans as potentially menacing, amounting to what has often been perceived as a “native takeover.”

While Hennessey’s “pro-native” policies might seem out of place in what was a historically conservative and highly racialized colonial context, the wide support he solicited from the Chinese constituency during his tenure nevertheless represented a degree of success for his governing strategies. His attempt to reconstitute native “customs” as modes of knowledge also helped open up new channels for the application of colonial power and for cultural negotiations. As Yiching Wu has noted, it was indeed at this time that the British began to take a greater interest in the “communicative sphere,” focusing more on dialogues and conversations while enlisting more and more native elites as “collaborators” in colonial development.<sup>24</sup> However, as we have seen, this transition toward a more “civil” social order was far from straightforward. The controversy over sanitation and the function of drainage is significant not only in that it illustrates how the discourse of improvement predicated on modernizing the native

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<sup>20</sup> Hennessey, 16 July 1880, *British Parliamentary Papers*, vol. 26.

<sup>21</sup> Price wrote to the Secretary of State complaining that Hennessey’s actions promulgated demoralizing effects on sanitary staff, who now “lived in constant dread and uncertainty how far their attempts to do their duty efficiently among the Chinese might bring down upon them the displeasure of the Governor.”

<sup>22</sup> Price 1881, *British Parliamentary Papers*, vol. 25, 739.

<sup>23</sup> Wu, “Prelude to Culture: Interrogating Colonial Rule in Early British Hong Kong,” 163-64.

<sup>24</sup> *Ibid.*, 165-66.

environment repeatedly ran up against deeply ingrained racial prejudice, but also how the provision of urban services and infrastructures were intrinsically bound up with concerns for the economy, security, and political legitimacy. To further examine these contradictions, I now turn to discuss one of the most formidable but largely unexamined challenge in Hong Kong's history of development: the provision of universal water supply to the Chinese population.

### 3.2. Creating “Liberal Infrastructures”: The Controversy Over Universal Water Supply

As discussed earlier, the main obstacle to the proper functioning of drainage was the inadequate supply of water and difficulty in maintenance. The problem of water shortage was particularly serious in Hong Kong, as the lack of natural sources made it entirely dependent on rainfall for water supply.<sup>25</sup> This was partially mitigated by the construction of hillside reservoirs and gathering grounds for holding reserves. But the supply was never able to meet the demand of a rapidly expanding population. Compounding the problem was Hong Kong's hilly topography, which made it difficult and expensive to channel water to different parts of the city.<sup>26</sup> Although hydraulic technology was at this time advanced enough to make the distribution system more efficient, the government was reluctant to invest in the required infrastructure. So while detailed proposals for improving water supplies were put forward by the Public Works Department (PWD) year after year, the implementation of these plans were piecemeal, with many essential technical components remaining unrealized.

To economize on the use of water, the Water Authority (a branch of the PWD) operated an “intermittent system” that restricted supply to certain hours of the day during the dry season. But this operation was deemed to be dangerous for health by technical experts, because once emptied the water pipes were prone to the entry of foul air and disease-causing germs.”<sup>27</sup> Hydraulic engineers in England were at this time pushing for the universal provision of water based on a “meterage system.” Contrary to the prevalent logic of conserving water by limiting supply, it was argued that a constant supply could actually reduce wastage provided that each house was installed with a meter that monitored water consumption. Once the usage exceeded a certain volume, charges would be applied to households on a progressive scale, thus encouraging people not to use more than what they needed while providing them a most essential resource for health. Notwithstanding these presumed advantages, the adoption of a universal system

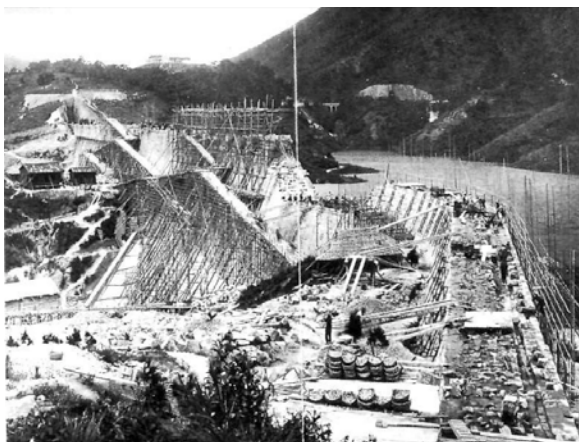
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<sup>25</sup> This was the case until 1899, when the New Territories was added to Hong Kong. In the later period, Hong Kong began to purchase water from mainland China.

<sup>26</sup> Osbert Chadwick, “Part II, Section 5: Water Supply,” *Report on the Sanitary Condition of Hong Kong*, 1882, 76-78; Francis Cooper, *Report for the Year 1891*, Water and Drainage Department, Hong Kong, 25 January 1892, *Hong Kong Government Sessional Papers*.

<sup>27</sup> Chadwick, *Report on the Sanitary Condition of Hong Kong*, 1882; and *Preliminary Report of the Sanitary Condition of Hong Kong*, 10 April 1902, no. 17 of 1902, 11, *Hong Kong Government Sessional Papers*.

of water supply in Hong Kong turned out to be a treacherous process. As in the case of the improvement of tenements, competing justifications for the demand for water were put forward by different agents, and the invocation of race, culture and property rights once again came to the fore.



**Figure 3.1.** Two reservoirs under construction in Hong Kong, early 1900s. (Source: The National Archives of the U.K.: Public Records of Office, London).

Before moving on to discuss the debates over universal water supply, it would be useful to first provide an overview of the water consumption patterns in Victoria. By 1882, about two thousand European houses were provided with running water services connected to the public main.<sup>28</sup> Many of these houses also had water closets installed (even though most were not fully functional). In contrast, very few *tong lau* in the Chinese districts were connected to services, and water closets were typically non-existent. Despite this vast discrepancy, water was charged at a uniform rate to all of the buildings regardless if they were

connected with services.<sup>29</sup> Those living up in the Mid-level often had trouble getting a stable supply due to imperfect channeling. However, many Europeans living in this area believed that the problem was due to water being used up by the Chinese in the lower part of the city. For this reason, they had consistently opposed to further expansion of services to the Chinese houses.

Those without services (including most people living in the tenements) had to fetch water from the public standpipes that operated only in the early morning hours. This inconvenient arrangement created job opportunities for hundreds of so-called “water coolies,” who profited by collecting water from public standpipes and sold it to private households. The standard charge was one Hong Kong dollar for 60 to 100 pairs of buckets, depending on the distance or height to which the buckets were to be carried.<sup>30</sup> According to colonial records, there were several hundreds of men engaged in this highly organized and lucrative business in the Chinese district. A scenario of a typical day was described as follow:

In the early morning, these water carriers assemble with their buckets around the street fountains and waited for the water to be turned on. When this happened a general scramble takes place. Outsiders have little chance with the “professionals,” and the supply is often shut off before all can get their turn.

<sup>28</sup> Chadwick, *Report on the Sanitary Condition of Hong Kong*, 1882, 58.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

Those who go themselves to fetch water are usually poor people; if they do not succeed in filling their buckets, nothing remains for them, but to go and seek their day's supply a long way off, from the water-holes and rivulets on the hill side.<sup>31</sup>

Many people also obtained water from shallow wells and even rainwater drains. Although the water from these sources was unsuitable for drinking and cooking purposes, it was regularly disguised as fresh water and sold on the streets.<sup>32</sup> As the newspapers from this period indicate, scams involving the sale of contaminated water were common, and quarrels over such matters were a daily occurrence. These scenarios were often being condemned in the English press as a nuisance.<sup>33</sup> But owing to the inadequacy of the water supply, the government nevertheless continued to tolerate these practices.

To justify the unequal distribution of water between houses in the European and Chinese districts, the colonial administration had long maintained that it was inappropriate to provide services to the tenements due to the lack of control over usage by multiple households. This justification was entwined with an assumption that the Chinese, especially the “lower class coolies,” tended to waste more water than average Europeans. This ascription of “native ignorance” about modern technologies was frequently invoked in the press and in legislative council meetings. As one official caricatured them, “Chinese coolies were always ready to turn on a tap but had a horrible horror of turning it off.”<sup>34</sup> For this reason, it was argued that the best means to prevent waste was to make the Chinese get their water from the public standpipes, because they could not carry away more than what they needed.

In reality, however, this assumption of the natives’ “misuse” of modern technology was far from accurate in describing what went on in daily practice.<sup>35</sup> As mentioned above, the restriction of water supply had created a special market of selling water to households without service. And since the goal of these coolies was to maximize their gains, they always tried to collect as much water as possible from the public standpipes, which were left running continuously at all time. To overcome this problem, engineers had devised various automated mechanisms for turning off the taps, such as installing a brass button that required to be held down by force to allow the water to run.<sup>36</sup> But the coolies soon figured out that by putting some pieces of wood in they could keep the water flowing. Many other similar devices were also tried out but all proved to be futile, as their functions were quickly rendered useless in every case. Owing to the continuous failure of these engineering solutions, the Government eventually resorted to the time-

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid, Chadwick, 1882, Item 82.

<sup>33</sup> In fact this continued well into the 1960s. Sometimes drain water was fetched and sold disguised as fresh water.

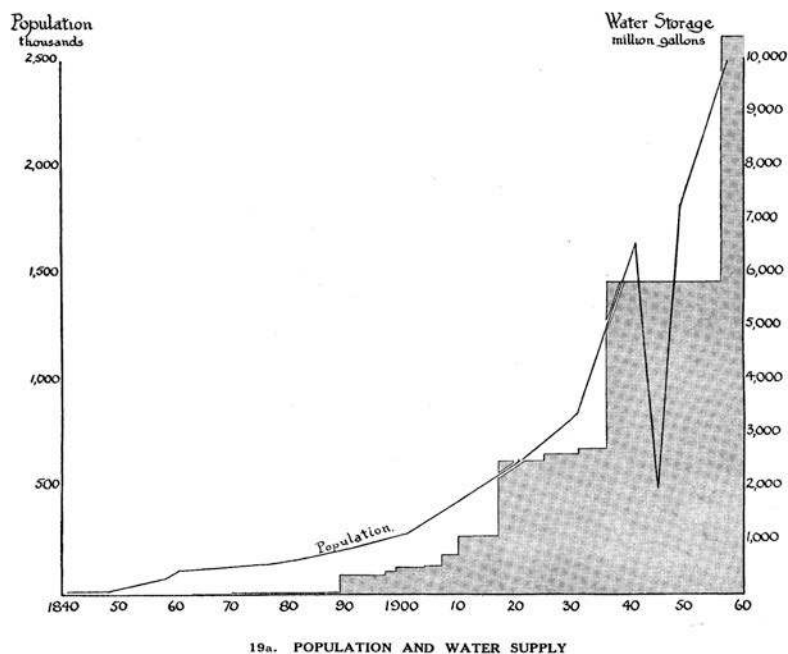
<sup>34</sup> 23 June 1902, *Hong Kong Hansard*, 28-29.

<sup>35</sup> The idea of “misuse” of modern infrastructure also applied to other amenities. See chapter 4 on discussion of the use of electricity.

<sup>36</sup> *Hong Kong Hansard*, 23 June 1902.

honored method of human surveillance: to employ a body of watchmen to patrol the streets and imposed hefty fines on those caught leaving the water running.<sup>37</sup> However, this operation also led to vast increase of bribery, as the watchmen were regularly offered money and other personal benefits in return for not reporting to the authorities.

The idea of using meters to monitor water consumption and reduce wastage was a major attempt by engineers and public health advocates to transform regulatory practices. By assigning a value to water and turning it into a payable commodity, it was believed that individuals would be willingly inclined to use less of it. Another major advantage of universal supply was the elimination of the use of contaminated wells and the illegal vending of water. In this way, the bringing of “free” circulation of fresh water to every house would help not only to improve the health of the population, but also impart a new set of economic relationships and transform social norms. Like the regulations of the tenements, the initiative was grounded on an emerging liberal universalism that believed human lives could be bettered by the provision of the right material conditions.<sup>38</sup> The expansion of urban services to all would mediate individual conduct without recourse to direct intervention. However, the creation of such “liberal infrastructures” was stymied by a host of conflicting agendas: the government’s inertia towards spending money on public goods, the landlords’ resistance to shouldering the water charges, and the European residents’ complaints that services to Chinese households would compromise supplies to their own houses.



**Figure 3.2.** The growth of population compared to the increase of water storage in Hong Kong (Source: Tregear and Berry, 1959).

<sup>37</sup> Ibid. The fine for leaving the standpipe running was HK\$10 in 1882. See Chadwick, 1902.

<sup>38</sup> This follows Joyce’s discussion on liberal governance and infrastructures, in Joyce, *The Rule of Freedom*, 70.

### 3.3. Chadwick's Remedies and the Repeal of the Water Consolidation Bill

Although Chadwick's visit was instigated by internal disputes in the Hennessey administration, there was no doubt that he was sent to Hong Kong with a larger mission in mind: to provide a blueprint for long-term sanitary and housing improvement that the Colonial Office was keen to see implement in the colonies. The son of the famed public health reformer Edwin Chadwick, Osbert Chadwick was in an ideal position to advocate sanitary reform in Hong Kong because, as an "outside technical expert" unconnected to the local administration and its politics, his perspective was regarded to be more credible than those of local surveyor generals and engineers. However, while his highly respected survey would become the central reference for sanitary improvement in the years to come, its content was selectively interpreted and put to use by different stakeholders implicated in the process.

After conducting an exhaustive inspection of the city's drains, sewers, house constructions as well water supplies, scavenging and other urban services, Chadwick published a report detailing what he saw as "defects of the existing sanitary conditions" along with recommendations for their improvement.<sup>39</sup> Among the most important was the adoption of universal water supply to all the houses in Victoria. To prevent future water famines, Chadwick urged for a vast increase of storage capacity by the construction of new reservoirs and upgrading of existing distribution system. Water meters would be supplied to every house by the government with a rent charged for their use. Stricter standards would be set up to ensure the proper use and maintenance of pipes, tubes and other fittings, and penalty would be levied on house owners with defective fixtures. Because some years would have to pass before a full service would be available, Chadwick contended that the public standpipes would have to remain in use, but suggested that the dangerous intermittent system be phased out as soon as a constant system became available.

Chadwick did not provide very much detail for the financing for the new works in the report. In line with the public health reformers of the time, he followed the principle that government revenue from water charges should not be aimed at making profits. He suggested that the uniform water rate on property (including those that did not yet have house service) should remain but be reduced, and the purpose of these charges should be about encouraging subscription of new services, on the anticipation that every household in the city would have running water one day. Similarly, the idea of levying a penalty on those found to have defective fixtures should not be aimed at punishing them but encouraging them to quickly correct the defects so to avoid further charges. In conclusion, Chadwick was of the opinion that the current system must be made more equitable, and was adamant that the only just system was the universal meterage system, which would "[leave] the proprietor free to waste water or use it as he likes, but he has to pay for what he use or loses."<sup>40</sup>

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<sup>39</sup> Chadwick, 1882.

<sup>40</sup> Ibid.







**Figure 3.6.** A scene of people lining up to obtain water from a public standpipe during a water famine, 1900s. (Source: Prints and Photographs Division, Library of Congress, Washington, D.C.).

Under pressure from the Colonial Office, the Hong Kong government proceeded to carry out Chadwick's plan. In the 1880s and 1890s, new lines of water mains were laid down by the PWD, and several hundred *tong lau* were connected with house services. But the installation of water meters – a crucial component in Chadwick's proposal -- had not been adopted due to strong opposition by unofficial legislative members and property owners, who argued that the arrangement was unfair to the landlords, who did not have control over usage of the tenants but had to pay for the water they wasted.<sup>41</sup> Meanwhile, colonial administrators were more than ready to abandon the use of meters due to the large expenses incurred in acquiring them.<sup>42</sup>

The problem of water shortages came to a head again in the late 1890s when Hong Kong experienced a multi-year drought. Reports published in this period revealed that the capacity of the new reservoir at Tytam was not sufficient to alleviate shortages, and that the waste of water had not been reduced.<sup>43</sup> Meanwhile, European residents protested even more vehemently against providing new services to the Chinese. They also blamed the government for failing to execute some of Chadwick's recommendations, such as the improvement of drains and sewers, which were deemed by some to be culpable for the disastrous bubonic plague outbreak in 1894.<sup>44</sup>

In view of these growing complaints, Acting Governor General Gascoigne directed his administration to draft a new Water Consolidation Bill, which proposed to cut off house service to all the tenements once and for all.<sup>45</sup> To justify the reversion to the use of public standpipes, Gascoigne referred to Chadwick's statement that "public standpipes were necessary before a universal supply was available." But it was clear that Gascoigne did not share Chadwick's conviction that every house in the city should one day be

<sup>41</sup> Chadwick, *Preliminary Report on the Sanitary Condition of Hong Kong*, 10 April 1902, no. 17 of 1902.

<sup>42</sup> Each of the meters would have cost approximately HKD\$60.

<sup>43</sup> Chadwick, *Report of the Water Supply of Hong Kong*, 18 April 1902, no. 20, *Hong Kong Government Sessional Papers*, 1902.

<sup>44</sup> "Petition of Merchants to Joseph Chamberlain, Sanitation of the Colony," CO 129/309/ 29155, 657-69.

<sup>45</sup> "Water Works Consolidation Ordinance," Ordinance no. 29 of 1902; "Gascoigne to Joseph Chamberlain," 29 August 1902, CO 129/312/40595, 280-89.

supplied with service. Instead, Gascoigne reiterated the familiar argument that it was inappropriate to provide water to “lower class” Chinese, who were inclined to abuse urban services for their own gains. He also pointed out that once a tenement was connected with service, its landlord would raise the rent and make his tenants cover the water charges, thus further increasing the hardship of these poor laborers. Speaking with a tone of righteousness, Gascoigne concluded that this bill was justifiable on the basis that it would “protect poor tenants from exploitation by their landlords.” In a different correspondence, the Registrar General A.W. Brewin echoed that provision of water service in the tenements would lead to more social conflicts, because in these spaces little water reached the upper floors, making people living there dependent upon the complaisance of their neighbors. Given these circumstances, the only “just solution” was to increase the provision of public standpipes, which would procure a fairer distribution of water for everyone.

After learning about the proposed bill, the Chinese property owners sent a lengthy petition to the Secretary of State Joseph Chamberlain.<sup>46</sup> Referring to Chadwick on the imperative of health, they warned that the new bill would defeat the government’s ultimate goal of preventing diseases, because cutting off water to the tenements would only discourage the Chinese to keep their houses clean. To underscore the necessity of water supply, the property owners further referred to the English Public Health Act by comparing the context of Hong Kong with England:

If an adequate supply of water is considered a vital necessity for sanitation in a temperate climate like England, how much more should not a constant supply of water be considered an absolute necessity to every “tenement “house” in a tropical climate like Hong Kong?<sup>47</sup>

Instead of cutting off supply, the landlords urged the Water Authority to continue to provide an intermittent service to the tenements through a subsidiary “rider main” system, which would allow all houses without meters to be connected in blocks to subsidiary mains laid parallel to the principle mains. In this way, water supply could be turned on and off by the Water Authority in blocks in rotation during water famines while preventing the risk of contaminating the principle mains.<sup>48</sup> The Chinese landlords promised that if the government accepted this counter proposal (which was based on an earlier suggestion by Chadwick), they would share part of the cost of construction and pay a special tax on the rateable value of their properties.

In his reply, Chamberlain expressed his support for the Chinese property owners and said that he was inclined to suspend the bill, because

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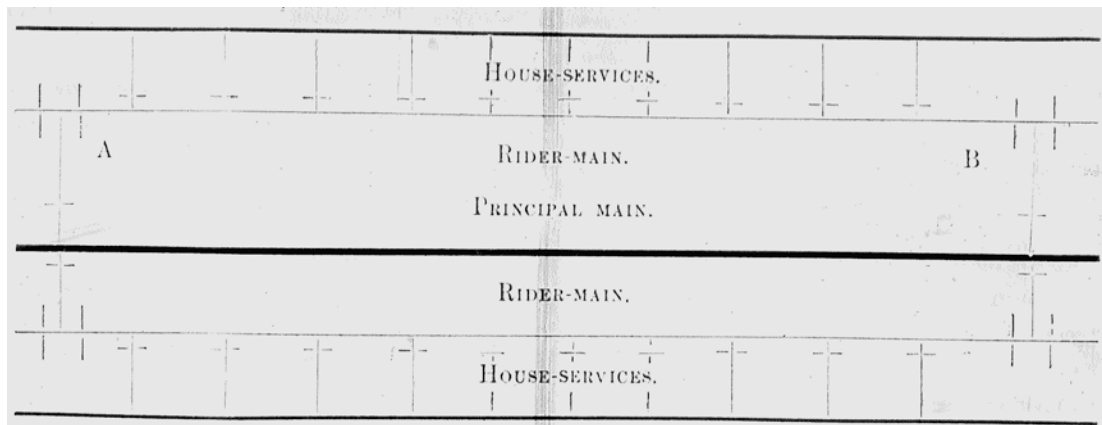
<sup>46</sup> “The Humble Petition of the undersigned Chinese Inhabitants and Firms of Hong Kong on behalf of themselves and their fellow Countrymen residing Thereat,” August 1902, Enclosure 3, CO129/312/40595, 291-93.

<sup>47</sup> Ibid.

<sup>48</sup> *Hongkong Hansard*, no. 4, 1932. The suggestion was originally conceived by Chadwick as a temporary measure for allowing the intermittent service to be continued before a universal supply became available.

When the great majority of the resident taxpayers of a colony protest in this manner against a measure, normally considered of a very reactionary nature, and given willingness to bear the expense necessary to meet their views, they should if possible be met halfway and must certainly be treated with great consideration.<sup>49</sup>

Unlike the earlier petition in which the difference of customs and health practices between the Chinese and Europeans was underscored, this time the Chinese property owners were fighting for their right to the access of water by referring to the engineer's conviction on the "universal need" of sanitation and public health. Conversely, Gascoigne and other local officials, who were struggling to deal with the multiple challenges for supplying water for the population, resorted to a racial argument that blamed the "lower class" natives for misusing urban services on the one hand, and the landlords for exploiting the poor tenants on the other. Meanwhile, Chamberlain's support of the Chinese landlords' petition and eventual sanctioning of the "rider-main" system illustrates not only how economic considerations were always an important factor shaping policy decisions, but also that it was increasingly used as a principle for administering "justice."



**Figure 3.7.** Schematic layout provided in the Chinese landlords' petition, showing how the rider mains were connected to houses on two sides of a street. The plan was a reproduction of one of Chadwick's drawings in his earlier report. (Source: CO129/312/40595, The National Archives of the U.K.: Public Records Office, London).

### 3.4. Contesting "Justice": The Landlords' Revolt Against Water Charges

With Chamberlain's approval, the rider main system was officially sanctioned in a new Water Ordinance in 1903.<sup>50</sup> The laying of all the mains were completed in the late 1900s, with more than 7,200 tenements connected with house services. However, the story of water disputes did not end here. As the water storage capacity gradually

<sup>49</sup> "Water Ordinance," CO 239/347/41665, 347-48.

<sup>50</sup> Ordinance No.16, 1903.

increased with the completion of new reservoirs in the 1910s and 20s, the government decided that time was finally ripe to provide a full universal supply in the colony. And thus in 1929, the legislative council introduced a new bill that aimed to phase out the rider main system.<sup>51</sup> Thereafter, all the houses in Victoria regardless of their types would be installed with meters and all landlords would be responsible for paying the water charges with no more “free allowance.” But this proposal, which had been (and still is) hailed as a major milestone of modernization in Hong Kong, was met with strong protest by Chinese property owners, who accused the government for turning the supply of a “common good” into a profit-making venture.

After learning about the government plan, members of the Chinese-run Hong Kong and Kowloon Property Owners’ Association held a large meeting to consider ways to object the new bill.<sup>52</sup> The meeting began with the chairman Li Hoi Tung’s address, which highlighted the unfairness of the new arrangement to the landlords, who were said to have no control over the actual water consumption in the tenements.<sup>53</sup> The members eventually endorsed a plan put forward by P.K. Kwok, who proposed that the best way to contest this “injustice” was for all the landlords to collectively disconnect from the house services. Kwok further urged the landlords to agree on providing a small reduction of rent of \$3 as a way to compensate their tenants, who now had to get their water either from the public standpipes themselves or from the hire of water coolies. The chairman of the association argued that Kwok’s proposal was by far the “fairest deal to all.” Moreover, it would also benefit the economy by creating new jobs for the laboring class, who had been suffering from the onset of trade depression at this time.<sup>54</sup>

Apparently stunned by the landlords’ collective action, the government floated the idea of passing a new law to prohibit disconnection from the existing services. In a memo issued by the Financial Secretary, it was argued that the bill was aimed to “safeguard the right of the poor tenant dwellers to the access of water.”<sup>55</sup> It also refuted the accusation that the new arrangement was a turn to profitmaking, but rather was an attempt to place the provision of an essential urban service for improving public health on a self-supporting basis. It further asserted that since property rate was considered low in Hong Kong, the bill would exert no hardship on the landlords, who should fully support it given the extent to which they had benefited from the colonial land policies.

The dispute between the landlords and the government continued after the bill was made into law, but was eventually resolved with the adoption of a new policy that transferred the payment of water charges from the landlords to the tenants. This was made possible by the wider availability of water meters, which could now be installed separately on

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<sup>51</sup> “Government’s Water Supply Policy: Rider Main System to be Abolished,” *The Hongkong Weekly Press*, 26 September 1929, 422; “Water Meter Question,” *The Hongkong Daily Press*, 27 November 1920.

<sup>52</sup> “Water Charges: Property Owners to Disconnect, Supply to Tenants from Fountains,” *South China Morning Post*, 13 March 1934, 11.

<sup>53</sup> *South China Morning Post*, 13 March 1934.

<sup>54</sup> *Ibid.*

<sup>55</sup> “Memos of Financial Secretary,” CO129/572/14, 1938.

each tenement floor and allowed more accurate detection of usage. Despite some complaints from the tenants over the new arrangement, most supported the universal supply of water, which they saw as a desired modern utility that would help improve their living conditions. Meanwhile, as can be seen in the rental advertisements in the period, the provision of running water was often promoted as a major asset that raised the value of properties. And interestingly, these portrayals also seemed to have somewhat unsettled the divide between the “Chinese” and “European” houses and their associated inhabitants.

Although the history of urban services has not received much attention from Hong Kong historians, it offers significant insights into the politics of development and the changing relations between the colonial state and its subjects. The move to provide a universal water supply, which was predicated on an emerging liberal ideal aiming to improve urban life for all, also entailed an attempt to find a “techno-social solution” that would help transform social norms. However, the advent of modern utilities also generated new demands for the rights to urban services and obligations of the government. The continual failure to provide adequate water supply and the protracted disagreement over its financing led to criticisms of the administration for profiteering on “public goods,” thus exposing the cracks in its claim of colonial benevolence. As the next section will show, these tensions became even more pronounced in times of crisis -- such as the catastrophic plague outbreak in 1894.

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香港德輔道中四號A三樓坐記租務處 電話式四式零七	四十號至五十號	新建築空氣光線異常充足特別平價出售	TO LET.—NOS. 1 & 2 MINDEN VILLAS, Mody Road, Kowloon, from 1st May or earlier. Ten rooms. Modern conveniences. Suitable for small boarding house. Apply Humphreys Estate & Finance Co., Ltd., Alexandra Building.
	軒鯉詩道	莊士頓道	DAVID BUILDINGS First Floor Flat, No. 90, Nathan Road, Kowloon. Apply S. J. David & Co., David House.
	四十一至四十九號	二十五號至三十三號內有浴室水廁工人房大騎樓特別平價出售	ATTRACTIVE 4 and 6-roomed European FLATS with FRIGIDAIREs, flush, hot and cold water, moderate rent, from \$100 up, 2 minutes walk from Kowloon Ferry. Apply Sang Kee, Hongkong Bank Building. Tel. 24217.
		二百四十號至二百四十六號內有兩大房及工人房水廁浴室大騎樓等此樓係新建築	

Figure 3.8 & 3.9. English and Chinese rental advertisements that highlight the provision of modern conveniences in various types of apartments. (Source: *Hua Zi Rui Bao; The Hong Kong Telegraph*).

### 3.5. The Bubonic Plague Outbreak and the Taipingshan Resumption

Much has been written about the bubonic plague – a disastrous episode that killed over 2,500 people in the summer of 1894. As in other cities that experienced epidemics in the nineteenth century, the outbreak led to wild speculation over the causes of disease and much finger-pointing at those held responsible for the catastrophe.<sup>56</sup> The fact that a majority of the victims were Chinese spawned tremendous fear among Europeans of contracting diseases from the “dirty natives.” Meanwhile, the militant measures imposed by sanitary authorities to combat the plague, including forced removal of patients from their homes and compulsory closure of many “unsanitary houses” for disinfection and eviction of thousands of tenants, led to widespread anger among the Chinese community. The resulting mass exodus of laborers to neighboring Canton and drastic decline of trade brought the colonial economy to a complete standstill. As Governor William Robinson contended, as far as trade and commerce was concerned, the plague had “assumed the importance of an unexampled calamity.”<sup>57</sup>

In the months following the plague outbreak, the government appointed a sanitary committee to advise on measures to prevent the spread of the plague. Because a majority of the cases happened in Taipingshan – the Chinese district with the densest concentration of *tong lau*, it was widely believed that the plague was caused by the insanitary conditions. As described by Dr. James Alfred Lowson, the medical superintendent of the Government Civil Hospital,

[A] majority of the houses being in a most filthy condition, as owing to the uncleanly habits of the people... the amount of rubbish accumulates in a Chinese houses [was] to an extent beyond the imagination of most civilized people.<sup>58</sup>

By this time, medical experts had already identified the plague bacillus. But despite the general acceptance of germ theory, colonial doctors and engineers continued to explain disease transmission by referring to the principles of miasma, asserting that the plague was spread through air emanating from the ground where the bacillus flourished.<sup>59</sup> This belief fit well with the observation that the soil of Taipingshan was typically soaked with sewage discharged from dysfunctional drains and broken floors of the buildings above. After examining the situation, the committee concluded that the best solution was to

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<sup>56</sup> For an overview of plague outbreaks and their responses in non-European territories, see Echenberg, *Plague Ports*. For a primary account on the bubonic plague in Hong Kong, see report by Governor William Robinson, *Annual Report for 1894*, no. 148, Hong Kong Government Administrative Report, 3-10. For secondary sources, see Echenberg, “An Unexampled Calamity: Hong Kong, 1894,” chap. in *Plague Ports*, 16-46; Mary Sutphen, “Not What, But Where: Bubonic Plague and the Reception of Germ Theories in Hong Kong and Calcutta, 1894-1897,” *Journal of the History of Medicine* 52 (January 1977): 81-113; E.G. Pryor, “The Great Plague of Hong Kong,” *Journal of the Royal Asiatic Society* 15 (1975): 61-70; *Plague, SARS and the Story of Medicine in Hong Kong* (Hong Kong: Hong Kong University Press, 2006), 26-37.

<sup>57</sup> CO129/263/10928.

<sup>58</sup> *Ibid.*

<sup>59</sup> Sutphen, 94-103.

demolish all the buildings by fire, cast away the contaminated topsoil and redevelop the area with better built houses, ample open space and a much more efficient drainage system. To this end, the committee recommended that the government enact a new ordinance to resume ten acres of land in Taipingshan for redevelopment. Compensation would be paid to the property owners via a government-appointed Arbitration Board.



**Figure. 3.10.** Sanitary officers, or the so-called “whitewash brigade,” posing in a street in the Chinese district during the plague outbreak in 1894. (Source: The National Archives of the U.K.: Public Records Office, London).

This, then, was the background for the first major land resumption in Hong Kong – an episode hailed in colonial records as a historical turning point in which the government took a decisive step toward long-term planning to protect the well-being of the population. But far from a triumphal story of benevolence, the legitimacy of the resumption was challenged on many fronts throughout the process. When the proposal was made public, it immediately caused a stir in the press, fueling widespread debates over the infringement of property rights and the spending of large sums of taxpayers’ money for destroying private properties.<sup>60</sup>

One of the most vocal opponents against the resumption was one Granville Sharp – a British builder and well-known philanthropist who owned a large number of rental properties in Hong Kong. In a series of articles titled “Plague and Prevention” published in *The Hong Kong Daily Press*, Sharp wrote that although the conditions of some tenements in Taipingshan were so bad that they must be rebuilt, many others could be

<sup>60</sup> Cited from editorials in *The Hongkong Telegraph* and *The Hongkong Daily Press* between May 1894 to May 1895.



made “sanitary” by disinfection and minor alterations.<sup>61</sup> He challenged the government plan to burn down the houses and cast away the polluted soil, warning that such actions could reactivate the plague bacillus and thus invite further disasters. But above all else, Sharp argued that the wholesale demolition of Taipingshan should be avoided because of its eventual negative impacts on the housing supply and public health. The tearing down of so many tenements, Sharp noted, would only further exacerbate overcrowding which was the ultimate enemy of sanitation. Speaking in the voice of a philanthropist, Sharp urged that more attention be paid to the needs of the native laborers, because

Our dependence upon Chinese cheap labor is becoming everyday more manifest. The interests of the poorer classes of Chinese are now assuming an importance unknown before, and their necessities must be most carefully considered [...] Instead of demolishing every square yard of existing roof in the Island needs to be preserved, for the protection of the people, [who] are essential to us [and] advance our welfare...The destruction of Taipingshan will throw great difficulties in the way of carrying out the beneficent intentions of the Government and the wishes of the Sanitary Board.<sup>62</sup>

Finally, Sharp pointed out that plague prevention could not be achieved by fixing one area alone. Instead of spending so much public funds to destroy Taipingshan, he strongly suggested that more incentives such as rent relief should be provided to property owners and tenants to carry out sanitary improvements themselves, because the best result could only be accomplished by “mutual help between landlords, tenants and the authorities.”

In hindsight, one could argue that these statements were somewhat self-serving, as it was clear that Sharp was trying to prevent his own properties from forced demolition. But these comments also underscored the uncertainties entailed in the struggle to combat a deadly disease whose cause and prevention methods remained unknown. Despite the racist overtones in some of his writings, Sharp’s warnings against the destructive consequences of the resumption found resonance with many Chinese landlords, merchants and shopkeepers, who became increasingly concerned not only with the loss of value of their properties, but also with the negative impacts on the economy as a result of the continual exodus of the Chinese laborers from the colony. This anxiety was also shared by some of the colonial officials, who were wary of the widening public discontent over how the government handled the crisis.

While it is unclear to what extent Sharp’s articles had influenced public opinion, growing resistance against the Taipingshan resumption was apparent in the months following their publication, a time when the plague had already begun to subside. Editorials in major newspapers such as the *Hongkong Daily Press* and *Hongkong Telegraph* began to renege on their earlier support for the wholesale demolition and turned their attention to issues of property rights and protection and compensation for

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<sup>61</sup> Granville Sharp, “Plague and Prevention,” *The Hongkong Daily Press*, 30 July to 17 August 1894.

<sup>62</sup> *Ibid.*, 16 August 1894.

the owners. There were also renewed criticisms of the administration for its failure to carry out necessary public works, such as the expansion of new reservoirs to increase water supplies that were considered vital for disease prevention. Although Chinese laborers continued to be caricatured as the villains for spreading the plague, Chinese and European landlords were strongly united in their fight against the resumption and for compensation for the rental income lost during the plague (when their houses were shut down by the Sanitary Board for disinfection).

Their view was shared by the unofficial legislative council members, who attempted to organize a special committee to inquire into alternative ways to improve Taipingshan.<sup>63</sup> Although their initiative ultimately failed and the resumption ordinance was pushed through by the official majority (who outnumbered the unofficial members), the government was subjected to heavy criticism by the press and was eventually forced to reconstitute the legislative council by increasing the number of its unofficial members.

The opposition to the resumption by the unofficial legislative members was not surprising; after all, most of them were directly connected to the largest property firms in Hong Kong.<sup>64</sup> The highly mixed pattern of property ownership in Taipingshan arguably defied the longstanding stereotype of the area as a purely “Chinese district” disconnected from the “European town.”<sup>65</sup> Somewhat ironically, the only legislator who supported the ordinance was a Chinese, Dr. Ho Kai, who was also a longtime member of the Sanitary Board. Trained in England as a physician and later as a lawyer, Ho had long sought to educate the native Chinese about Western medicine and public health. Although he had previously opposed to some of the building regulations on the tenements on the basis that these would lead to displacement of the poor tenants (see chapter 4), he was adamant about the complete reconstruction of Taipingshan for plague prevention. To this end, unlike his European counterparts in the Legislative Council, Ho stood firm with the colonial doctors and engineers, who believed that nothing less than razing all the houses would allow the government to carry out a proper planning agenda, which was essential for remaking Taipingshan into a healthy district along modern sanitary principles.<sup>66</sup>

After many months of negotiation, the property owners of Taipingshan finally accepted the compensation offered by the Arbitration Board. All of the 384 houses in the plague-ridden district were razed in the following year.<sup>67</sup> However, the contestation over property rights was far from over. In January 1895, a petition jointly signed by a large number of European and Chinese landlords who owned houses outside the Taipingshan

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<sup>63</sup> “Report of the Meeting of the Legislative Council,” 17 September 1894, *Hong Kong Hansard*, 62.

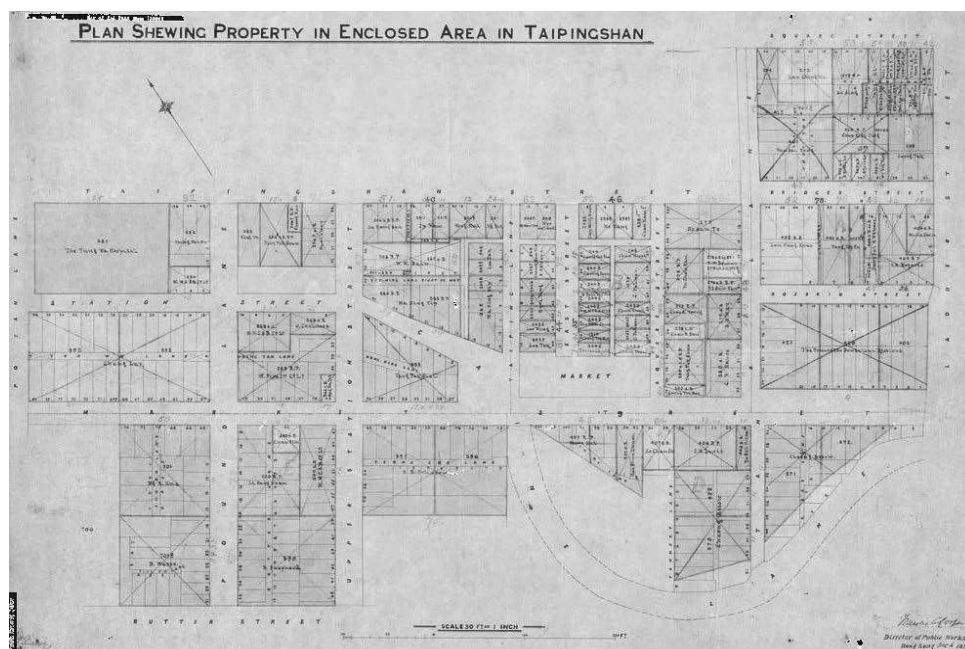
<sup>64</sup> The unofficial members of the Legislative have always been drawn from the largest commercial enterprises in Hong Kong. For a discussion on the organization of the council, see Norman Miner, *Hong Kong Under Imperial Rule: 1912-1941* (Hong Kong: Oxford University Press, 1987).

<sup>65</sup> A full list of Taipingshan property owners was published in the *Hongkong Daily Press*, 11 March 1895.

<sup>66</sup> “Report on the Meeting of the Legislative Council,” 17 September 1894, *Hong Kong Hansard*, 66-68.

<sup>67</sup> “Taipingshan Resumption Ordinance,” 1 October 1894, CO 129/263/17302, 729-42; 22 October 1894, CO 129/264/18440, 127-34; and “Taipingshan Resumed Area,” CO 129/266/12294, 588-99.

district was sent to the Secretary of State Chamberlain.<sup>68</sup> The petitioners asked to receive compensation for their rental income lost during the plague outbreak on the ground that this amount was included in the payment to the Taipingshan landlords. They also argued for the suspension of a new regulation that required them to upkeep their properties according to several new standards introduced by the Sanitary Board, which would take possession of their houses if these rules were not observed.<sup>69</sup> The petitioners protested that such a law constituted a fundamental violation of their property right, and asserted that it was not the landlord's duty to supervise the conditions of their rental properties and monitor the behaviors of their tenants, for "once a landlord let his house [he] has no right to be visiting and inspecting it at all hours of the day and night."<sup>70</sup>



**Figure 3.11.** A plan showing the existing properties of Taipingshan before the demolition. (Source: Hong Kong Public Records Office).

As they had done so many times in their previous protests, the landlords ended the petition with a threatening statement, that if the new regulation were to put in practice it would devastate the colonial economy:

[I]t will necessarily deter capitalists from investing either as owners or mortgagees of leaseholds in Hong Kong, and will cause those who have already invested to withdraw their money at the earliest possible moment. The shock to confidence and good faith with which the confiscation clause of this ordinance must cause will inevitably tend to drive the investing public away and thus cause most serious detriment to the Colony.<sup>71</sup>

<sup>68</sup> "Rents: Memorial from Certain Persons," 1 April 1895, CO 129/266/5685, 373-98.

<sup>69</sup> *Ibid.*, 376. The regulations were under the Closed Houses and Insanitary Dwellings Ordinance of 1894.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*



**Figure. 3.12 and 3.13.** Two views of Taipingshan after the demolition, 1895. (Source: The National Archives of the U.K.: Public Records Office, London).

While the rationale of the petition regarding property rights was hardly new, it nevertheless raised a legitimate question about the effectiveness of sanitary rules predicated on surveillance and punishment. The argument that it was practically impossible for the landlords (or any government inspectors, for that matter) to control the tenants' habits and behavior in their homes resonated with Sharp's suggestion that different strategies, such as rent relief or other incentives, should be considered in order to engage the Chinese to help eradicate the plague. As the next section shows, some of these ideas were taken up under the governorship of Henry Blake (1898-1903), who conducted a series of "plague prevention experiments" that represented a new approach to urban improvement. While these campaigns did not lead to immediate success in stemming epidemics, they helped set in motion a new mode of governance that relied less on coercion but cooperation, which concomitantly also empowered some Chinese who fashioned themselves as representatives of their communities.

### 3.6. From Coercion to Self-Regulation: The Plague Prevention Experiments and the Rise of the *Kai-Fong*

Although the resumption of Taipingshan has often been referred to as a new chapter in Hong Kong's history with the arrival of comprehensive planning, in reality it had little impact on stamping out the plague, which returned with a vengeance almost every summer for another quarter of a century.<sup>72</sup> In the years following the Taipingshan resumption, the colonial administration faced increasing criticisms on the ways it handled the ongoing health crisis and its inability to resolve the housing problem (see first section of chapter 4). The heavy capital outlay required for the resumption (a large portion went to compensation for property owners) created additional strains on expenditure in the later 1890s, forcing the government to back away from its earlier plans to systematically resume "insanitary properties" in other districts.<sup>73</sup> A sanitary commission in 1897 reported that many Chinese houses in Victoria remained unfit for human habitation, and that the provision of markets, latrines, bathhouses and other facilities essential for public health remained insufficient for the need of a fast-expanding laboring population.<sup>74</sup>

This was the bleak scenario that Henry Blake, the new governor of Hong Kong, encountered when he arrived in the colony in 1898. Faced with severe budget constraints and growing social discontent, Blake was eager to find more effective ways to contain the plague. In a departure from his predecessors and advisors who had long supported heavy-handed measures in managing the plague-ridden Chinese districts, Blake wanted to engage the residents there to improve the conditions of their houses. Like the engineers who advocated the expansion of "liberal infrastructures," Blake believed that

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<sup>72</sup> The plague revisited Victoria on an annual basis until 1921.

<sup>73</sup> Besides Taipingshan, the government also resumed properties in a smaller district, the Kau Yu Fong. But both projects proved to be so costly that the government halted all other resumptions plans thereafter.

<sup>74</sup> *Report of the Insanitary Properties Commission*, 1898.

shifting the responsibility of sanitation from the government to the people themselves would not only lead to better prevention of disease and save administrative costs in the long run, but also impart new social norms and foster a sense of “public spirit” among native subjects.<sup>75</sup>

The idea of enlisting ordinary Chinese to sanitize their own homes originated from Blake’s observation that the current practice of disinfection, which was carried out by workers of the Sanitary Board upon report of a plague case, had led to increased dumping of dead bodies on the streets.<sup>76</sup> This was due to the extreme inconvenience of the disinfecting process, which involved detaining all the inmates of a premise for 24 to 48 hours, during which all of their clothing, beddings and furnishings were sent to government disinfection stations for steaming and cleansing. After the items were returned, the detainees were required to leave their house for five to six days in order for it to be sprayed with a chemical called Jeye’s fluid. Blake noted that the process had resulted in much dissention, not only because it often led to damage of people’s belongings, but also caused the inmates, who were mostly laborers living from hand to mouth, to lose two days’ work and salaries.<sup>77</sup> There were also many complaints that “squeezes” were extracted by sanitary inspectors and cleaning coolies, who threatened that more damage to their homes would ensue if money was not paid to them. Although higher-ranked officials in the administration had urged the Chinese to bring their complaints forward, the latter were mostly unwilling to do so but chose to not report the cases instead, hence the removal of dead patients to erase traces of sickness.

Besides the increased dumping of corpses on the streets, the “passive resistance of the Chinese” (to use Blake’s term<sup>78</sup>) also extended to other plague prevention measures. The most notable was the setting of rat traps in houses by sanitary staff. Many of these traps were found to be sprung, as the finding of an infected rat would result in the same inconvenience followed by the discovery of a plague patient. And like the disinfecting exercise, squeezes were regularly made by government rat-catchers, who demanded householders to pay them a toll or otherwise they would report that infected rats had been found on their premises.<sup>79</sup> Accordingly, numerous protests had been made by householders subjected to disinfection, complaining that no rat had been caught in their houses and, in some cases, no trap had even been set.

Officials of the Sanitary Board contended that perhaps the most disconcerting among all was the negative result of an early initiative to encourage the Chinese to participate in rat-catching.<sup>80</sup> The payment of two cents per rat led to a large number of returns. But it

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<sup>75</sup> “Sir Henry Blake and the Prevention of Plague,” *Hongkong Telegraph*, 28 August 1903.

<sup>76</sup> Bye-law 22, Ordinance No. 15 of 1894.

<sup>77</sup> “Treatment of Plague Patients in their Own Home and in Local Hospitals,” 24 September 1903, CO129/318/35303, 226-227.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*, 227; “Plague: Destruction of Rats.” 2 April 1900, CO129/297/10315.

<sup>80</sup> Treatment of Plague Patients in their Own Home and in Local Hospitals,” 24 September 1903, CO129/318/35303: 228.

was suspected that the total number was swollen by the importation of dead rats from neighboring China and Macao for the sake of reward. This was substantiated by the fact that a much higher proportion of rats were said to be caught in the streets than in people's houses. Although no sustained investigation had been conducted on this matter, there were many unconfirmed reports that a flourishing trade of rats was created as a result of the government incentive, and that rats were regularly shipped to the colony in parcels and distributed to rat-catchers.



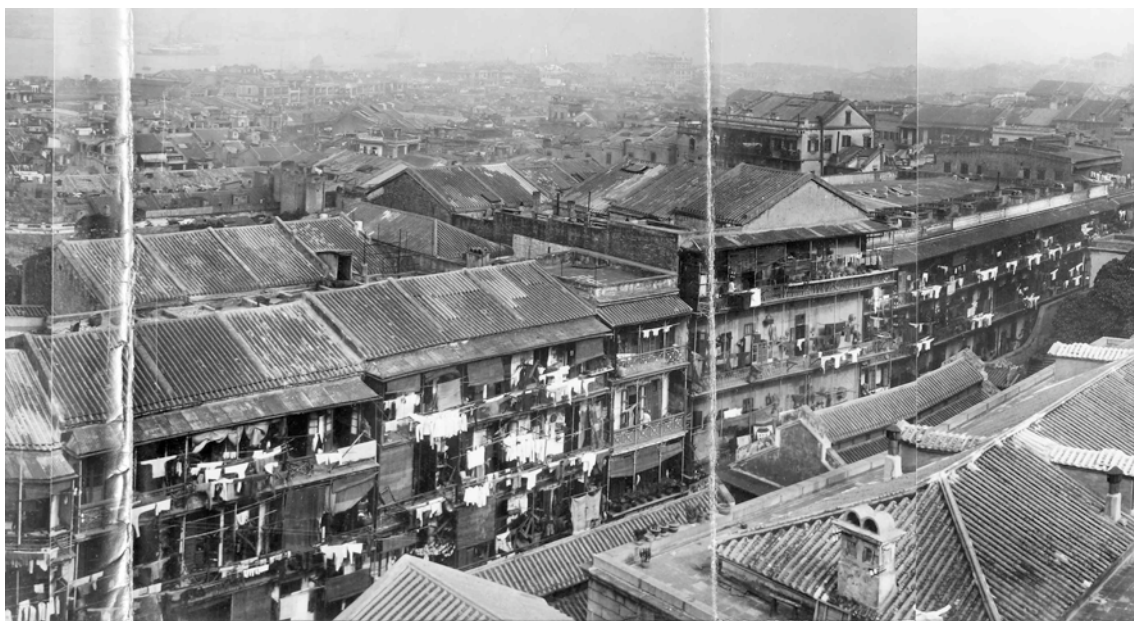
**Figure 3.14.** A rat-catcher and a street-cleaning coolie at work in Victoria, around early 1900s. (Source: Prints and Photographs Division, Library of Congress, Washington, D.C.).

Faced with these ongoing difficulties in combating the plague, Blake soon began to contemplate a different approach to the problem. In a lengthy memorandum on plague prevention, he raised the question of whether the Chinese antagonism toward disinfection would be changed should they come to recognize the necessity of it.<sup>81</sup> His inclination was that the only solution was to “induce the people to take upon themselves the work of sanitation.” And this must entail not only monetary rewards (which would not succeed without other incentives, as had already been proven in the rat-catching reward program), but other means of organization that encouraged the Chinese to support government’s plans with a positive attitude.

With this goal in mind, Blake proceeded to negotiate with the Sanitary Board in early 1903, asking the latter to hand over to him the supervision of two blocks of tenement houses in a plague-stricken districts for three months in the summer – a time when the plague was expected to be the most fierce. The plan was to conduct a “plague prevention experiment” in which residents of the two blocks would participate in disinfecting their houses with the absence of regular sanitary workers. Under this arrangement, six houses in the area would be evacuated and converted to temporary washhouses, where hot water tanks were made available for people to bring their bed boards and furniture for cleansing. To encourage cleanliness, four bathhouses, two for men and two for women, were also set up. Blake promised to compensate the landlords whose properties were used for these facilities, and in addition ensured residents that if they were willing to give timely notice of sickness, they would be attended by European or Chinese doctors, whichever they like, in their own homes free of charge.

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<sup>81</sup> Ibid.



**Figure 3.15.** Tenements in the Western District in 1910s. (Source: The National Archives of the U.K.: Public Records Office, London).

After consulting some of the Chinese leaders in the neighborhood, Blake asked the residents to form a *kai-fong*, or street committee, which would take on the task of supervising the cleansing operation.<sup>82</sup> The idea was based on the British experience in Jamaica, where local native leaders led teams of volunteers in well cleaning. The *kai-fong* was not a new institution however, but one that existed in many towns in China, where groups of “respected men” were elected as representatives of their communities. In this way, Blake was seeking to revive a traditional governing unit that he saw would help legitimize the plague prevention experiment and made it more efficient. The response to the formation of *kai-fong* was extremely positive, with 15 men immediately coming forward upon the governor’s request. In addition to the *kai-fong*, Blake also solicited the support of a number of Chinese elites, including the two members of the Sanitary Board, Ho Kai and Fung Wah Chun, as well as Ho Kam Tong, a well-known Chinese philanthropist and prominent landlord who was also a director of the influential Chinese-run Tung Wah Hospital.<sup>83</sup> To express his good will and support for the work of the Governor, Ho donated \$200 to be used to alleviate the hardship of plague patients.

The two selected experimental blocks were located in Second and Third Street in the Western District, which had the worst record of epidemics since the first plague outbreak in 1894. Like Taipingshan, they were packed with crowded tenements, with a total of 7,700 residents cramming into more than 600 floors in some 253 houses.<sup>84</sup> The

<sup>82</sup> “Prevention of Plague: The Experimental Block,” *Hongkong Daily Press*, 4 August 1903; “Sir Henry Blake and the Prevention of Plague,” *Hong Kong Telegraph*, 28 August 1903.

<sup>83</sup> For a discussion of the role of the Tung Wah Hospital, see Sinn, *Power and Charity*, and Lethbridge, *Hong Kong: Stability and Change*.

<sup>84</sup> “Treatment of Plague Patients in their Own Home and in Local Hospitals,” 24 September 1903, CO129/318/35303.



large population posed a daunting challenge to the *kai-fong*, which needed to derive a workable system to manage cleansing of a large number of floors a few at a time. To do this they obtained help from an experienced police inspector, J.H. Gidley, a fluent Cantonese speaker familiar with the district, to compile a detailed documentation of the houses of the two streets, including the size of each compartment and the type and occupation of the households. Gidley would later record the history of each plague patient to help assess the effectiveness of disease prevention.

By the end of the summer, Blake proclaimed that the plague prevention experiment was a success. Although the plague did not stop ravaging the town, the number of cases reported in the two blocks was lower than those in its neighboring district. No dumping of dead bodies had been recorded throughout the period, and the residents had clearly become more willing to report sickness. The most unexpected, however, was the landlords who evacuated their properties for use as washhouses had refused to accept compensation for their lost rent, stating that they would like to contribute to the “noble cause” of plague prevention.<sup>85</sup> Surprised by their generosity, which no doubt had unsettled the common assumption that “Chinese landlords cared nothing but their rental profits,” Blake contended that no country he knew of had shown a greater “public spirit” than [Hong Kong], and this was all the more impressive given that “most of these landlords were not rich men owning large properties but [ones] who lived among their tenants in these small and crowded dwellings.”<sup>86</sup>

After the plague prevention experiment was completed, the two blocks were formally handed back to the Sanitation Board with a lavish public ceremony on the street. The *kai-fong* members took turns to deliver speeches to thank the governor for initiating the campaign, and vowed that they would be ready to combat the plague upon its return in the following summer. The ceremony ended with a high note with gift-changings between the governor, the *kai-fong*, and the Chinese members of the Sanitary Board. As reflected in the opinions pages of local newspapers, the experiment garnered much support for Blake from the Chinese community. And indeed, his popularity was so great that when his governorship came to a close in late 1903, the Chinese petitioned the Colonial Office to allow him to stay on for another term.<sup>87</sup>

While one needs to be cautious not to overemphasize the agency of an individual Governor (who, understandably, commanded most attention in official records), the positive response to the plague prevention experiment offers an unusual example of collaboration between particular colonial administrators and native subjects. It also illustrates how, under certain conditions, a degree of trust could be established between the two parties. The question that arises here then, is the extent to which this trust was able to be sustained over time and how it affected social relations and the making of colonial policies in the longer term.

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<sup>85</sup> “Prevention of Plague: The Experimental Block,” *Hong Kong Daily Press*, 4 August, 1903.

<sup>86</sup> *Ibid.*

<sup>87</sup> “Petition from Chinese Inhabitants,” CO129/316/16512, 1903.

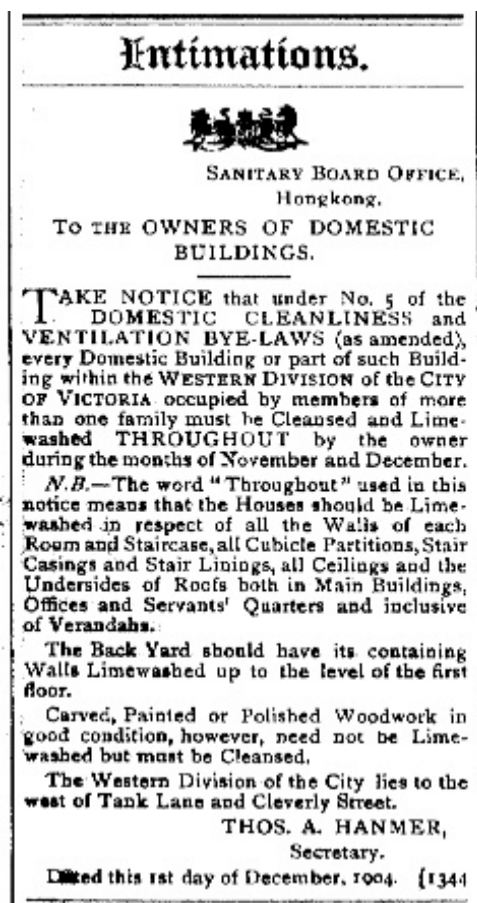


Figure 3.16. A notice on the cleansing operation under the Domestic Cleanliness and Ventilation Ordinance, 1904. (Source: *The Hongkong Telegraph*).

Looking back to this little-known event in retrospect, it is possible to make several observations. As we now know, the campaign was in fact not all that successful in preventing the plague that ravaged the district in the following years, wherein a large number of residents of Second and Third Street once again fell victims to the disease. But the work set in motion by the *kai-fong* and the residents in 1903 nevertheless provided a basis for the formulation of new policies related to public health and urban services. One direct outcome was the passing of a new by-law in 1904, which ruled that inhabitants of all tenements in Victoria would be responsible for cleansing their own dwellings twice a year under the supervision of the Sanitary Board.<sup>88</sup> As explained by the Acting Medical Officer of Health W. Pearse, while the government recognized that work of this nature would not measure up to the standard of that carried out by professional sanitary staff, the advantage of providing an object-lesson on cleanliness was more important, for it did not "rob the people knowledge that they themselves were doing the work a very important point in their sanitary education."<sup>89</sup>

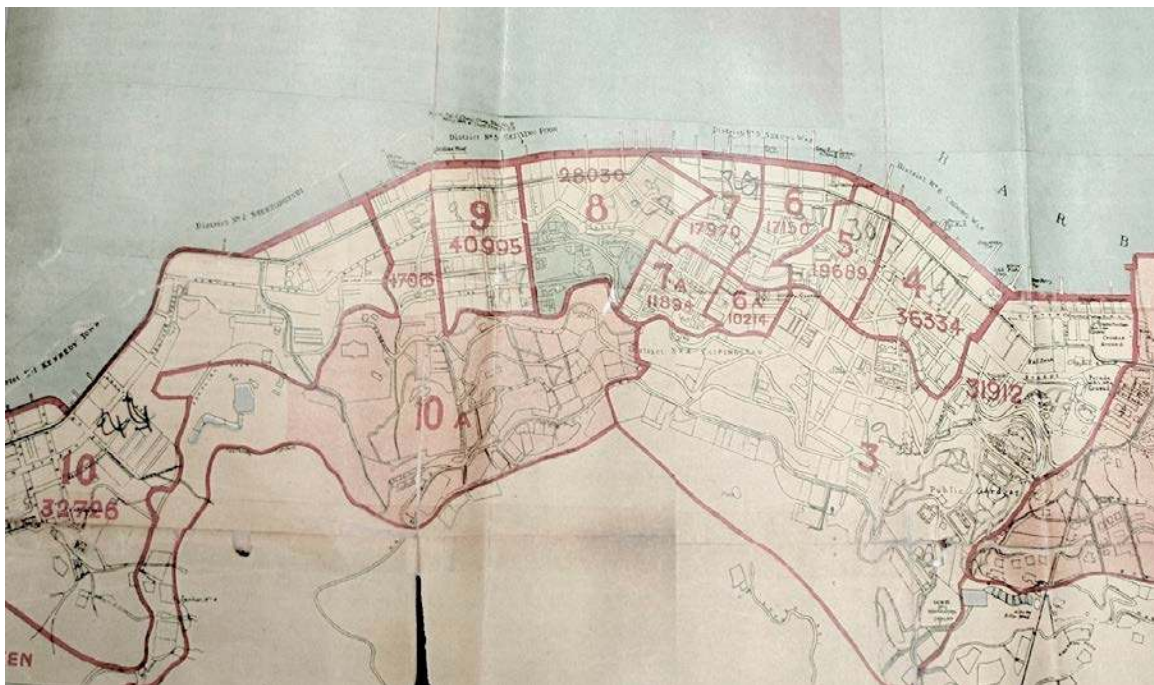
The second lasting impact of the experiment was the empowerment and entrenchment of the *kai-fong* as a colonial institution. While the promotion for mutual help eased some of the tensions instigated by the earlier coercive plague control measures, it also coopted more Chinese "leaders" into the colonial administration. Indeed, the revival of *kai-fong* that began with the simple goal to help organize the cleansing of houses in a single neighborhood would later prove to be useful for mediating wider conflicts between the Chinese laboring class and the colonial Government over other urban policies. It should be noted here that the *kai-fong*, which was a "grass-root" organization representing residents of specific districts, played a different role from that of the more prestigious Chinese institutions such as the Tung Wah Hospital dominated by wealthy merchants. While the interests of these different types of "native leaders" did not always coincide, all were able to elevate their social positions and enjoy a degree of prestige by acting as

<sup>88</sup> Ordinance No. 5, Domestic Cleanliness and Ventilation By-law, 1904.

<sup>89</sup> "Report by the Acting Medical Officer of Health," 12 April 1904, in "City of Victoria Cleansing Operation," CO129/322/1928, 1904.

“intermediaries” in a colonial system. At the same time, their heterogeneity enabled the government to establish indirect control over different social groups, and, when necessary, play off the interest of one against the other to legitimize its policies.

Finally, the experiment of 1903 also helped facilitate the production of new knowledge about the city and colonial governance. The detailed documentation of plague cases and their co-relation with the types of dwellings and their inhabitants enabled new ways to map the forms and norms of the environment, in turn making it possible to formulate specific schemes of intervention in the later periods. The increased use of statistics, maps, and other technical instruments, which were related to developments in Britain and elsewhere but propelled by the urgency to combat diseases locally, also led to the construction of a new moral topography of the city. However, while health was increasingly recognized as a political and social problem that needed concerted intervention, the task of urban improvement entailed a long and arduous process. These struggles will be further discussed in the next chapter, which examines the efforts to regulate housing standards and building practices – issues that were central not only to the betterment of urban life but also to property investment and speculation.



**Figure 3.17.** A plan showing the categorization of “health districts” in Victoria, 1903. (Source: The National Archives of the U.K.: Public Records Office, London).

Name.	Age.	Sex.	Occupation.	Street.	No.	Floor.	Dimensions	Occupants	When reported Sick.	Since when.	Plague.	Date of Death.	Recovery.
Chan Koo, .....	30	M.	Rattan worker, ...	Sheung Fung Lane, ...	16	1st	24' x 13'3" x 9'8"	12	24-4-03	—	Yes.	24-4-03	—
Yuen Fong, .....	23	F.	Married woman, ...	On Wai Lane, .....	3	"	30'8" x 13'9" x 16'6"	15	26-4-03	24-4-03	"	—	Yes.
Wong Tak, .....	52	M.	Coolie, .....	Second Street, .....	44	"	30'3" x 13'8" x 16'4"	14	30-4-03	"	"	1-5-03	—
Lai Chun, .....	24	M.	Hawker, .....	Sheung Fung Lane, ...	21	Gd.	24' x 13'3" x 9'10"	—	1-5-03	—	No.	—	Yes.
Chang King, .....	5	F.	Child, .....	Tak Sing Lane, .....	6	1st	30'6" x 13'9" x 10'6"	21	3-5-03	1-5-03	Yes.	4-5-03	—
Kwok Yung, .....	59	M.	Coolie, .....	Sheung Fung Lane, ...	8	"	24' x 13'3" x 9'8"	4	6-5-03	"	"	6-5-03	—
Chu Chun, .....	28	M.	" .....	" .....	8	Gd.	24' x 13'3" x 9'10"	8	7-5-03	"	"	8-5-03	—
Li Nga, .....	18	F.	Girl, .....	" .....	4	1st	24' x 13'5" x 9'8"	12	11-5-03	10-5-03	"	11-5-03	—
Chan Po, .....	64	M.	Head Coolie, .....	Second Street, .....	80	"	28'10" x 13'1" x 13'5"	18	"	4-5-03	"	14-5-03	—
Leung Sin, .....	33	F.	Married woman, ...	Sheung Fung Lane, ...	4	Gd.	24' x 13'3" x 9'10"	12	12-5-03	11-5-03	"	—	Yes.
Un Kam Sze, .....	23	F.	" .....	" .....	3	1st	24' x 13'3" x 9'8"	9	14-5-03	12-5-03	"	18-5-03	—
Chu Kun, .....	52	M.	Hawker, .....	Second Street, .....	76	Gd.	28'10" x 13'1" x 13'5"	—	"	13-5-03	"	15-5-03	—
Wong Sam, .....	28	F.	Married woman, ...	" .....	74	"	" .....	—	16-5-03	15-5-03	"	20-5-03	—
Li Kan, .....	30	F.	" .....	Sheung Fung Lane, ...	17	"	24' x 13'3" x 9'10"	15	12-5-03	10-5-03	"	14-5-03	—
Foo Lai Chun, ...	64	F.	Widow, .....	Second Street, .....	80	1st	28'10" x 13'1" x 13'5"	18	19-5-03	14-5-03	"	19-5-03	—
Chung Sam, .....	28	M.	Carpenter, .....	Sheung Fung Lane, ...	22	Gd.	24' x 13'3" x 9'8"	7	"	19-5-03	No.	—	Yes.
Chun Kuan, .....	55	M.	Hawker, .....	" .....	4	"	24' x 13'3" x 9'10"	19	"	"	Yes.	—	Yes.

WAI ON LANE.																	
Number.	Floor.	Men.	Women.	Children.	Total.	Number.	Floor.	Men.	Women.	Children.	Total.	Number.	Floor.	Men.	Women.	Children.	Total.
1	Gr.	0	0	0	0	7	Gr.	6	7	2	15	4	Gr.	9	0	2	11
	1st	0	0	0	0		1st	4	4	8	16		1st	5	5	8	18
3	Gr.	11	3	8	22	8	Gr.	7	6	0	13	2	Gr.	8	6	6	20
	1st	8	5	6	19		1st	9	5	4	18		1st	0	0	0	0
5	Gr.	12	14	1	17	6	Gr.	6	9	4	19						
	1st	6	6	4	16		1st	8	0	0	8						

CENTRE STREET.																	
Number.	Floor.	Men.	Women.	Children.	Total.	Number.	Floor.	Men.	Women.	Children.	Total.	Number.	Floor.	Men.	Women.	Children.	Total.
43	Gr.	16	0	0	16	46	Gr.	12	0	1	13	47	1st	16	1	0	17
	1st	9	7	8	24		1st	10	4	5	19	48	Gr.	12	0	0	12
45	Gr.	13	0	3	16		2nd	12	3	0	15		1st	8	7	5	20
	1st	11	5	3	19	47	Gr.	6	0	0	6		2nd	6	0	0	6

Figure 3.18 & 3.19. Pages in the report of plague cases in Second and Third Street. (Source: The National Archives of the U.K.: Public Records Office, London).

## Chapter 4

## The Search for Forms: Building Legislation and the Emerging Discourse of "Administrative Efficiency"

[We] are improving our streets, we are carrying out useful public works, and we are laboring to enforce sanitary rules [...] We are anxious to do all in our power to safeguard the magnificent port and fortress committed to our keeping, but we earnestly plead for the privilege, the common birthright of our race, of settling our own local affairs in our own way and to our own mind.<sup>1</sup>

The landlords are not common oppressors. It has to be remembered that they regard themselves as honorary tax collectors, working for the Government. And it saves the tenants all the bother.<sup>2</sup>

Despite his tireless effort in combating the plague, Governor Blake has not been revered as a champion of urban improvement and sanitary reform in Hong Kong's history. The lack of analysis of the policies and projects initiated under his governorship seems somewhat surprising given the recent interest in exploring the power relations between the "colonizers" and "colonized" amongst Hong Kong scholars.<sup>3</sup> While much attention has been paid to the collaboration and contestation between Chinese and European merchant elites in the economic sphere, narratives of "modernization" have departed little from those of the long established colonial discourse, in which improvement in the standards of housing, infrastructure and other urban services have continued to be presented as a heroic story of progress centering on a small number of professional experts and key legislative "milestones" established by the British government.

The tendency to insulate accounts of "modernization" from the complex trajectories of political and cultural histories is, however, not unique to Hong Kong. As Hamlin has pointed out in his critique of the history of public health in Britain, the fact that so many technologies and infrastructures set in place in the 19<sup>th</sup> century have become defining features of the modern built environment has made it difficult to conceive a different past that links to the modern present.<sup>4</sup> While one may be aware that vested interests and politics always shaped urban development, these have been treated in most cases as distractions or obstacles to the inevitable path of progress. As has been noted in the introductory chapter, this universal tale of modernization, which was itself a central theme of the colonial civilizing mission, has always been one of the key components of

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<sup>1</sup> "The Hongkong Petition," *The Hongkong Telegraph*, 17 May 1895. This was a petition for the establishment of a Municipal Council controlled by local ratepayers.

<sup>2</sup> "A Few Words in Defense of Our Landlords," *The China Mail*, 12 October 1920, 6.

<sup>3</sup> See discussion in the introductory chapter. These include, for example, the recent monographs on Hong Kong by Carroll, Sinn, Tsai, Chan, Hui and others.

<sup>4</sup> Hamlin, *Public Health and Social Justice in the Age of Chadwick*, 1998.

the Hong Kong story. As elsewhere, the emphasis of heroic figures and major legislative benchmarks serve to both reinforce the idea of continual progress as well as to neutralize the tensions and conflicts that disrupt this “success story.”

To excavate some of these subjugated trajectories, this chapter turns to examine the competing rationalities that shaped Hong Kong’s building legislation and their varied effects on the city’s urban forms and administrative practices from the mid 1890s to late 1910s. Continuing with the theme of public health and sanitation explored in the last chapter, it reexamines a number of reports produced by commissions appointed to inquire into the feasibility of new building regulations as well as the problems generated by some of these laws, including irregular practices that involved a wide spectrum of agents. These documents, which include detailed transcription of the conversations between the commissioners and their interviewees, provide insights not only into the many back-and-forth-negotiations between different stakeholders affected by the legislation, but also the attempts of the colonial authority to overcome the various administrative challenges posed by the ongoing housing problem. Complicating these challenges was the persistent demand of European property owners to exert more control over the policy-making process, which they claimed would be made more efficient with less “government intervention.” Although all of these debates evolved around specific technical measures, they were once again fought out on the wider cultural terrain, within which different groups appealed to moral claims associated with the nature of colonial rule and rationality of governance. Taken together, these documents also illustrate that none of the “legislative milestones” should be interpreted as isolated instances, as they were all intrinsic components of a longer history in which ideas and knowledge of the built environment were continually rethought and refined.

#### 4.1. The Return of Chadwick and the Demand for “Representative Government”

Despite the popularity he enjoyed amongst the Chinese, Blake was not widely supported by the local British and European residents, many of whom blamed the administration for failing to prevent the annual return of the plague and its negative impacts on the colonial economy. Throughout his governorship, continuous criticisms had been launched against the Sanitary Board and the PWD, which were accused not only of lagging behind in the provision of much needed public works, but also for making many unwise decisions in the management of urban services that exacerbated the spread of diseases.<sup>5</sup> But the strongest message in these complaints was that the problems were rooted in “official prejudice” – a condition that was said to be inevitable as long as Hong Kong was ruled by a “non-representative government.”<sup>6</sup> The growing dissatisfaction culminated in a high-profile petition to London by the Hong Kong Chamber of

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<sup>5</sup> Examples can be seen in many letters sent to major newspapers, including *The Hongkong Daily Press*, *The Hong Kong Telegraph* and the *China Mail*.

<sup>6</sup> Wilcox, CO129/309/29155, 7 June 1901.

Commerce in 1901. The petition, which included all the prominent British and European merchants in the colony, urged for a fundamental restructuring of the Sanitary Board into a “representative body” comprised of elected ratepayers (i.e. property owners).

The demand for political reform by local ratepayers had a long history in Hong Kong. Despite its cozy relationship with the British and European constituencies, the colonial administration had long resisted adopting a model of popularly elected government with a majority of unofficial members.<sup>7</sup> The argument was that any “fair representation” of ratepayers would inevitably succumb to too much control to the Chinese, whose property holdings in the colony vastly outnumbered those of the British and Europeans.<sup>8</sup> But despite the belief of many officials that the Chinese should not be allowed to manage colonial affairs, the government always presented itself on a moral high ground, insisting that it must carry out its duty to “protect” the Chinese from being controlled by an oligarchy of “self-serving British and Europeans.” In addition, it was claimed that because few residents in Hong Kong – Chinese and non-Chinese included – had intentions to reside in the colony on a permanent basis, it was necessary for the government to retain a firm control over policy-making in order to safeguard Hong Kong’s long term interests and the welfare of all the residents. This rationale of “Hong Kong as a transient city” would continue to be used as a standard explanation for the deferral of political reform throughout the colonial period.<sup>9</sup> But ironically, the idea of “protecting native interests against those of the Europeans” has been hailed by some historians as evidence of the “humanitarian liberalism that characterized British colonial policy to which all parties in England subscribed.”<sup>10</sup>

While the early attempts for political reform had all been turned down by the Colonial Office, the ongoing health crisis in the 1890s provided an opening for the European ratepayers to make the case for forming a popularly-elected Municipal Council along the lines of those recently established in Calcutta, Bombay and Shanghai.<sup>11</sup> It was argued that this Council, which would take over the management of urban affairs assumed by

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<sup>7</sup> For a discussion of the structure of the Hong Kong government, see Norman Miners, *Hong Kong Under Imperial Rule, 1912-1941*. For a discussion of the failed effort to establish a municipal government in early Hong Kong, see Endacott, *A History of Hong Kong*; and Kerry McPherson, “The City and the State: Historical Reflections on Hong Kong’s Identity in Transition, 1998 and Beyond,” *Cities* 14, no.5 (1997): 282.

<sup>8</sup> By 1883, there were 647 Chinese ratepayers against 83 English ratepayers and 98 of other nationalities who were chiefly Portuguese. See Endacott, *A History of Hong Kong*, 205.

<sup>9</sup> This belief continued to loom large throughout the 20<sup>th</sup> Century, despite it not being plausible to see most Hong Kong residents as transient migrants, particularly after the postwar period. And unfortunately, as I have pointed out earlier in the introductory chapter, many cultural critics have used this rationale to explain the perceived lack of “political consciousness” among Hong Kong citizens. For a discussion of the history of failed political reforms in Hong Kong, see Leo Goodstadt, “The Rise and Fall of Social, Economic and Political Reforms in Hong Kong, 1930-1955,” in *Journal of the Hong Kong Branch of the Royal Asiatic Society* 44 (2004): 57-81.

<sup>10</sup> Endacott, *Government and People in Hong Kong, 1841-1962* (Oxford University Press, 1964), quoted in Kerry MacPherson, “The City and the State: Historical Reflections on Hong Kong’s Identity in Transition, 1997 and Beyond,” *Cities* 14, no.5 (1997): 282.

<sup>11</sup> 7<sup>th</sup> Anniversary of the *China Mail* (Hong Kong: China Mail Office, 1921), 89.

the official-dominated Legislative Council, would promote legislative efficiency and secure a more faithful representation of the views of “the larger community.” The proponents also refuted the government’s claim that the formation of a municipal council would open the floodgates of political participation by the Chinese, because insofar Hong Kong was a “colonial possession,” it was perfectly legitimate to limit the council’s membership to “British and Europeans colonialists.”<sup>12</sup>

Before discussing the aftermath of the petition by the Chamber of Commerce, it would be instructive to briefly review how the government handled an earlier proposal for “representative government.” As discussed in the last chapter, the administrative crisis during Hennessey’s governorship in the early 1880s led the Colonial Office to send over Osbert Chadwick to Hong Kong to layout a blueprint for sanitary and housing reform. One of the key recommendations in Chadwick’s report was the establishment of a new authority with the power to enact building and public health legislation. When the government proceeded to form a Sanitary Board consisting of appointed officials in 1883, British and European ratepayers petitioned to have the Board changed into a popularly-elected body with a majority of unofficial members.<sup>13</sup> The proposal was rejected by the Colonial Office, again on the ground that the arrangement would not adequately protect the “overall interest of the community,” particularly those of the Chinese.<sup>14</sup> To ease the merchants’ discontent, Governor Bowen (1882-1885) suggested the Board be expanded to include a combination of appointed and elected members. And, in a gesture to “represent” the Chinese population, one appointed Chinese unofficial member was also added (the first member being Dr. Ho Kai, see chapter 3). Although this move was hailed by the administration (and also by many historians) as a major step toward “representative government,” the power of the Board was in fact quite limited.<sup>15</sup> Contrary to Chadwick’s original suggestion, the Board did not have the authority to collect municipal revenue or to sanction legislation in its own right. So despite having drafted numerous policy bills on building and public health regulation, few were made into law in their original form. Although the government was capable of pushing through these bills in the official-dominated Legislative Council, the heavy reliance on private property for generating public funds also made officials extremely cautious in sanctioning any law that might cause dissent among ratepayers. Critics of the Board, including the Chamber of Commerce, deemed its lengthy bi-weekly meetings as a waste of time and taxpayer’s money, as the different positions of its members often turned the discussion concerning sanitary matters into an impasse.<sup>16</sup>

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<sup>12</sup> Ibid.

<sup>13</sup> Endacott, *A History of Hong Kong*, 282.

<sup>14</sup> For an account on the formation of the Sanitary Board, see Choa, *The Life and Times of Sir Kai Ho Kai*; and Endacott, *A History of Hong Kong*.

<sup>15</sup> For example, see Endacott, *The Government and People of Hong Kong*; Steve Tsang, *A Modern History of Hong Kong* (Oxford University Press, 2004), and Frank Welsh, *A History of Hong Kong*.

<sup>16</sup> These criticisms were routinely published in local English newspapers, particularly *The Hongkong Daily Press* and *The Hongkong Telegraph*.



The renewed call to establish a Municipal Council in 1901 largely followed the same rationale of “administrative efficiency” proposed a decade earlier, except that the continuing health crisis was now exerting more pressure on the government to deal with the regular occurrence of epidemics. Like his predecessors, Blake was adamant that management of urban affairs could not be left to the hands of British and European ratepayers, who, in his opinion, did not concern themselves with the long-term interests of Hong Kong. To defend against the Chamber’s criticisms, the government issued several reports underscoring the progress of urban improvement in the past 20 years.<sup>17</sup> The Colonial Secretary Sercombe Smith further alleged the petition to be full of reckless and exaggerated statements designed to undermine the credibility of the government, and wryly asked “if members of the Chamber would cheerfully accept the increased taxation to cover the heavy expenses required for [their] contemplated measures of sanitary improvement.”<sup>18</sup>

The continuous dispute between the Blake administration and the Chamber of Commerce prompted the Colonial Office to once again dispatch Osbert Chadwick to Hong Kong to assess the situation. This time Chadwick was accompanied by the well-known sanitary expert, Dr. William Simpson,<sup>19</sup> who later went on to conduct a high-profile investigation on the sanitary conditions of Singapore.<sup>20</sup> Chadwick and Simpson released a joint report in May 1903, concluding that – no doubt to the disappointment of the petitioners – the work undertaken by the Sanitary Board and the PWD thus far appeared quite satisfactory to them.<sup>21</sup> But they regretted that many proposed building regulations essential for health had been set-aside in the past two decades due to opposition by property owners and the unofficial legislative members representing landed interests. Chadwick and Simpson reiterated the urgent need to enact strong and comprehensive building legislation, which they asserted that the Hong Kong government must push through against all vested interests including those of its own. Although there was hardly anything surprisingly in its findings, the report’s scathing criticisms against landed interests effectively dampened the proposal for a municipal council controlled by British and European ratepayers. It also provided a moral boost to the colonial administration, which, under the direction of Chadwick and Simpson,

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<sup>17</sup> “Sanitary Condition of the Colony,” CO129/305/29164, July 1901.

<sup>18</sup> Ibid.

<sup>19</sup> William John Simpson (1855-1931) was Professor of Hygiene and Public Health at the University of London from 1899 to 1927. He was also a founder of the London School of Hygiene and Tropical Medicine, and a member of the advisory committee to the Secretary of State for the colonies on medical and sanitary matters. See Home, *Of Planting and Planning*, 43-44.

<sup>20</sup> Although Simpson’s sanitary report on colonial Singapore (1907) is more well known in the field, it is highly probable that much of it is based on the earlier report on Hong Kong, which by far has received little attention from scholars on this subject. For a detailed discussion of the report on Singapore, see chapter 3 in Jiat-hwee Chang, “A Genealogy of Tropical Architecture: Singapore in the British (Post)colonial Networks of Nature, Technoscience and Governmentality, 1830s to 1960s” (Ph.D. diss., University of California, Berkeley, 2009), 152-188; and Yeoh, *Contesting Space in Colonial Singapore*, 2004.

<sup>21</sup> Chadwick and Simpson, *Report on the Question of Housing of the Population of Hong Kong* (Hong Kong: Government Printer, 1903).

proceeded to draft a new Public Health and Building Ordinance with a number of drastic measures that strengthened the existing building standards and housing design.<sup>22</sup> The Ordinance was duly passed at the end of 1903, and has since been hailed as one of the most significant achievements in Hong Kong's legislative history and a key benchmark in the modernization of the colony's built environment.<sup>23</sup>

Major Clauses of the Public Health and Building Ordinance of 1903		
Clause	Rationale	Description
106	To strengthen the structure of buildings	Specifies minimum thickness of party walls
150	To improve lighting and cross ventilation	One window opens directly into the external air, total glazed area to be of 1/10 <sup>th</sup> of floor area
151	To limit the length of buildings	Maximum building depth for houses with a window opens directly into external air is limited to 40 feet
152	To make lawful habitable rooms or cubicles without windows	Sub-division of the building into cubicles without window opens direct into the external air
157	To provide adequate ventilation	Privy and latrine to be provided with opening(s) for ventilation not less than 2 square feet
158	To limit building height	Maximum building height to be 76 feet. Maximum stories to be 4 including ground floor
175-80	To improve lighting and cross ventilation	Specifies dimension of open space at the rear of the buildings
188	To improve lighting and cross ventilation	Height of existing buildings not to exceed 1.5 times the width of street.

**Figure 4.1.** A summary of the major clauses of the Public Health and Building Ordinance of 1903.<sup>24</sup>

As with the story of the resumption of Taipingshan, mainstream historiographies tend to attribute the successful enactment of the Public Health and Building Ordinance to a strengthened political will; that is, the government was finally “awakened” to the grave danger of shoddy construction and overcrowding and was determined to rectify the problems. Indeed, the fact that this explanation fits so well with the familiar narrative of “Hong Kong as a “modernizing city” also allows it to be depicted as a convenient marker of progress and logical conclusion to the end of the haphazard development of the 19<sup>th</sup> century. However, a careful review of the official documents in this period reveals that many clauses in the Ordinance, such as the compulsory provision of windows, backyards, privies, alleyways and the restriction of cubicles in the tenements had in fact been already included in several bills drafted earlier by the Sanitary Board.<sup>25</sup> Contrary to the common assumption that the new law was the sole brainchild of Chadwick and Simpson, it actually owed much to these previous proposals, even though

<sup>22</sup> Ordinance No. 1, 1903.

<sup>23</sup> For examples of these narratives, see *Plague, Sars and the Story of Medicine in Hong Kong*; Y.W. Lau, *A History of the Municipal Councils of Hong Kong, 1883-1999*; Pryor, *Housing in Hong Kong*, and Edward Ng, “Regulate for Light Air and Healthy Living,” *HKIA Journal* 34, no.1 (2004): 14-27.

<sup>24</sup> Ordinance No. 1, 1903. Note that some of the major clauses of this ordinance have been summarized in an article by Ng, “Regulate for Light, Air and Healthy Living.”

<sup>25</sup> For example, many of the clauses were included in the Public Health Bill, which was proposed in 1886.

the latter had not been enacted due to fierce opposition from property owners and the unofficial members of the Legislative Council.<sup>26</sup>

The question presented here then is, how can the changed receptiveness to the 1903 Ordinance be explained, and what other trajectories have been omitted from mainstream historical accounts on this legislative achievement? As noted in the *Hong Kong Hansard*, one major provision that distinguished the new legislation from the previous bills was the insertion of the so-called “grand principle of compensation.”<sup>27</sup> In the earlier proposals, landlords were required to upgrade their properties to conform with the new building regulations at their own expenses (except when their houses were resumed for redevelopment, such as the case of Taipingshan). And failure to do so would be met with hefty penalties. This requirement had long been a contested subject dominating the debates in the Legislative Council. The eventual agreement to provide compensation for the landlords thus was hailed by the unofficial Council members as a major triumph for the protection of property rights and public goods.<sup>28</sup> However, the claims for compensation turned out to be much more difficult in actual practice due to many contradictory and confusing legal clauses in the Ordinance. The growing dissension of property owners soon led to mounting critiques against the legislation and the dissolution of the earlier consensus a few years later.

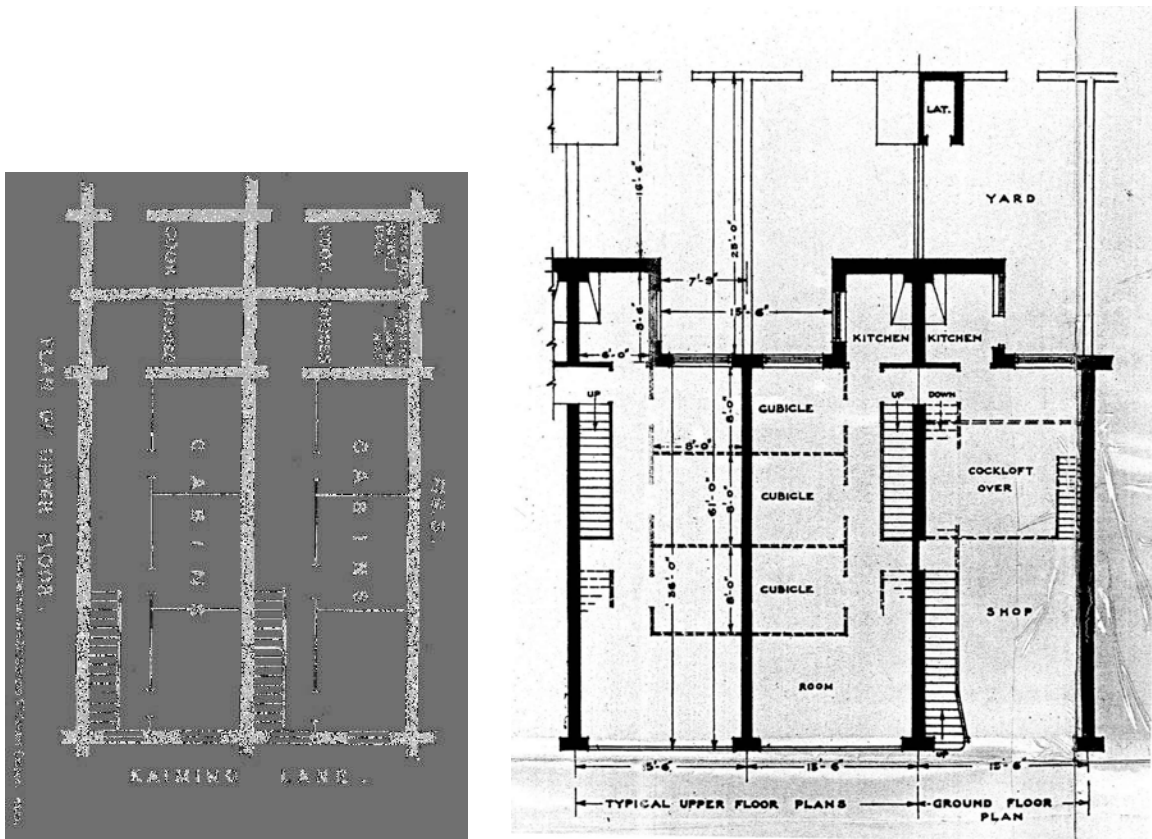
In addition to providing compensation, the 1903 Ordinance also made numerous adjustments to the regulations proposed in the previous bills (most notably the Public Health Bill of 1886, which was modeled after England’s Housing and Working Class Act of 1885). Although these regulations were not enacted due to vehement opposition, they had been discussed and debated amongst officials, architects and builders throughout the 1880s and 90s, particularly in the period after the plague outbreak when much attention was directed to overcrowding and defective house construction in the Chinese districts. To obtain a better understanding of the changing rationality of regulatory practice in the period, it is thus necessary to retrace the evolution of some of these ideas and how they had been modified in the policy-making process. To this end, the next section returns to the time after the demolition of Taipingshan and consider how the prolonged contestation over property rights propelled the government to derive new strategies to regulate building construction, and more importantly, to dissolve the ongoing administrative crisis it faced.

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<sup>26</sup> The Legislative Council did pass a Public Health Ordinance in 1887. But it was largely a toothless legislation since it did not include many of the original and much stronger measures proposed in the Public Health Bill of 1886. See Ordinance No. 24, 1887, and “Ordinance 24 of 1887: Public Health Bill,” CO129/234/22020, 1887.

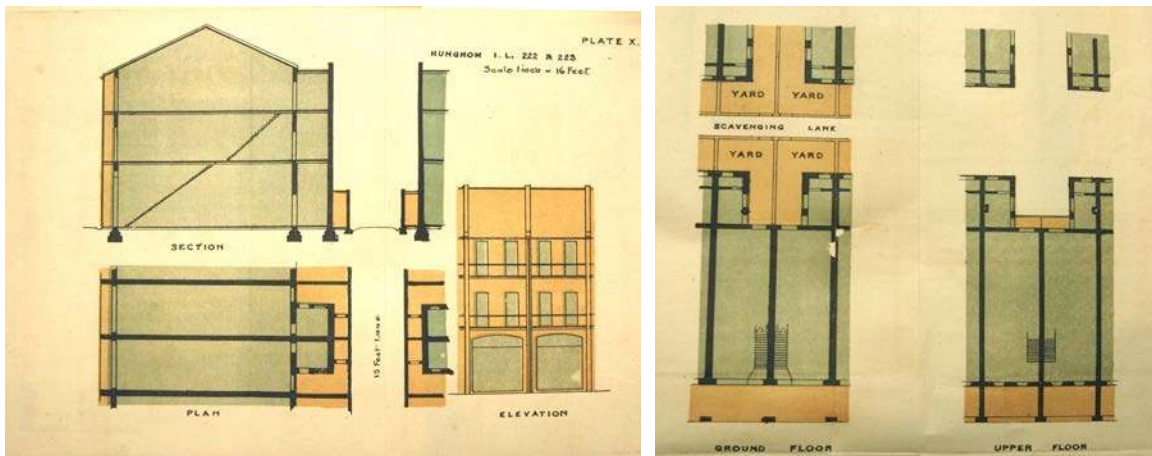
<sup>27</sup> *Hong Kong Hansard*, 7 November 1902.

<sup>28</sup> *Ibid.* In the earlier Public Health Bill, house owners were required to upgrade their existing properties to meet these measures at their own expense. And failure to do so would be met with hefty penalties.



**Figure 4.2** (left). A typical layout of tenements before 1903, showing back-to-back units with no rear windows. (Source: Chadwick, *Report of the Sanitary Condition of Hong Kong*, 1882, The National Archives of the UK: Public Records Office, London).

**Figure 4.3** (right). A typical layout of tenements designed in accordance with the requirements of the Public Health and Building Ordinance of 1903, showing the inclusion of a 10-foot deep backyards and kitchen windows. (Source: *Report of the Housing Commission*, 1935, Hong Kong Public Records Office).



**Figure 4.4 & 4.5.** Illustrations showing proposed backlanes between tenement blocks. (Source: Chadwick and Simpson, *Question of the Housing of the Population of Hong Kong*, 1902, The National Archives of the U.K.: Public Records Office, London).

## 4.2. Regularizing “Insanitary Properties”: Illegal Cubicles, Offensive Latrines, and Obstructive Alleyways

The public response toward the demolition of Taipingshan has already been discussed in the previous chapter. Although the resumption incited much criticism towards its infringement of property rights, it nevertheless provided an important legal lesson for both the officials and landlords, who needed to settle on an agreeable payment for the resumed properties via an Arbitration Board.<sup>29</sup> While the landlords demanded compensation to cover their lucrative rental returns from subdivision, the government insisted that deductions should be made to properties found to be defective and insanitary.<sup>30</sup> Although the Arbitration Board generally sided with the government, the absence of standard guidelines for arbitrators to estimate property values led to prolonged delays and further loss of crown rent revenue by the day as the negotiations dragged on.<sup>31</sup> Meanwhile, the unprecedented scale of the resumption and its implications for property rights generated tremendous public attention to the cases, with local newspapers providing daily reports on every detail of the negotiation process. The availability of this information in turn prompted even more divided opinions over the pros and cons of resumption and the management of municipal affairs not only within but also outside Hong Kong.<sup>32</sup>

The escalating costs of the resumption and growing dissatisfaction with the work of the Arbitration Board soon led Governor William Robinson (1891-1898) to appoint a special commission to explore more effective means for resumption and different options for improving “insanitary properties” in the future. Perhaps in an attempt to counteract the simmering discontent over “officialdom,” Robinson decided to include a higher proportion of unofficials in the commission (all of whom were themselves property owners).<sup>33</sup> This arrangement, which represented a reversal to that of the official-dominated Legislative Council, would become a standard format for appointing commissions to inquire into politically sensitive urban problems in the following decades. Yet, these commissions were not welcomed by some of the officials in the administration, as their views on the management of colonial affairs were at odds with those of the unofficial commissioners who represented vested interests.

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<sup>29</sup> “Taipingshan Resumption Ordinance,” CO 129/263/17302, 1894; and CO 129/264/18440, 1894.

<sup>30</sup> “Taipingshan Resumption,” CO129/266/7326 1895; *The Hongkong Daily Press*, 30 March 1895.

<sup>31</sup> *The Hongkong Daily Press*, 14-30 March 1895. Owing to the prolonged delays in settling the claims, it was eventually decided that the arbitration board was not required to check the title deeds of the resumed properties. See the Attorney General’s remarks in his letter to the Colonial Office in “Taipingshan Resumption,” CO129/266/7326, 1894.

<sup>32</sup> The Taipingshan resumption had been widely discussed in newspapers in other colonies, including, for example the *Straits Times* in Singapore.

<sup>33</sup> The commissioners included four unofficial members of the Legislative Council: C.P. Chater, T. Jackson, T.H. Whitehead and N.J. Ede. The chairman of the Commission was J.H. Stewart Lockhart, the Colonial Secretary of Hong Kong.

**THE ARBITRATION BOARD.**

At the Supreme Court this morning, Mr. E. J. Ackroyd, Acting Chief Justice Chairman of the Board of Arbitration appointed under the provisions of the *Tai-ping-shan Resumption Ordinance* to settle the claims of the owners of property in the "Forbidden City," otherwise the condemned and uninhabitable slums of Tai-ping-shan, in which the bubonic plague, the greatest scourge that ever visited the Colony, raged last summer, gave the decisions of the Board on four claims as follows:—

No. 11.—This claim is made by Cheung Sau as owner of Inland Lots No. 422, 570, 571 and 572. He claimed originally \$70,100. This was amended and reduced to \$56,000 and the Government has increased its original offer of \$25,717 to \$30,000. There is a difference of opinion among the members of the Board on two points. Firstly, the claimant is in possession of more land than his lease measurements give him. The Chairman is of opinion that as the Government has raised the question of the claimant's title to the whole of the land, and as the Board has no power to enquire into the questions of title, two awards should be made, one on the basis that the claimant is entitled to all the land and buildings of which he is in possession, and the other on the supposition that the competent court decides that the claimant had no title to the encroachment; and secondly, as to the amount to be awarded, the Chairman, taking the rentals into consideration, deducting therefrom \$1,175, and looking at the decrease that there has been in the rentals since 1892, is of opinion that the sum of \$40,000 is a full and fair compensation for the whole, while \$32,000 would be ample compensation if the claimant is entitled only to the land the lease measurements give him; whereas Messrs. Alford and Danby are of opinion that only one award should be made, and that the land is worth more than the sum fixed by the Chairman. Messrs. Alford and Danby, members of the Board of Arbitration, took exception to the Chairman's estimate, and it was therefore finally decided to award \$40,000 as the value of the whole property claimed by Cheung Sau.

Figure 4.6. An article in a Hong Kong newspaper reporting on the negotiation over compensation for the properties in Taipingshan. (Source: *The Hongkong Telegraph*).

In the following year, members of the commission surveyed hundreds of houses in two Chinese districts and conducted interviews with local architects, civil engineers as well as officials of the Sanitary Board, Medical Department and the PWD. A report was published in March 1898, confirming that there existed "a large number of "insanitary properties" that were "presently unfit for human habitation."<sup>34</sup> But the commissioners concluded that it was unnecessary for the government to undertake large-scale resumption and hence there was no need to raise extra capital for the purpose. Most houses could be made habitable, the report stated, via improvement works carried out by the property owners themselves.<sup>35</sup> The report then laid out a list of recommendations that were less drastic than those embodied in Chadwick's report and the 1886 Public Health Bill. The provision of open space in the tenements was required; but rather than enforcing a universal 10-foot deep backyard, their sizes were to be determined by a sliding scale in accordance with the depths of the buildings (i.e. the deeper the house, the wider the backyard). Subdivision in the form of cubicles were ruled out in certain houses facing narrow streets or that did not have sufficient windows opened into "external air." But cubicles were by and large permitted on the upper floors of the tenements insofar their partitions were properly erected and did not exceed a certain height to allow for adequate air circulation. Owners of private lanes and alleyways were required to maintain these spaces in good condition to avoid their management being taken over by the government. Finally, the requirement for

<sup>34</sup> *Report of the Insanitary Properties Commission*, 1898, 1.

<sup>35</sup> *Ibid.*, 3. In the report, it was suggested that resumption was only necessary where properties "were so divided that it would be difficult to get the owners to agree on an improvement plan," or where the lots of land were so small that any improvements involving the reduction of floor space would make the buildings practically useless."

privies in every house was relaxed on the ground that more public latrines, which were considered to be more “sanitary” than these privies, would be constructed throughout the Chinese district in the foreseeable future. All of these recommendations were incorporated into the Insanitary Properties Ordinance, which was enacted in 1899.<sup>36</sup>

This latest effort to redraft the law did not escape criticisms, however. The director of the PWD, Francis Cooper (who was also one of the officials interviewed by the commission) lamented that all the rulings in this legislation were “toothless” and fell far short of the original suggestions made in Chadwick’s report and in the earlier proposed Public Health Bill.<sup>37</sup> The belief that the Ordinance was designed merely to meet the objection of property owners seems to resonate with most historians’ accounts, which dismissed the work of the commission as yet another failed attempt to implement much-needed building legislation.<sup>38</sup> However, a closer examination of the Commission’s report provides evidence that suggests the commissioners had done more to address the problems and that the attitudes of architects, builders and officials towards the regulatory practice were more multi-faceted than has long been assumed.

This observation can be seen in the numerous transcribed interviews that the commissioners conducted with various stakeholders in the building practice, in which both sides discussed at length the potential effects of specific regulatory measures and speculated how owners and occupants of “insanitary properties” might accept or resist these rules.<sup>39</sup> An example of this was the regulation of cubicles in the tenements. Although cubicles had been widely seen by public health advocates as an “evil” to health for their obstruction of light and ventilation, every architect and engineer interviewed by the commission agreed that these structures should be tolerated given that they were the primary means for providing cheap accommodation for the laboring class, but should be reduced in numbers and phased out when more land was opened up for housing development in the future. Another reason was it was simply impossible -- at least for the time being -- to banish their existence because the tenement dwellers could always put these structures back up after they were pulled down for inspection, or to partition up the floors by using other makeshift materials, such as rags, cloths and sacks, which were considered to be even more “insanitary” and injurious to health than the wooden panels of the cubicles.

The resistance to the regulation of the tenements was not a phenomenon unique to Hong Kong. According to Brenda Yeoh, who had studied the municipal improvement schemes in Singapore, the failure to eradicate cubicles due to the tenants’ strategic evasion of the law eventually forced the municipal authority to reorient its regulatory policies.<sup>40</sup> Yeoh has noted that the campaign against cubicles amounted to no more than “a kind of

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<sup>36</sup> Ordinance No. 34, 1899.

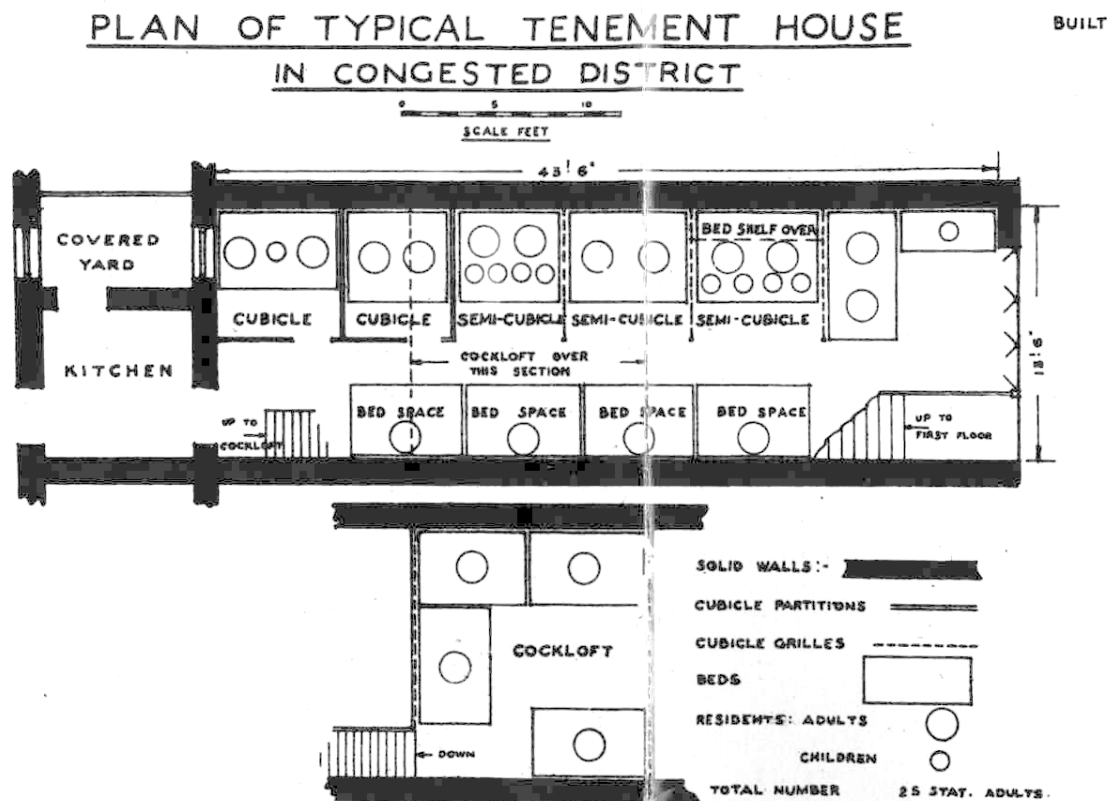
<sup>37</sup> Interview with Francis Cooper, in *Report of the Insanitary Property Commission*, 1898.

<sup>38</sup> Pryor, *Housing in Hong Kong*; Endacott, *A History of Hong Kong*; Ng, “Regulate for Light Air and Healthy Living”; Stuart et al., 2004.

<sup>39</sup> *Report of the Insanitary Properties Commission*, 27, 34-35.

<sup>40</sup> Yeoh, *Contesting Space in Colonial Singapore*, 146-48.

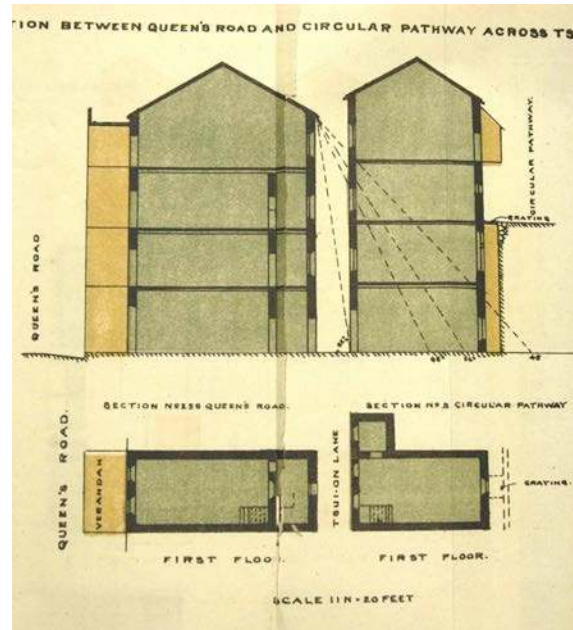
Sisyphean jugglery,” for it was futile to eradicate these structures because “necessity, knowing no law, puts them up again forthwith.”<sup>41</sup> Certainly very similar dynamics were occurring in Hong Kong, where the housing shortage was more severe and the costs of rent was the highest amongst the British colonies. While these actions of resistance made the authorities rethink their policies, it is important to note that they also provided a basis for the construction of knowledge that fed the production of new discourses about the built environment.



**Figure 4.7.** Plan of a typical tenement floor with cubicles in congested Chinese districts. Note that the number of circles represent the number of occupants. (Source: *Housing Commission Report of 1935*, Hong Kong Public Records Office).

<sup>41</sup> Ibid., 148.





**Figure 4.8.** A Chinese district in the 1910s, showing a narrow lane between two blocks of tenements. (Source: The National Archives of the U.K.: Public Records Office, London).

**Figure 4.9.** A study of the penetration of light into tenements with windows facing narrow lanes. (Source: Chadwick and Simpson, *Question of Housing for the Population of Hong Kong*, 1902, The National Archives of the UK: Public Records Office, London).

One major effect of the changed attitude toward the regulation of cubicles was the development of a set of more specific and technical questions about the problem. As the enquiry proceeded, the focus of discussion was no longer on prohibiting subdivision, but the setting up of the right criteria for its regulation, such as determining the maximum number of cubicles allowed on each tenement floor, the restriction to be placed on buildings facing streets of different widths, the appropriate height of partitions for allowing adequate ventilation while providing enough privacy for the inhabitants, and the types of construction materials for ensuring safety and the ease of disinfection, etc.<sup>42</sup> Several architects who had worked on Chinese houses also speculated the extent to which these new regulations would affect the property values and thereby incite complaints from the landlords and tenants. There were also rigorous debates on the rationale governing the sizes of backyards for different types of houses, as well as the pros and cons for the government to take over control of private lanes not properly maintained by their owners.

In short, the anticipation of the multiple consequences of each legislative action became increasingly important over the course of the inquiry. In tandem was frequent referencing to legal cases in England and elsewhere to gain better perspectives on the potential challenges to these proposed regulations. While the question of “cultural difference” was a subject of concern, it was being treated mostly as a condition to be

<sup>42</sup> *Report of the Insanitary Properties Commission*, 24-35.

operated with and not a reason to maintain the status quo. As with the engineers' argument for the necessity of "liberal infrastructures", the discussion tended to lean towards an improvement discourse that saw the problems of sanitation as being eventually overcome by the provision of the right environment to all. But importantly, it was recognized here for the first time that these interventions should be introduced incrementally with care, taking into consideration what the Chinese would find acceptable while promulgating longer-term effects in modernizing their environment.

Aside from the regulation of private properties, considerable attention was also paid to that of public amenities, including most notably public latrines for the use of tenement dwellers. Although the existing law required every Chinese house to provide a privy,<sup>43</sup> many of these were found to be either dysfunctional or kept in deplorable condition.<sup>43</sup> The recognition that most of the working population (referring to men only<sup>44</sup>) relied on using public latrines and the vast discrepancy between supply and demand (i.e. about one seat per one hundred persons) led to a suggestion for increasing these latrines three-folds (i.e. to about one seat per every thirty persons).<sup>45</sup> This proposal immediately raised the question of management. As the PWD director noted, more than half of the latrines in the city were currently run by Chinese operators, who derived a profit from selling the nightsoil they collected from the latrines.<sup>46</sup> The advantage of bringing all privately-run latrines under government management thus would not only allow for better supervision, but also bring in additional revenue for the government. However, one interviewee cautioned that this decision would likely incite fierce protests from latrine operators and nightsoil coolies. Another interviewee pointed out that the government-run latrines were actually more "insanitary and injurious to health" than those managed by private operators. This was because the latter were forced to conduct all the foul gases out through the roofs due to constant complaints of nuisance by nearby residents, some of whom had threatened to obtain court orders to shut down these facilities. Meanwhile, all the government-run latrines had windows opened on all sides with foul gases blowing in every direction. The only reason that nothing had been done in these cases was because people were afraid to take legal action against the government.<sup>47</sup>

Despite having largely bypassed the attention of historians,<sup>48</sup> this review of the report of the Insanitary Properties Commission provides some important insights regarding the changing attitudes toward regulation, a shift of rationality that arguably helped facilitate the enactment of more effective legislation in the later periods. While the preceding discussion focuses mainly on the narratives of the commissioners and professional

<sup>43</sup> Ordinance No. 8, 1856; and Ordinance No. 15, 1889.

<sup>44</sup> Accordingly, most women living in the tenements opted not to use the public latrines, but resorted to the use of buckets that they placed under their beds. The "unhygienic" condition resulting from such practices had been a key concern of the commissioners.

<sup>45</sup> *Report of the Insanitary Properties Commission*, 20-21.

<sup>46</sup> Accordingly, there were 19 private latrines compared to 12 public latrines.

<sup>47</sup> *Report of the Insanitary Properties Commission*, 37.

<sup>48</sup> In most Hong Kong historiographies, this commission has been noted but not discussed in any detail. For example, see Pryor, *Housing in Hong Kong*, Endacott, *A History of Hong Kong*, and Carroll, *A Concise History of Hong Kong*.



**Figure 4.10.** A 1902 drawing of a new design of public latrine with roof openings. (Source: Chadwick and Simpson, *Question of the Housing of the Population of Hong Kong*, 1902, The National Archives of the U.K.: Public Records Office, London).

experts, it has nevertheless provided some glimpses to the actions of the landlords and occupants of “insanitary properties,” as well as how the recognition of these dynamics led to a rethinking the improvement discourse. This recognition also prompted a closer attention to the legal and technical aspects of building regulation and their implications for everyday practices. As in the provision of water supply and urban services, the intention was to derive appropriate and more effective “techno-social solutions” for improving the environment and habits of the people, even though it was agreed that these changes should be made gradually.

Notwithstanding the frequent disagreement between officials and unofficials over the course of the inquiry, their negotiations should also be seen as an ongoing exercise of colonial governance. The failure to establish a Municipal Council in Hong Kong inevitably placed the administration in a precarious position, where it was constantly being criticized for its despotic measures and inability to protect the “public interest.” By appointing commissions consisting of representatives of property owners for finding solutions to politically sensitive problems, the Government had hoped to strengthen its legitimacy to govern while retaining a tight control over the management of urban affairs.<sup>49</sup> Meanwhile, these quasi-independent commissions forced officials to be more responsive in addressing the subjects of the enquiries. The publication of increasingly sophisticated reports that detailed the investigation process also created new demands for accountability for the government departments, whose operations were now placed under greater scrutiny.

<sup>49</sup> These commissions would later include Chinese members as a means to highlight their “representativeness.” See next section on the commission to inquire into corruption related to the PWD.

This larger shift toward a more reflexive administrative practice became apparent in the aftermath of another high-profile inquiry by a commission in 1906. This was the commission appointed to assess the working of the Public Health and Building Ordinance of 1903.<sup>50</sup> Although as pointed out earlier, this Ordinance was passed with a strong consensus from legislators and had since been hailed as a major achievement in improving building standards in Hong Kong's history, many of the regulations were found to be unworkable in actuality due to the existence of contradictory legal clauses. Worse still, the ambiguity of these laws fostered widespread corruption that involved many officials in charge of their administration. The discovery of irregular practices promulgated another major crisis for the Government, eventually leading to the dismissal of a large number of staff and restructuring of several departments.

### 4.3. The Inquiry into Irregularities: Reassessing the Public Health and Building Ordinance

The investigation into the internal operation of the government had several precedents, even though none commanded as much attention as that associated with the 1903 Public Health and Building Ordinance. One lesser known but arguably significant example that spearheaded this kind of investigation was an inquiry into the management of the PWD in 1902.<sup>51</sup> The inquiry was conducted after 43 people were killed in the collapse of two newly reconstructed *tong lau* on Cochrane Street in the Central District.<sup>52</sup> Although building collapses were not uncommon in this period, the severity of this tragedy led to a public outcry, as it was discovered that the PWD, which approved the plans of the reconstruction, had never inspected the buildings before and after their completion. The most embarrassing was that the architect, Ernest Hazeland, who was hired by the Chinese landlord to prepare the design of the houses, was a former PWD inspector himself.<sup>53</sup> In his testimony, Hazeland played down his role in the incident and blamed the Chinese contractor and landlord for not following the specifications on his plans (he was not paid to supervise the construction himself). Meanwhile, the PWD acting director contended that the heavy workload of the Department made it impossible for him and his staff to keep up with checking every new project in the fast-expanding city.

The Colonial office in London was dissatisfied with these explanations. Although the case could not be prosecuted as manslaughter, as remarked by several officials, it proved that the PWD had completely failed to exercise its powers under the existing building laws. The Government was thereafter being ordered to appoint a commission to inquire

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<sup>50</sup> "Report of the Commission to Inquire into the Working of the Public Health and Building Ordinance and the Existence of Corruption in the Sanitary Department," no.10, *Hong Kong Government Sessional Papers*, 1907.

<sup>51</sup> "Report of the Commission Appointed by His Excellency the Governor to Enquire into the Public Works Department," no. 1 of 1902, *Hong Kong Government Sessional Papers*, 1902.

<sup>52</sup> "Collapse of Houses," CO129/310/11722, 1902. The project involved the addition of another floor to each of the two existing 3-storey structures, which was built in the 1880s.

<sup>53</sup> Inquiry no. 20, *Hong Kong Government Sessional Papers*, 1901.

into the management of the PWD. It was disclosed that the Department was “seriously undermanned,” leading to frequent delays in building inspection and approval of new works.<sup>54</sup> The lack of incentives and low salaries also prompted many government architects and engineers to leave for private practice shortly after they were recruited. Meanwhile, many building inspectors accepted bribes from landlords who attempted to avoid prosecution for not complying with building regulations. It was also found that government contractors often tried to save costs by replacing standard materials with lower quality ones in public works, such as the use of inexpensive soft stones for road paving, leading to rapid deterioration of these structures and many accidents.<sup>55</sup>



**Figure 4.11.** A scene of a house collapse in Victoria. (Source: The National Archives of the U.K.: Public Records Office, London).



**Figure 4.12.** Road damage after a typhoon in the Central District. Government contractors had been criticized for using inexpensive soft stone in place of more enduring materials for the construction of roads, leading to their quick deterioration and many accidents. (Source: The National Archives of the U.K.: Public Records Office, London).

<sup>54</sup> Ibid.

<sup>55</sup> Ibid. [news] \*

While the publication of these findings greatly embarrassed the administration, they brought no surprise to those who were familiar with the existing building practice. As pointed out by several interviewees during the investigation, the so-called irregular practices were mostly understood as “unspoken rules” long entrenched in the building profession.<sup>56</sup> To rectify the problems, the Government subsequently increased the number of PWD staff and raised their salaries. Plans were also made to recruit architects and civil engineers directly from England and other colonies, as it was believed that with a clean slate, these officials would be less likely to engage in corruption. However, these strategies proved to be mostly ineffective. And the problem of corruption was further exacerbated in the following years after the enactment of the Public Health and Building Ordinance, which opened up new opportunities for a host of irregular practices.

The Commission to Inquire into the Working of the Public Health and Building Ordinance and the Existence of Corruption in the Sanitary Department was appointed in 1906 by Governor Matthew Nathan (1904-1907) after a large number of complaints associated with the administration of the Public Health and Building Ordinance were reported.<sup>57</sup> These complaints centered on two related subjects. The first was that the existence of many contradictory clauses in the Ordinance led the Government to “force owners to comply with certain regulations on the one hand and winked at the attendant breach on the others.”<sup>58</sup> There was much confusion, for example, in the requirements for backyards versus backlanes in houses built before and after the passing of the Ordinance in 1903, resulting in uneven and unfair charges to property owners. The second problem was that the ambiguity of these clauses, coupled with the lack of communication between officials of different ranks in the PWD and Sanitary Department, allowed building inspectors and subordinate staff to have a freehand to carry out their work as it suited them, resulting in widespread abuse of power.<sup>59</sup>

The revelation of these problems soon led the Commission to expand the scope and scale of the inquiry. A total of 60 meetings extending over 200 hours were held, and 185 witnesses that included officials from various departments, as well as contractors, architects, engineers, landlords, tenants and other individuals involved in the building trade were summoned to answer questions by the Commissioners. Like the Insanitary Commission, a majority of the appointed Commissioners were unofficials, including two “leading Chinese” and four Europeans.<sup>60</sup> The appointment of a high proportion of Chinese to the Commission was perhaps a political decision by the Governor, who attempted to shore up the inquiry’s legitimacy not only because of its significant

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<sup>56</sup> “Report of the Commission Appointed by His Excellency the Governor to Enquire into the Public Works Department,” 1902.

<sup>57</sup> “Report of the Commission to Inquire into the Working of the Public Health and Building Ordinance and the Existence of Corruption in the Sanitary Department,” 1907.

<sup>58</sup> *Ibid.*, 185(8)

<sup>59</sup> *Ibid.* Also see discussion in Lethbridge, “The Emergence of Bureaucratic Corruption,” chapter in *Hong Kong: Stability and Change*, 214-237.

<sup>60</sup> These include Fung Wa Chun, a director of the influential Tung Wah Hospital, and Lau Chu Pak, who later became an unofficial member of the Hong Kong Legislative Council.

implication on private properties which the Chinese had a large interest, but also that more than two thirds of the witnesses (134 out of 185) summoned by the Commission were Chinese.

The findings of the Commission were published in a 300-page report in 1907, confirming that “the administration of the building regulations as carried out under the existing Ordinance was most unsatisfactory,” and that “great irregularities and bribery were rampant within various government departments.”<sup>61</sup> It further asserted these practices were, contrary to common assumptions, were “by no means confined to the native Assistants, Interpreters, and Subordinate Officials.” And that “there were reasons to fear [they] extended to the staff of British Inspectors”:

We had reason to believe that certain contractors and others, having dealings with the members of the Sanitary Department, were destroying or altering their books, and taking other measures to prevent the Commission from finding out the exact extent to which irregularities had been carried.<sup>62</sup>

Among the many cases of corruption disclosed in the report was one involved a Chinese firm, Man Hing, which held the contract for sundry stores for the Government since 1901.<sup>63</sup> It was discovered that the firm was not entirely owned by its registered owner, Au Sui Ying, but by a Chinese syndicate included one Lo Man Kai, who turned out to be an employee of the Sanitary Department. It was suspected that Man Hing had been able to retain the lucrative government contract because Lo, who opened all the Chinese correspondence sent to the Department, was always able to instruct his partners in Man Hing to what extent the tender should be reduced. The report commented that this network of corruption “appears to be well known,” and that many inspectors also allied with other contractors to establish monopolies on works required under the Public Health and Building Ordinance.<sup>64</sup> Because the government relied heavily on the inspectors and foremen for carrying out supervision of the building regulations, contractors recognized that “it was to their interest to stand well with the inspectors.” Many went on to strike a bargain with the inspectors and other subordinate staff and together “succeeded in hoodwinking the executive officers.”<sup>65</sup>

These problems were evidenced when a number of property owners contended that many new building work would only be certified if these were carried out by contractors recommended by the inspectors. Worse still, these works, such as the reconstruction of house drains and traps, would often be deliberately broken by the inspectors or their coolies and the work had to be redone all over again.<sup>66</sup> The same situation applied to

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<sup>61</sup> “Report of the Commission to Inquire into the Working of the Public Health and Building Ordinance and the Existence of Corruption in the Sanitary Department,” 1907, 185(5-6).

<sup>62</sup> Ibid.

<sup>63</sup> Ibid., 185(20-21).

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid., 185(16).

practically every kind of work required under the regulations of the Public Health and Building Ordinance, ranging from the construction of backyards and drainage to re-concreting of floors to limewashing of houses and so on, each linking to a ring of profiteers that encompassed coolies, contractors, foremen, inspectors and other staff in the Sanitary Department and the PWD.

In his analysis of irregular activities in early Hong Kong, Lethbridge offers several explanations for the flourishing of petty corruption related to building practices. First, corruption provided a means by which Chinese could neutralize the effects of a multiplicity of regulations and ordinances that were often incomprehensible to them.<sup>67</sup> It should be noted that although property owners complained about having money extorted by building inspectors, corruption was not in general conceived as a serious crime by most people in this period. The payment of small sums of money or the offering of gifts to subordinate officers to help speed up the granting of a certificate of the filing of a complaint were seen largely as normal practices. Correspondingly, corruption thrived because many lower-ranked officials and clerks – both Chinese and Europeans -- were unlikely to advance to higher positions within a hierarchical colonial administration, making it more appealing for them to engage in petty corruption.<sup>68</sup> Finally, the ease in which they were able to profiteer vis-à-vis existing building rules in turn helped support a large number of Chinese building contractors who “formed a cabal of shrewd businessmen, were each linked with, and provided work for sub-contractors, who in turn provided work for a host of craftsmen, artisans, and laborers, each of whom belonged to the same dialect group and were from the same district in China as the sub-contractors.”<sup>69</sup> What can be seen here then, to paraphrase Lethbridge, is an example of how a Chinese guild oligopoly system transplanted to colonial soil and accommodated to the apparent exigencies of colonial law by a series of intelligent evasions.

While its format was similar to those of the earlier commissions, the 1907 report of the Commission of Inquiry of the Sanitary and Building Regulation was also unprecedented in its scope. The detailed records of the conversations between the Commissioners and their 185 witnesses from all walks of life reminiscent a quasi-social survey, providing many insights not only on the ways in which various people sought to work around the law for their own gains, but also revealed the livelihood of different classes and of their perspectives on their social positions under colonial rule. It must be noted here, however, that most of the irregular practices uncovered were confined to officials at the lower level of the administration. It stopped, as in other British colonies including India and those in Africa, somewhere in the middle ranks of the Government.<sup>70</sup> Lethbridge explains that higher-ranked administrators, who were mostly trained as cadets in England and were set on course for regular promotion within the civil service from the beginning of their career, were unlikely to engage in petty corruption that involved small

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<sup>67</sup> Lethbridge, *Hong Kong: Stability and Change*, 229.

<sup>68</sup> *Ibid.*, 225. See Lethbridge’s discussion on the different types of British and European officials in the colonial administration.

<sup>69</sup> *Ibid.*, 225-229.

<sup>70</sup> *Ibid.*



sums of money.<sup>71</sup> Unlike their lower-ranked European counterparts, who were mostly retired servicemen or beachcombers recruited on the spot and were keen to make a better living for themselves, the cadets were conditioned by their training to regard the taking of bribes as immoral behavior.

In a different way, this stark division of class-associated worldviews found a parallel amongst the Chinese in Hong Kong as well. Although corruption was not regarded as a serious crime, wealthy Chinese merchant elites generally saw themselves as a better class and were “morally superior” to those of the poorer masses.<sup>72</sup> This paternalistic attitude can be seen in the many conversations between the Chinese unofficial Commissioners and witnesses in corruption cases.<sup>73</sup> While they were sympathetic towards the disadvantaged and had vowed to protect “native interests,” the Commissioners also made clear that they were “the authority” vested with power granted by the Government. An examination of the transcripts of these interviews also showed that many corruption cases were discovered via forceful questioning by the Chinese Commissioners, who also managed to persuade a number of witnesses to confess their wrongdoings through a combination of intimidation and promised benefits.

Significantly, these revelations illustrate yet once again the shifting alignment of interests between different factions of the Chinese and Europeans that unsettled the familiar division of race associated with colonial rule. The different self-images and values assumed by the rich and the poor notwithstanding, these cases can also be seen as varied examples of collaborations between the “colonizers” and the “colonized” vis-à-vis the regulatory system. While Chinese merchant elites sought to reinforce their legitimacy as native leaders by showing their allegiance with their European counterparts and administrators, the poorer Chinese, including contractors and government clerks, allied themselves with subordinate British and European officials that shared a desire to make money through illicit means. It can be argued that these activities, in which each party were able to make some gains and thus induce others to follow them, were the very elements that helped buttress Hong Kong’s colonial system. Despite all the underlying antagonisms and social problems, the multitude of these collaborative practices also helped to neutralize some of the inherent tensions in a hierarchical colonial order.

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<sup>71</sup> The problem of corruption did spread to the higher level of the Government in the postwar period when Hong Kong underwent rapid industrialization and vastly expanded the scale of its economy. Lethbridge explains that the situation allowed the emergence of “black-market bureaucracy,” referring to “a stage in which a bureaucracy ceases to be patterned after the mandatory pricing model and takes on the characteristic of the free market.” See Lethbridge, *Hard Graft in Hong Kong: Scandal, Corruption, the ICAC*, 1985. For a discussion of Hong Kong’s cadets, see chapter 3 in Lethbridge, *Hong Kong: Stability and Change*.

<sup>72</sup> See Carroll’s discussion on “Better Class Chinese” in *Edge of Empire*; and Sinn, *Power and Charity*,

<sup>73</sup> Out of the 185 witnesses 134 were Chinese. While a majority of them were contractors and small property owners, they also included a number of wealthy merchants and landlords who were themselves closely associated with the members of the Commission.

#### 4.4. Better Housing for the Working Class: From PWD Models to Li Sing's Modern Tenements

Not surprisingly, the release of the 1907 Commission report incited a new round of criticisms against “officialdom” and once again reignited the debate over self-government at home and abroad.<sup>74</sup> At the same time, it compelled the administration to defend its position more forcefully and to make a stronger case for retaining control over the management of urban affairs. This can be seen in numerous detailed statements issued by the PWD director, the Medical Officer, and the Colonial Secretary, who commented at length on every issue raised in the report.<sup>75</sup> While all agreed with the need to clamp down on corruption and to revise some of the legal clauses in the Public Health and Building Ordinance, these officials strongly opposed the Commissioners’ suggestion that the regulation of building standards and improvement in housing conditions could be made more effective by granting more power to unofficial ratepayers. On the contrary, they argued that the solutions lay in “streamlining” the policy-making bodies (i.e. lessening the control of unofficials) and providing more incentives to government staff to solicit their loyalty. But these suggestions were faulted by the unofficials as violating the larger principle of *laissez-faire* that was supposedly to constitute the foundation of colonial capitalist development.

One subject that had been repeatedly brought up in the debate over the protection of private interests versus that of “public goods” concerned the subcontracting of government works to private firms. Colonial administrators, including the PWD director and officials of the Sanitary Board, maintained that subcontracting should be kept to a minimum in order to ensure that these works conformed to the highest standards. But unofficials pointed out that not only was subcontracting a more efficient way to distribute economic and human resources, but that competition between private enterprise -- that “golden rule” of capitalist development -- always encouraged more innovative works. This view was certainly supported by all of those involved in the building trade. Correspondingly, many architects and contractors acknowledged that if given a choice, they would work on projects managed by private firms and not by the PWD, which often subjected them to unreasonable requirements that did not necessarily lead to better works.<sup>76</sup> They also admitted that the anticipation of the troubles they faced in dealing with PWD officials compelled them to charge higher fees on these projects -- a move that only served to reinforce their claim that the “market” always offered better solutions.

There was, obviously, nothing new about the tensions that underlay this debate over subcontracting, which was part and parcel of the conundrum of colonial development in

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<sup>74</sup> For example, this can be seen in an editorial that compares the management of urban affairs in Hong Kong and Singapore in *The Straits Times*, 4 July 1907.

<sup>75</sup> See Minute by the Colonial Secretary and by the Director of PWD, no. 11, and Minute by the Principal Civil Medical Officer, no. 22, *Hong Kong Government Sessional Papers*, 1907.

<sup>76</sup> For examples of these discussions, see “Report of the Commission to Enquire into the Public Works Department,” no. 19, *Hong Kong Government Sessional Papers*, 1902.

which the need to maintain an ordered urban environment continued to brush up against the rationality of market liberalism supported by a large number of merchants and landlords. But as the preceding chapters have shown, this perceived opposition between the private and public spheres was more blurry in actual practice not least due to the Government's own interest in generating revenue from private properties. This ambiguity can also be seen in the domain of professional practices such as those of British and European architects and engineers. As mentioned earlier, many of these agents began their careers at the PWD and went on to establish their own practices that offered them better prospects.<sup>77</sup> The high demand of their service was not least due to their intimate insider knowledge of the building regulations and their administration. And not surprisingly, the shift of these professional experts from the public to private spheres propelled them to stand by their clients, many of whom were Chinese property owners, to contest the laws that worked against the latter's interests.<sup>78</sup>

But there was yet another, more complex dimension to this shifting alignment of interests. As the earlier discussion of the Insanitary Properties Commission has shown, many architects in private practice were keen to work with the Commissioners to derive strategies to improve "insanitary properties." Their experience in working on Chinese tenement houses provided them with ample knowledge of the everyday patterns of living in these spaces and the "habits" of their inhabitants, and hence equipped them with better insights as to the effectiveness of specific regulatory measures.<sup>79</sup> In fact, it was to these architects that the PWD turned when it needed to come up with new ideas for "improved tenements." And over the years these architects had contributed numerous proposals that adapted the design of working class dwellings in Britain to suit local circumstances. Some of these proposals were compiled in Chadwick and Simpson's 1902 report, which provided analysis of these designs in respect to their merits in improving health as well as the practicality of their further development in the context of Hong Kong.<sup>80</sup> These schemes ranged from relatively conservative ones that modified the existing configurations of *tong lau* (such as carving out spaces in between buildings to provide more windows) to some that required complete redesign of street blocks (such as the design by William Danby, as shown in Figure 4.14). Although most of these ideas had remained on paper, they must be seen as part of a longer process through which the discourse of housing improvement was continually refined.

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<sup>77</sup> For a discussion of the background of European architects in Hong Kong, see Tony Lam Chung Wai, "From British Colonization to Japanese Invasion: The 100 Years Architects in Hong Kong 1841-1941," *HKIA Journal*, no. 45 (2008): 44-55.

<sup>78</sup> An example is a 1916 petition sent by the architectural firm, Denison, Ram and Gibbs, to the Secretary of States in protest of what it saw as an unreasonable prosecution by the PWD against a Chinese landlord, U Hang Shing, who was a client of the firm. "Memorial of Messrs. Denison, Ram and Gibbs," CO129/433/32613, 1916.

<sup>79</sup> For example, see discussion by the architect, William Danby, on the design of Chinese tenements. "Mr. W. Danby to Chairman of Committee re the Housing of the Chinese," 10 July 1894, Appendix in "Report of the Question of the Housing of the Population of Hong Kong" *Hong Kong Government Gazette Extraordinary*, vol. XLVIII, 10 June, 1902.

<sup>80</sup> Chadwick and Simpson, *Question of the Housing of the Population of Hong Kong*, 1902.

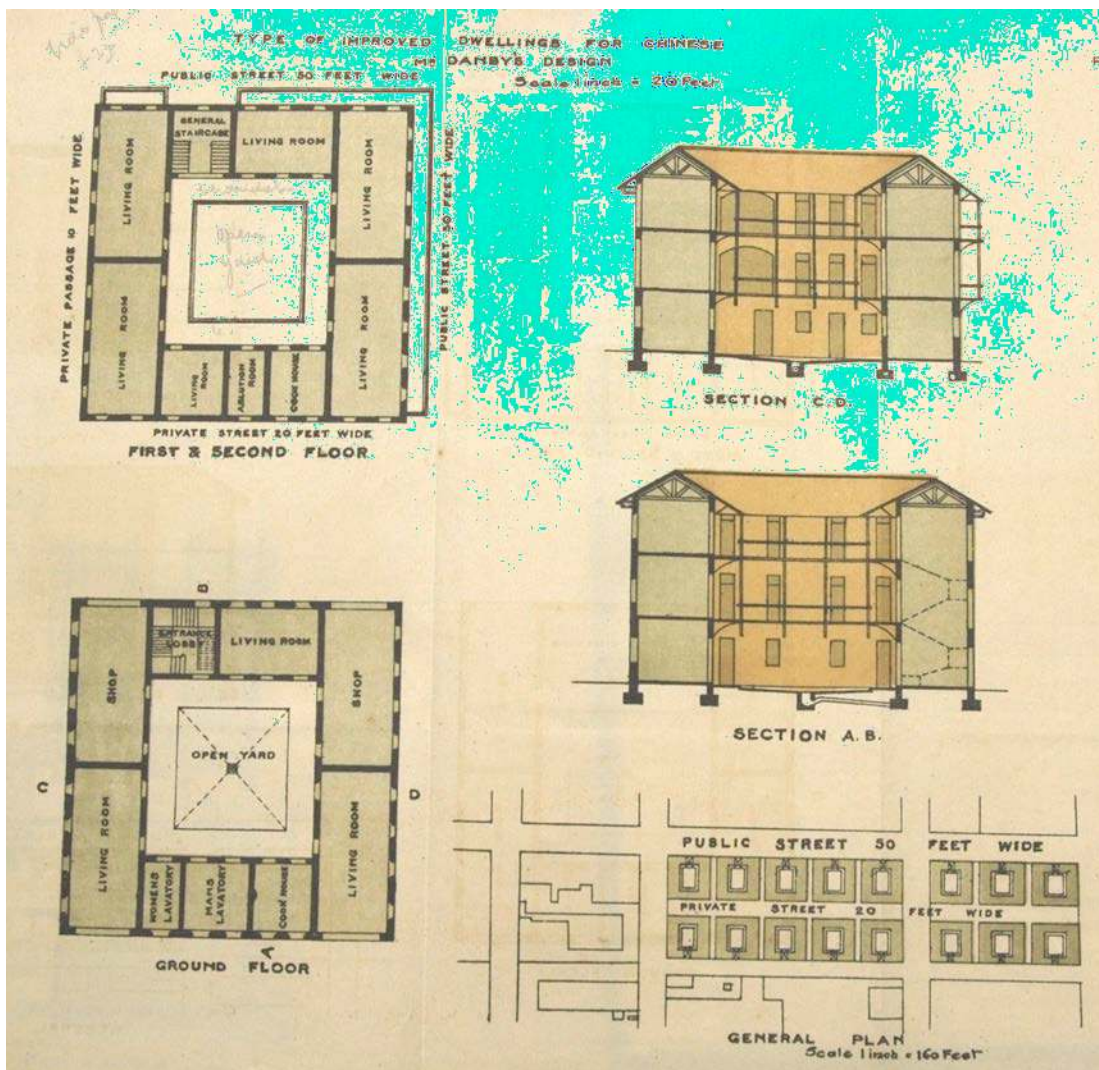
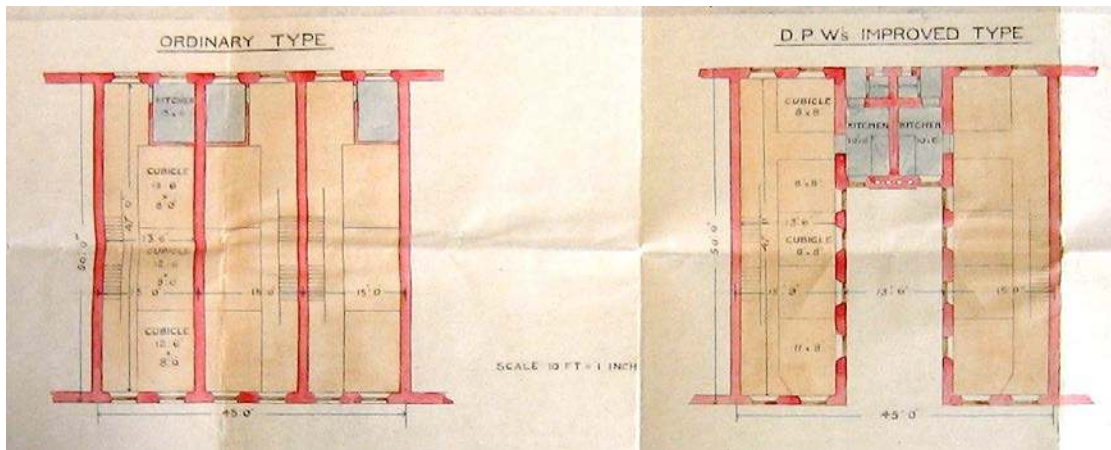
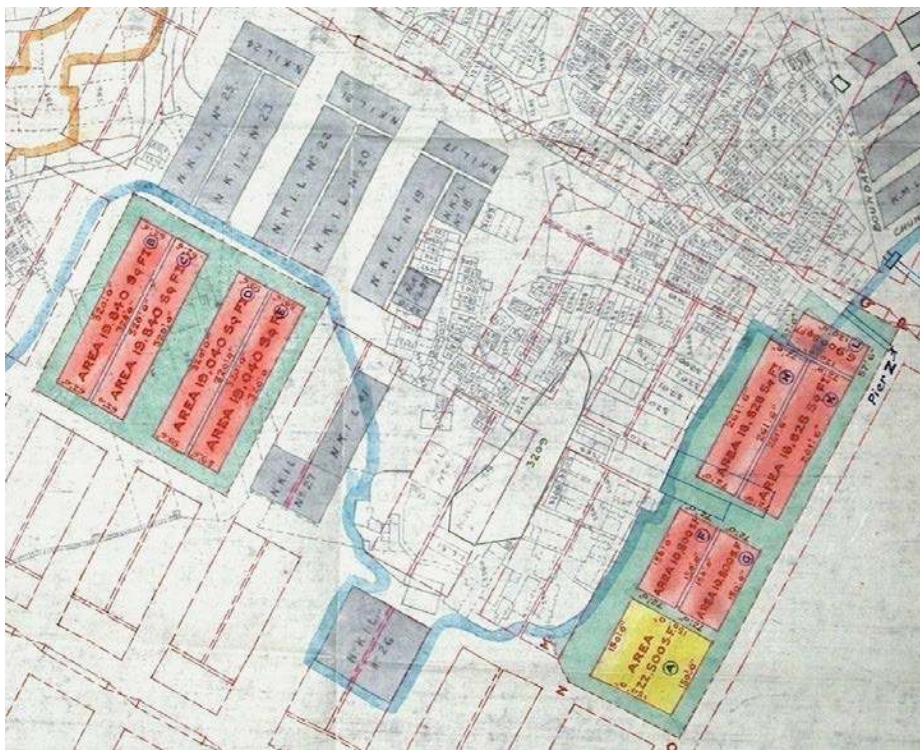


Figure 4.13 (top) and 4.14 (bottom). Two proposals of “improved tenements” by architects in Hong Kong. The one at the bottom was by William Danby, showing a large open area in the centers of the blocks. (Source: CO129/48/29049, 1908; Chadwick and Simpson, *Question of the Housing of the Population of Hong Kong, 1902*, The National Archives of the U.K.: Public Records Office, London).

And, in what was arguably an unexpected twist in history, some of the ideas generated by the British and European architects in this period found their ways into the housing projects led by Chinese developers a decade later. As reported in a correspondence to the Colonial Office in 1918, a syndicate headed by Li Sing, a wealthy Hong Kong Chinese who made his fortune from speculative building and moneylending business in his early years, had been accumulating parcels of land in Shumshuipo in the New Territories (later this area became “New Kowloon”) and replacing the existing “insanitary old villages” with blocks of “modern tenements.”<sup>81</sup> The acting Governor Claude Severn wrote that Li’s project was a great example of private enterprise taking the lead to provide good housing for the native working class. He noted that these buildings were laid out on clean and wide streets that contrasted sharply against those in the congested districts of Victoria. More importantly, they were said to conform to Western sanitary rules that allowed for plenty of light and air on every floor and were “practically rat proof.”<sup>82</sup> Severn further suggested that these houses become models for future development, and that the Government should provide a lower rate of interest if possible to developers interested in building this kind of improvement schemes.



**Figure 4.13.** A map showing the location of the proposed blocks of new tenements in Shumshuipo, Kowloon in 1912. Note the red dotted lines superimposed on top of the existing old villages marked in black. The villages were demolished a few years later. (Source: CO129/392/31117, 1912, The National Archives of the U.K.: Public Records Office, London).

<sup>81</sup> “Overcrowding in the City of Victoria,” CO129/450/7499, 1919; “Exchange of Land with Mr. Li Sing,” CO129/392/31117, 1912.

<sup>82</sup> “Overcrowding in the City of Victoria,” 375.

Although Li's "modern tenements" in Shumshuipo only captured public attention in the 1910s, a period in which developments in Kowloon and the New Territories gathered pace after the completion of the Kowloon-Canton Railway in 1910, the origin of this project can be traced back to the time before these territories came under British occupation. In 1895, Li Sing and another large landlord in Victoria, Ho Amei, began purchasing village lands in the Shumshuipo area with a plan to develop a new township with good housing to attract a large number of Chinese to come live and work. Although the British Government had for some time wanted to extend Hong Kong's boundaries northward, some officials were against the idea out of concerns that the occupation would inflict heavy expenses. After Li and Ho's proposal was made known, *The Hong Kong Telegraph* published an editorial urging the Government to consider taking over the New Territories.<sup>83</sup> While the editorial commented that the project represented an admirable effort to resolve Hong Kong's housing problem, it lamented that "it was a reproach to us [that was, the British] and to *our* Government that it has been left to Chinese enterprise to establish such a suburb to *our* city."



**Figure 4.14. & 4.15.** Newly completed "modern tenements" in Shumshuipo in 1918. The photograph was one of many taken by official photographers who documented the development of Kowloon and the New Territories (Source: The National Archives of the U.K.: Public Records Office, London).

<sup>83</sup> "Hongkong's Latest Enterprise: A Remedy for Overcrowding," *The Hongkong Telegraph*, 19 October 1895.



**Figure 4.14. & 4.15.** A comparison between “insanitary” village dwellings and the new “tenements” that replaced them, Shumshuipo, 1918. (Source: The National Archives of the U.K.: Public Records Office, London).

The editorial further contended that “all the land on the opposite side of the harbour ought to have been in European hands by purchase,” and warned of Hong Kong’s “imminent decline” with the rapid rise of a Chinese town outside the colonial territory. In the same month, the Hong Kong Chamber of Commerce sent a petition to the Government pledging it to bring these lands under British jurisdiction. It cannot be fully ascertained whether these messages played a role in the British’s eventual decision to annex the New Territories.<sup>84</sup> But in view of the incessant calls to “catch up” with the enterprising Chinese, it is possible to see this anxiety as one of the underlying causes of the acquisition.

It is important to note here, paradoxically, that many wealthy Hong Kong Chinese such as Li and Ho were themselves eager to see the British take over the New Territories. This is not only because they knew that under British law their properties would be better protected, but also that they foresaw that the move would lead to a significant rise in the value of their land.<sup>85</sup> In this context, it is thus not surprising that local proprietors, with the hope of gaining large profits, began to buy up land fervently in the months preceding the transfer of sovereignty of the New Territories.<sup>86</sup> Meanwhile, the call to protect “European interests” in the face of growing competition with the Chinese in multiple realms of urban development continued to grow in the 1900s and 1910s. It is to these dynamics that the next chapter turns, beginning with calls for additional residential reservations to prevent “European properties” from falling into Chinese hands – a scenario that had been likened as a “native takeover.”

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<sup>84</sup> The acquisition of the New Territories has commonly been understood as resulting from the need for military defense, which was made more urgent with other European powers securing territories in South China. But Endacott has explained that it was mainly for administrative purposes in relation to land. See Endacott, *A History of Hong Kong*, 260-269.

<sup>85</sup> For a discussion of the changing meanings of land in the New Territories under colonial rule, see Allen Chun, *Unstructuring Chinese Society* (New York; London: Routledge, 2002).

<sup>86</sup> This can indeed be seen as a repeat of the speculative fever prompted by the colonization of Hong Kong a half a century previously.



## Chapter 5

# Constructing a New Moral Topography

The European community here taken as a whole is not a rich one. The Portuguese community is a poor one. The Chinese community is a rich one and Chinese do not seem to care what price they pay for a [European] house if it takes their fancy.<sup>1</sup>

When we ask for a European reservation we do not infer that Chinese are unworthy to live near us, nor are we the victims of any foolish racial feeling; we ask it because we are convinced that conditions call for it... We cast no slur on our Chinese friends; we simply recognize a difference. Such a reservation would dispossess nobody and, rightly viewed, would not hurt anyone's susceptibilities.<sup>2</sup>

Chinese, Portuguese, Indians, etc., born in and permanently reside in Hong Kong [should] receive the same protection as Europeans towards overcoming the problems of high rent.<sup>3</sup>

Notwithstanding the multiple motivations behind the acquisition of the New Territories, the emergence of Shumshuipo as modern township built on private capital provided a catalyst for large-scale development projects in Hong Kong. As discussed in the last chapter, development in Kowloon and the New Territories was given a boost after the completion of the Kowloon-Canton Railway in 1910.<sup>4</sup> Unlike the mountainous Hong Kong Island, the topography of Kowloon and the New Territories was mainly made up of flatland and low hills that were more suitable for building purposes. The opening up of new lands fueled a speculative boom and offered hopes for many that Hong Kong's entrenched housing crisis would finally be eradicated. However, the idea of turning the peripheries of Victoria into a modern suburb was not manifested in a single vision, but many competing ones with different agendas. While developers and entrepreneurs put forward ambitious housing schemes appealing mostly to the well-to-do, speculators made large profits by opportunistically buying and selling land. Meanwhile, some of the less wealthy, including most notably the Portuguese, tried to establish their own race-based reservations in which "outside speculators" would be barred from purchasing properties and driving up the rents.

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<sup>1</sup> Quoted from Francis May, "European Reservation," CO129/400/17754, 1913.

<sup>2</sup> *Hongkong Telegraph*, 12 December 1912.

<sup>3</sup> Quoted from "Chinese Hongkongite," "High Rents," *South China Morning Post*, 24 March 1923, 3.

<sup>4</sup> Endacott, *A History of Hong Kong*, 260-263, and Welsh, *A History of Hong Kong*, 313-333.

<sup>3</sup> Quoted from "Chinese Hongkongite," "High Rents," *South China Morning Post*, 24 March 1923, 3.

<sup>4</sup> Endacott, *A History of Hong Kong*, 260-263, and Welsh, *A History of Hong Kong*, 313-333.



**Figure 5.1.** A 1922 map showing developed areas in Victoria and Kowloon Peninsula. Note the black line that runs from south to north in the middle represents the Kowloon-Canton Railway. The yellow areas are reclamations. (Source: Victor Sit Fung-shuen, *Hong Kong: 150 Years Development in Maps*, 2001).

### 5.1. Campaigns Against “Native Takeover”: Reservations at Kowloon

Before moving on to discuss these dynamics, it is necessary to first examine the aftermath of the formation of the first European Reservation in Victoria and consider how this development had reshaped the idea of racial segregation in other parts of Hong Kong. As mentioned earlier, although the Reservation Ordinance precluded the migration of Chinese to the Peak, the actual division between European and Chinese districts were not as clear-cut as demarcated on the map. Many wealthy Chinese who owned *tong lau* properties in the lower part of the Victoria were living in European houses in the Midlevel right outside the European reservation.<sup>5</sup> The presence of these Chinese had never been welcomed by the European residents, who continued to perceive the area as an exclusively white neighborhood. In this context, the accelerated transfer of property ownership to Chinese hands in the 1890s and 1900s promulgated a

<sup>5</sup> Particularly along Conduit Road and Caine Road, the two streets that marked the outer boundary of the European reservation.

new wave of anxiety over a “native takeover.” But the concern now had shifted from one about the depreciation of European houses due to the encroachment of “insanitary tenements” to one about escalating rent driven by wealthy native investors. It was argued that this new wave of “invasion” had made it increasingly unaffordable for the less well-off to continue to live here.<sup>6</sup>



**Figure 5.2.** A Chinese-owned European house on Caine Road, Mid-level. (Source: Feldwick, *Present Day Impressions of the Far East and Prominent & Progressive Chinese at Home and Abroad*, 1912).

Among those who felt most vulnerable in being displaced from the Mid-level were the so-called “poor whites,” which included a large number of Portuguese working as clerks in British companies and the colonial administration.<sup>7</sup> In the late 1890s, news about the threat of “poor Europeans” being dispossessed by wealthy Chinese began to appear in the local English press, prompting debates over the need to implement new legislation to protect the interests of the “white middle class.”<sup>8</sup> Meanwhile, some of the Mid-level residents, mainly the Portuguese, decided to move to the

then still largely unpopulated Kowloon Peninsula to secure more inexpensive residences. It soon became clear to them that the only way to protect their long-term prospects was to prevent the properties they occupied from “invasion” by wealthy Chinese, who were said to be willing to pay very high prices for purchasing or renting European houses.

It is in this context that a petition was sent to the Government in 1899 asking for the establishment of a reservation in New Kowloon.<sup>9</sup> The principle was similar to that of the 1888 reservation; that is, to “reserve a healthy, un-crowded area necessary for the wellbeing of Europeans.” In addition, it stressed the urgency “to exclude from such reservation the rich Chinese, who, if they invaded the area, would by competition in

<sup>6</sup> Discussion of this situation can be seen in a petition by European residents to the Governor in 1902, CO129/312/17932.

<sup>7</sup> For references on the history of Portuguese in Hong Kong, refer to the website “The Portuguese in Asia and the Far East: The Braga Collection in the National Library of Australia” at <http://www.nla.gov.au/asian/pub/bragappr.html>. Also see José Maria Braga, *Hong Kong Business Symposium: A Compilation of Authoritative Views on the Administration, Commerce and Resources of Britain’s Far East Outpost* (Hong Kong: South China Morning Post Ltd., 1957).

<sup>8</sup> Many examples can be seen in the major English newspapers, including in *The Hongkong Telegraph*, *The China Mail* and *The Hong Kong Daily Press*.

<sup>9</sup> “European Reservation at Kowloon,” CO129/312/34168, 1902.

rents gradually oust the poorer white populations.”<sup>10</sup> The petition was supported by the acting Governor Gascoigne, who subsequently appointed a commission to help set up the reservation boundary in the following year. But the process turned out to be more complicated and difficult than the petitioners had expected.

The difficulty originated from the existing settlements that fell within the proposed reservation. Unlike the Peak district, which was uninhabited before the Europeans moved in, the proposed reservation was intersected by strips of agricultural land that belonged to local Chinese villagers. According to the lease term of the Convention of Peking in 1898, all indigenous land-owning villagers in the New Territories (including those in New Kowloon) were granted the right to retain their properties after British occupation and would be fully compensated if their land were to be resumed for development purposes.<sup>11</sup> The commission entered into negotiation with the villagers on resumption in 1900, but soon concluded that it could not entertain the villagers’ demand for compensation to cover the significant difference between the value of Chinese village dwellings and European houses.<sup>12</sup> Later, the government attempted to rezone and resume these village lands as a “public park,” claiming that the purpose was to prevent the spread of malaria and the breeding of mosquitoes. The resumption was thus recast as a “sanitary improvement scheme” for “public interest,” allowing the government to limit the compensation to covering the existing value of the village lands while confining future development of the reservation to areas surrounding the uninhabited “park.”

However, this tactical move to work around the law encountered a problem. As pointed out by members of the Sanitary Board (which was in charge of approving all “sanitary improvement schemes”), there was a contradiction in designating the area simultaneously as a “health sanctuary” for Europeans and as a “malaria district” requiring sanitary improvement.<sup>13</sup> The Colonial Office in London agreed with the Board, but acknowledged the urgency of reserving more land for the housing of “middle class” in the face of escalating property prices. But, contrary to the prevalent opinion that European interests should be protected, the Secretary of States Chamberlain asserted that this “middle class” should not be limited to “one section of the community” alone.<sup>14</sup> Any schemes used to enable the Europeans to obtain lower rents to the exclusion of Chinese with good standing were unacceptable, Chamberlain proclaimed, and “all future reservations thus should be “open to all persons, and all educated Chinese, who may reasonably be supposed to have sanitary habits, will receive the Governor’s permission to reside in the reserved area, if they apply for it.”

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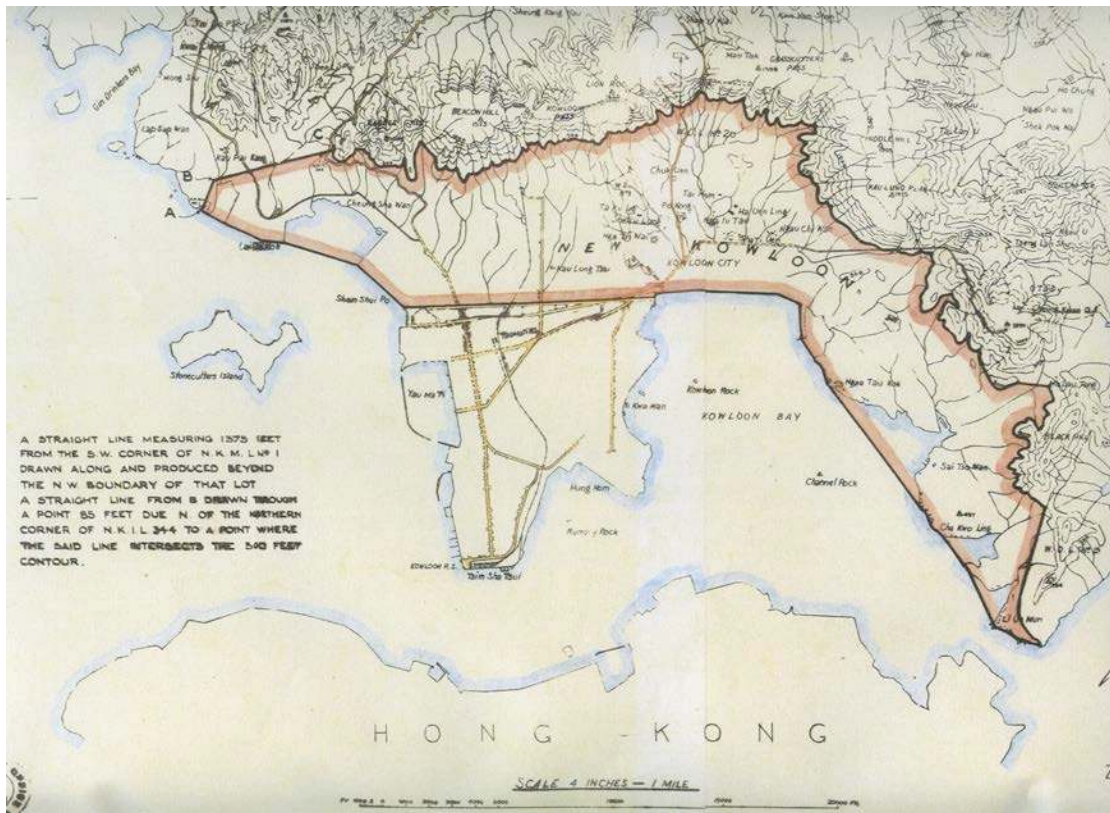
<sup>10</sup> Ibid., 54-55.

<sup>11</sup> Indigenous villagers refer to the residents in the New Territories in Hong Kong whose ancestors were inhabitants there before the territories were leased to Britain in 1898. The Convention of Peking ruled that the indigenous villagers were granted the right to retain their land rights and their customs. For a detailed discussion of the land rights in the New Territories, see Chun, *Unstructuring Chinese Society*.

<sup>12</sup> “European Reservation at Kowloon,” 52-53.

<sup>13</sup> PRO, no. 100, 9 August 1900, 164-166.

<sup>14</sup> “European Reservation at Kowloon,” 58.



**Figure 5.3.** Areas designated as New Kowloon. (Source: The National Archives of the U.K.: Public Records Office, London).

While Chamberlain's intervention may appear to be against racial prejudice, it should not, however, be seen as a simple indication of the opposition between the more "liberal" officials in the Colonial Office and the self-serving colonialists in Hong Kong. While London may have frowned upon discriminatory legislation in the colonies, it was far from consistent in opposing them. The view of the Colonial Office often oscillated between one of rejecting the distinction of race to token indigenous representation.<sup>15</sup> Some of this fluctuation of policy was due to changes of personnel, as in the case of changes of governors in the colonies. However, the inconsistency in handling discriminatory legislation arguably was not only a matter of individual preferences but of contradictions in the rationale of colonial development itself. As Lowe and McLaughlin have pointed out, some of the most "liberal" officials, such as the Secretary of State Lord Kimberley who was known for his strong disdain of race-based policy, could lapse into stating that "garlic eating ratepayers [that is, the Chinese] must be endured by those who use their money."<sup>16</sup>

<sup>15</sup> Lowe and McLaughlin, "John Pope-Hennessy and the Native Race Craze," 227.

<sup>16</sup> *Ibid.*

In his discussion of the history of segregation in the British Empire, Home has pointed out that despite the prevalence of segregation across the colonies, there was an inherent difficulty for the architects of reservations to precisely lay down racial categories because they were often dressed up as something else.<sup>17</sup> Chamberlain's insistence of admitting "respectable Chinese" into (European) reservations was certainly an encouragement of class distinction. This insistence resonated with the conviction of Frederick Lugard that "what is aimed at is a segregation of social standard, and not a segregation of races."<sup>18</sup> By the early 20<sup>th</sup> century, the growing number of educated, Westernized Chinese living in European houses in Hong Kong – a scenario invariably hailed by the British as evidence of success of the "civilizing mission" – also became the very basis for the turn towards a more explicit form of racism. After all, it should be remembered that racial segregation only reached its height across the British Empire from the 1900s to 1930 – a time when native people in many colonies became more assertive in exercising their rights and challenging racial inequality under colonial rule, not only against the "colonizers" but also against the elites of their own race.

## 5.2. The Peak District Residential Reservation Ordinance and the Saga of "The Eyrie"

The inconsistency in segregation policy was evident not long after the Kowloon reservation proposal was rejected by Chamberlain. In early 1904, a petition signed by a 75 property owners of the Peak (out of 90 in total) was forwarded to London by the then Colonial Secretary and Acting Governor Francis May (1912-1919).<sup>19</sup> The petitioners pledged to amend the 1888 European Reservation Ordinance. They claimed that "owing to the changed economic and social conditions in the colony, there is now a greater urgency to prevent the absorption by Chinese in this healthiest part of the town." "Failure to do so," they argued, "would result in the Europeans, now with no other place to go, being driven to reside below where the conditions were highly prejudicial to their health." The petitioners added that although this request was "made out of regard for the welfare of those who belong to non-tropical climates, the legislation would be advantageous for Hong Kong as a whole as "it enabled each section of the Community to live in an environment it is best adapted."<sup>20</sup>

Governor May, an ardent supporter of racial segregation, pushed hard for a new legislation on behalf of the petitioners. In a correspondence to the Colonial Office, May argued that the case of reservation of in the Peak must be considered separately from that of Kowloon because unlike the latter most of the available sites here were already developed.<sup>21</sup> The property owners, who were all long term European residents, had "by

<sup>17</sup> Home, *Of Planting and Planning*, 118.

<sup>18</sup> Frederick Lugard, *The Dual Mandate in British Tropical Africa* (London: Frank Cass), 150.

<sup>19</sup> "The Humble Petition of the Undersigned," in "Hill District Reservation," CO CO129/322/19982, 1904, 638; "Hill District Reservation Ordinance," CO129/327/17932, 1904; CO129/322/21834, 1904.

<sup>20</sup> Ibid.; *Hong Kong Hansard*, 17 March 1904, 17-20.

<sup>21</sup> "Hill District Reservation," CO129/322/19982, 1904, 632-638.

their enterprise made the Peak district what it was, and would naturally object to the arrangement in Kowloon where wealthy Chinese speculators were allowed to purchase properties on fresh sites.” To strengthen this argument, May tried to solicit consent from the two Chinese members of the Legislative Council, Ho Kai and Wei Yuk. Ho and Wei initially opposed the proposed new ordinance, but later agreed to drop their challenge with the insertion of an additional clause that allowed the Governor-in-Council to grant exemptions to individual Chinese who desired to live in the Peak.<sup>22</sup> As a result of this change, the new ordinance now contained the following two awkwardly phrased clauses:

It shall not be lawful for an owner, lessee, tenant or occupier of any land or building within the Hill District to let such land or building or any part thereof for the purpose of residence by any but non-Chinese or to permit any but non-Chinese to reside on or in such land or building (Clause 3).

It shall be lawful for the Governor-in-Council to exempt any Chinese from the operation of this Ordinance on such terms as the Governor-in-council shall think fit (Clause 5).<sup>23</sup>

The Colonial Office’s reaction was one of ambivalence. While several officials commented that the proposed legislation was “disagreeable,” they nevertheless thought that “it was probably necessary given the peculiar development in Hong Kong.”<sup>24</sup> This contradictory position was summed up in a response to May from London:

As the Chinese, who possessed a public spirit which does them great credit, have decided not to oppose this ordinance, it may as well be sanctioned. But it is desirable to face the position honestly and not [to] pretend that the ordinance was required for sanitary purposes. The object of the measure is to cheapen rents by excluding the competition of a large and wealthy section of the community.<sup>25</sup>

And so it was that the Peak District Ordinance was duly passed in the following month.<sup>26</sup> But while the exclusion of “Chinese persons” would now seem absolute, a dispute broke out a few years later over the application of the exemption clause inserted by Ho and Wei. In 1908, a wealthy Eurasian merchant, Robert Hotung, inquired about subleasing a house located right above the Governor’s residence on the Peak.<sup>27</sup> This house, which was known as “The Eyrie,” was at the time rented to the Chief Justice Francis Piggott. Piggott gladly agreed to sublease the house to Hotung during the time when he was on leave from the colony, but soon discovered that the new Governor, Frederick Lugard, was against the idea because “it was illegal to lease a Peak property to

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<sup>22</sup> CO129/322/19982, 1904, 633-639.

<sup>23</sup> *Hong Kong Hansard*, 17 March 1904.

<sup>24</sup> CO129/322/19982, 1904. It was not clear if the Secretary of State Chamberlain played a role here, but his comment was absent in the correspondence.

<sup>25</sup> *Ibid.*, 631.

<sup>26</sup> “An Ordinance for the Reservation of a Residential Area in the Hill District,” Ordinance no. 4 of 1904.

<sup>27</sup> “Leasing of Houses in Hill District to Chinese,” CO129/348/41845, 1908; CO129/347/24849, 1908.

a Chinaman.” Lugard explained that he was not prepared to grant an exemption to Hotung owing to the negative effect of “a Chinese looking down on the Governor’s ground from his garden” – a situation that he believed that “the Chinese would be very keen to exploit.”<sup>28</sup>



**Figure 5.4.** The Governor House at the Peak, 1910s. The photograph was likely taken from The Eyrie, which was located at a higher level. Note the front lawn in the foreground. (Source: Prints and Photographs Division, The Library of Congress, Washington, D.C.)

Indeed, it seems that Lugard might be right that the symbolic significance of “The Eyre” was what motivated Hotung to sublease the house in the first place. Already the owner of a large property at the lower level of the Peak, Hotung was an ambitious property investor who also owned a large number of residential and commercial properties in other parts of the colony.<sup>29</sup> What is interesting in this case was the shifting rationality of exclusion. Throughout the dispute, Piggott insisted that The Eyrie should be subleased to Hotung, who, in his opinion, was a “well dressed and respectable British subject.” In addition, to deny Ho from the right to rent the house would defeat the original purpose of the exemption altogether, since it was introduced in the first place to meet satisfy the desire of “leading Chinese” to rent a house in the

European reservation. The disagreement between Piggott and Lugard led to a prolonged debate over the legality of the exemption, with Lugard eventually prevailing by winning the support from London. However, rather than referring the negative effect of “a Chinaman looking down at the Governor,” the final jurisdiction (at least on paper) shifted to one about the incompatibility between Hotung’s “domestic habits” and those of the Europeans”; that is, the fact that he had four wives, many children, and lived in “Chinese fashion,” was simply incompatible with the “lifestyles” of European families.<sup>30</sup>

The controversy over The Eyrie alerted the government to a loophole in the 1904 Ordinance. Although the law disallowed Chinese from leasing properties in the Peak, there was no mechanism to prevent them from residing in their own properties, for “an

<sup>28</sup> CO129/347/24849, 1908.

<sup>29</sup> For a discussion of Hotung’s life and work, see Zheng, Wan-tai, *Xianggang Da Lao: He Dong* [A Hong Kong Taipan: Robert Hotung], 2007.

<sup>30</sup> “Leasing of Houses in Hill District to Chinese,” CO129/348/41845, 1908.



individual did not really need to ‘permit’ himself to do a particular thing.”<sup>31</sup> A second problem was that there was no definition of what constitute a “Chinese,” leading to contested interpretations of the status of Eurasians such as Hotung and his brothers, who were all wealthy enough to purchase any European houses anywhere in the colony. These legal loopholes were subsequently amended by May when he was promoted to Governor in 1912. Mindful of the growing sensitivity towards racial discrimination, May skillfully introduced a new ordinance that enabled the exclusion of Chinese without making specific references to racial categories.<sup>32</sup> Section 1 of this ordinance reads:

It shall not be lawful for any person whatsoever to reside within the Peak District without the consent of the Governor-in-Council.”<sup>33</sup>

Such a “general prohibition of all persons” had a number of advantages. As May explained in a correspondence to the Secretary of State Viscount Harcourt, not only was it more difficult now for wealthy Chinese to make the case of exemptions by alluding to their “gracious consent” to the exclusionary measures outlined in the 1904 ordinance, it would also prevent the potential invasion of other “Asiatics” to the Peak, particularly the rapidly growing Japanese population currently congregating in the Mid-level.<sup>34</sup> Furthermore, it would allow the Governor to “tactfully and circumspectly prohibit the residence of any undesirable persons at strategic points in the hills which has to be held in the event of hostilities.” The political strategies behind this ordinance proved to be highly effective as not only was it able to contain immediate complaints from the Chinese, it also succeeded in presenting itself as a more “inclusive policy.” It is instructive (and somewhat surprising) that scholars today have continued to refer to this ordinance as “the beginning of disintegration of racial segregation” – a huge irony given the true motivation behind the law.<sup>35</sup>

### 5.3. Segregation as a Social Solution? Reservations for the “Poor Whites”

Francis May’s governorship, which lasted from 1912-1918, coincided with a number of important developments outside Hong Kong. As mentioned before, this was a period in which racial segregation began to reach its peak with the formation of new European reservations across the British colonies.<sup>36</sup> This was also a decade that saw the rise of town planning and growing enthusiasm for the garden city movement and expansion of suburbs. The outbreak of the First World War helped enlarge the role of the state and added a sense of urgency to resolve social problems in large cities, in turn promulgating a more interventionist approach to urban development and housing of the working class.

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<sup>31</sup> “Peak District: Exclusion of Chinese,” CO129/447/52963 1917, 384.

<sup>32</sup> Ordinance No. 8, 1918.

<sup>33</sup> Ibid.

<sup>34</sup> “Peak Reservation Bill,” CO129/447/16073, 1918.

<sup>35</sup> Lai and Wu. “The Rise and Fall of Discriminatory Planning in Hong Kong.” Lai and Wu believed that the legislation represented “a drastic departure from racist policies.

<sup>36</sup> Home, *Of Planting and Planning*, 141-144.

These changes had important impacts on shaping Hong Kong's planning policies and the emergence of a new landscape of segregation in the interwar years.

Of more immediate significance to Hong Kong in this period was the political unrest in Mainland China. The toppling of the Qing Empire and formation of the Chinese Republic in 1911 was followed by a decade of civil war, which set off another rush of refugees into the colony.<sup>37</sup> The continuous influx of people exacerbated the already severe housing shortage and posed new threats to social instability. Meanwhile, wealthy Chinese immigrants continued to buy up properties all over Victoria with high prices, pushing up the rental level to new heights and encouraging fervent speculation. As an editorial in the *Hong Kong Telegraph* noted in 1912, many properties had changed hands at abnormal prices, and "not a few landlords, with a keen eye to the off-chance of a profitable sale, had raised their rents out of all proportion to the value of the accommodation they offered."<sup>38</sup>

The anxieties over dispossession amongst both the Chinese and European populations prompted renewed calls for the government to resolve the housing problem and to curb profiteering housing practices.<sup>39</sup> One solution was to make available more land outside Victoria for development, particularly in the undeveloped, eastern part of Hong Kong Island, north Kowloon and the New Territories. This suggestion had already been referred to in a number of commission reports in the previous decade, but it was not until the early 1910s that serious steps were taken to facilitate the expansion of the suburbs. In line with his belief in the merits of segregation, Governor May wanted private enterprise to take the lead in opening up suburban lands and provide affordable housing along racial lines. The idea was for the government to lease land with reasonable rates to suitable applicants without public auctions. Selected developers would in turn be responsible for paying for some of the public work expenses such as the construction of roads, drainage and various utilities.<sup>40</sup> The objective was "to reserve particular areas for the benefits of particular sections of the Community to the exclusion of all others," meanwhile raising the values of these "undeveloped" lands with little cost to the government.

The reservation of separate geographic areas for specific ethnic groups had precedents in other colonial cities.<sup>41</sup> A well known advocate was Lugard, the Governor of Hong Kong from 1905-1912, who published a best-selling manual on the doctrines of colonial development based on his experience as Governor in Nigeria.<sup>42</sup> It is not clear to what

<sup>37</sup> Hong Kong's population rose to 456,739 in 1911, with nearly a hundred thousand more to arrive in the following years. For a discussion of the dynamics related to the revolution in China, see Carroll, *A Concise History of Hong Kong*, 81-83; and Tsai, *Hong Kong in Chinese History*.

<sup>38</sup> *Hongkong Telegraph*, 26 July 1911.

<sup>39</sup> *Hongkong Telegraph*, 17 August 1911.

<sup>40</sup> "Portuguese Housing Scheme," CO129/390/16260, 1912.

<sup>41</sup> Home, *Of Planting and Planning*, 120. A well known example of this was Singapore, which was first laid out by Stamford Raffles based on an elaborate classification of races and classes that went beyond a crude division of "Europeans and native settlements."

<sup>42</sup> Lugard, *The Dual Mandate in British Tropical Africa*.

extent May was influenced by Lugard (May was Colonial Secretary during Lugard's governorship). But it is likely that May's intention to reshape Hong Kong into a more rigidly segregated city was related to the larger trend of colonial planning in the 1910s.<sup>43</sup> What is significant here is to examine the actual effects of applying these ideas to a colony where urban development had long been shaped by a "high land price policy" and fervent speculation under a rubric of "laissez-faire" competition.

As has been discussed earlier, the discourse of climatic (in)adaptation and cultural difference had always been used as a pretext for the formation of European reservations.<sup>44</sup> In Hong Kong, this discourse was characterized by a longstanding narrative of "victimization," in which wealthy Chinese, with their insatiable desires to profiteer in property investment, were constantly threatening to dispossess the "vulnerable Europeans." It is interesting to note that the call to protect the interests of the "white middle class" against "native invasion" in the 1900s and 1910s also began to draw attention to the stratification within the European population. In tandem was the emergence of a new moral discourse that emphasized the virtues of thrift, honesty and hard work that characterized the less wealthy, particularly the Portuguese, who were portrayed as a poor but "deserving class" that had contributed significantly to Hong Kong's progress. As described in an editorial in the *Hong Kong Telegraph*,

The Portuguese fulfill useful and important duties in most of the large concerns in Hong Kong and the responsible and confidential character of their work necessitates that they should be able "to keep up their appearances"...The rise of rent has rendered this increasingly difficult, and if the cost of living advances, threatens to become impossible.<sup>45</sup>

It is in this context that two "philanthropic" projects aimed at providing affordable housing for the Portuguese and "Europeans with small means" were put forward in the early 1910s. The first of these was initiated by a Portuguese named Francisco Soares, who wanted to develop a "garden city" settlement in Kowloon for "working class non-Chinese." The second project was initiated by a British merchant, Montagne Ede, who proposed to establish a "Portuguese reservation" in the outskirts of Victoria solely for Portuguese families.<sup>46</sup> For reasons that were not entirely clear, Soares' proposal did not proceed and faded from the public limelight in the mid 1910s, but the scheme reemerged in the 1920s with an altered agenda (Ede eventually took over the project and became its sole developer). Despite the social goal at the heart of these "garden city" projects, the ongoing disputes over the financial arrangement of Ede's scheme and their eventual fallout led to the reshaping of the Kowloon project and a general shift away from the

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<sup>43</sup> Home, *Of Planting and Planning*, 117-140. May was also Governor of Fiji before he returned to Hong Kong as Governor in 1912. Although this dissertation has not included extensive discussion of these networks of colonial knowledge, this is an important point to note. See Chang's discussion of the transnational exchange of ideas on planning and architecture in his dissertation, "A Genealogy of Tropical Architecture," 2009.

<sup>44</sup> See Chang, "A Genealogy of Tropical Architecture."

<sup>45</sup> *Hongkong Telegraph*, 27 January 1912.

<sup>46</sup> "Portuguese Housing Scheme," CO129/390/16120, 1912, 35.

philanthropic intent that first drove these developments. Before discussing the histories of these schemes, it is necessary to first contextualize their rationales within the emerging ideas of planning in this period.

Both Ede and Soares were influenced by the idea of the “garden city” developed by Ebenezer Howard, a British visionary who advocated a new kind of city that combined the advantages of cities and countryside with an emphasis on community management and self-help.<sup>47</sup> A central feature of the garden city -- and one that, contrary to what has often been assumed and more important than physical planning -- was the setup of a cooperative society that enabled subscribers with moderate incomes to become owners of a small landed property.<sup>48</sup> The initial capital was to be raised on mortgage debentures of the whole property; and the land would be legally vested in a number of trustees. Subscribers would contribute an initial down payment and a monthly rent. The key idea was that as the land value continued to revise upwards, the trustees would be able to pay off the mortgage debt and generate a fund that eventually flowed back to the members of the community. In Howard’s vision, the garden city would be built outside the urban centre where land was cheap and the environment was healthy. The city would also offer a wide range of jobs, including agriculture and other industries integrated into a well-planned regional network. In sum, what the garden city would offer was more than just a pleasant and healthy environment, but altogether a different kind of socio-economic order built upon “philanthropic land speculation,” a system that encouraged self-help and building of community. It was to be a “quasi-utopia,” a perfect city that was achievable in an imperfect world.<sup>49</sup>

Although Hong Kong might seem a most unlikely place to realize such utopian ideals, the garden city concept nevertheless captured much enthusiasm in the local media by the early 1910s -- only a few years after the first garden city project was enacted in Letchworth, England.<sup>50</sup> While neither Soares nor Ede aimed to incorporate all the grand social goals embedded in Howard’s vision, a closer examination of their initiatives nevertheless reflects an early attempt to adopt the original garden city ideas as a means to break away from the status quo. Later on, other entrepreneurs would promote different versions of “garden city” developments that moved increasingly away from philanthropic elements. As will be discussed in the next section, these include an ambitious suburban settlement in the New Territories spearheaded by a group of prominent Chinese businessmen. While some of the key terms and features of this project were similar to the earlier proposals, and though all were designed -- to paraphrase May’s favorite reference -- “to accommodate a particular section of the community with the exclusion of all others” its rationale also significantly differed from those that preceded it.

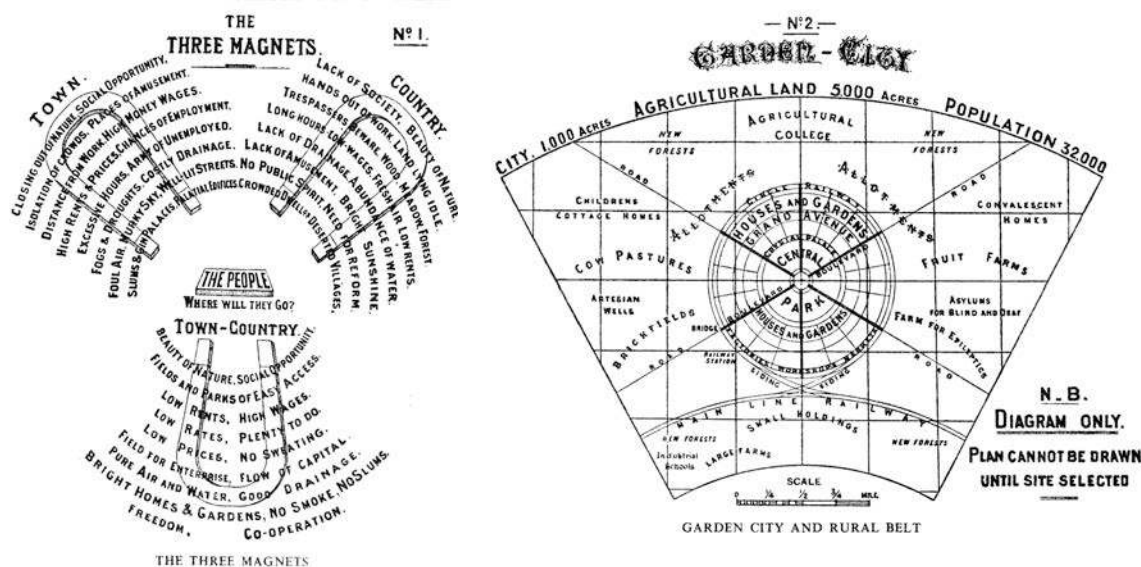
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<sup>47</sup> Ebenezer Howard, *To-morrow: A Peaceful Path to Real Reform*, 1898; *Garden Cities of Tomorrow*, 1902. See also Peter Hall’s discussion of the garden in his chapter in *Cities of Tomorrow*, 87-141.

<sup>48</sup> *Ibid.*, Hall, *Cities of Tomorrow*, 95. Note that the idea of cooperative housing was also connected to the Fabian Society in Britain.

<sup>49</sup> The term “philanthropic land speculation” is used by Robert Fishman. Hall, 95.

<sup>50</sup> Letchworth Garden City was founded in 1903. See discussion in Hall, 97-104.



**Figure 5.5.** Key diagrams that illustrate the ideas of the garden city in Howard's first book. (Source: Ebenezer Howard, *To-morrow: A Peaceful Path to Real Reform*, 1898).

Soares' proposal was the first to hit the news headlines. In April 1911, the *South China Morning Post* reported a scheme for building a "model settlement" for "working class non-Chinese" in the New Territories at the fringes of Kowloon.<sup>51</sup> As mentioned earlier, a significant factor that propelled development in Kowloon and the New Territories was the completion of the railway in 1910, which made this area more accessible and had significantly reconfigured the relationship between Victoria and its hinterlands. In line with Howard's idea, the project was to be non-profit and its finance would be entrusted to a cooperative society which, after acquiring the land, would decide upon suitable types of houses that could either be built by the society or by its individual members themselves (under the aegis of the society).<sup>52</sup> One unique feature of the scheme was the incorporation of agriculture within the settlement, with residents encouraged to grow their own fruits and vegetables for their own consumption. Additionally, land would be made available for the rearing of poultry and cattle, the keeping of beehives and the breeding of fresh-water fish. Accordingly, some of these ideas were inspired by examples in California, where "gold-mining had proved not to be such a great producer of wealth and comfort as farming and fruit growing, and cattle and poultry rearing."<sup>53</sup> It was believed that what had been achieved in the Western United States could be copied in a smaller scale in Kowloon and the New Territories, where the existence of thousands of acres of land with low hills would afford a future city full of beautiful gardens and farms. The more practical goal was to enable the community to become independent of

<sup>51</sup> "Kowloon's Garden City" *South China Morning Post*, 27 April 1911.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

neighboring produce markets and even to create “a nucleus of an export trade in season of abundance.”<sup>54</sup>

The success of such proposal, the articles notes, would clearly depend on the sympathetic support of the colonial government, which would lease the land to the cooperative society at a low rate. In addition, it would also construct a railway station and provide other necessary amenities for the settlement. The advantages to the government would be an increase in crown rents by developing a region that was then largely barren; and by increased revenue from the railway and the creation of a new center of suburban population.

Negotiations over the proposal never really took off in the following years, but the utopian appeals of the garden city generated much interest amongst the public. As noted in an editorial in the *Hong Kong Telegraph*:

From the Occident the [Garden City] Movement had now passed to the Orient... Sooner or later there comes a time for everyone when the spectacle of green fields, of running waters and gardens that are gay with flowers, carries its own appeal to the city dweller.<sup>55</sup>

In the “garden city of the future”, the articles continued,

There will be houses for every one set amid their own gardens, while there will be space for the indispensable cow and the ever obliging hen. Fresh air, and room in which to move, meets the modest requirements of the modern householder in Hong Kong.

A few months after the Kowloon project was reported, Ede entered into negotiation with the government on a plan to establish a reservation on a large plateau above the Wongneicheong Valley in the eastern part of Hong Kong Island. This project, named *Cidade Comeos*, would be built along “garden city lines” and involved building 150 houses for the accommodation for Portuguese families.<sup>56</sup> Its operation was largely modeled after the one in Letchworth, the first garden city in England. The initial capital would be raised by a building society with an issue of mortgage debentures of \$1000 bearing 8 percent per annum. Four trustees, including Ede himself, would be appointed as representative of the debenture holders. Subscribers of the scheme would contribute a down payment between \$40 to \$60 dollars and thereafter a monthly rent between \$5 to \$10.<sup>57</sup> The Government was requested to reserve a total of 150 acres in the first instance and lease 20 acres as building land for a term of 75 years.

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<sup>54</sup> Ibid.

<sup>55</sup> “Mr. Ede’s Housing Scheme,” *The Hongkong Telegraph*, 27 January 1912.

<sup>56</sup> Ibid.; “Portuguese Housing Scheme,” *The Hongkong Telegraph*, 15 November 1912; 5 December 1912.

<sup>57</sup> “Housing Scheme for Portuguese,” *The Hongkong Telegraph*, 27 January 1912.

According to the project's promotion pamphlet, the houses of *Cidade Comoes* would be elegant but not ostentatious, and would include a mixture of bungalows, detached houses and semi-detached houses to suit varying incomes. Ede argued that if it materialized the scheme would not only "confer benefits on a deserving class of the Community," but also "afford a means of remunerative investment to the public at large that would assist the well being, development and commercial prosperity of the colony as a whole." In a stirring speech delivered to the Portuguese community in December 1912, Ede urged his audience to envision "showing to the world how the Portuguese, through self-help, could rise above their surroundings" by participating in this philanthropic project:



In a period of years each member of this community will be the proprietor of his own house, well built, in beautiful surroundings, free of rent [...] and be an independent, healthy and happy citizen [...]

It is the duty of everyone to provide for the future, and it is indeed a privilege for each Portuguese resident in Hong Kong, whether he is personally living in a rented house or not, to assist in a measure which can have but one result, viz. the happiness and uplifting of his own community.<sup>58</sup>

The response to Ede's scheme was initially extremely positive. The *Hong Kong Telegraph*, for example, praised the project for inculcating a spirit of thrift and "solving the problem of how a European can live comfortably and yet pay low rent in the colony."<sup>59</sup> In a correspondence to London, the Colonial Secretary Claude Severn wrote that the project would likely bring substantial benefits to the colony not only by providing housing for many government clerks who were Portuguese, but also by raising the value of crown land in the surrounding area, which would in turn bring in

considerable revenue and encourage more people to move to the suburbs – all in all a most efficient way to encourage suburban development without inflicting much cost to the government.<sup>60</sup>

<sup>58</sup> *The Hongkong Telegraph*, 5 December 1912.

<sup>59</sup> "Mr. Ede's Housing Scheme" and "City of the Poet," *The Hongkong Telegraph*, 27 January 1912; "Building in Hong Kong," *The Hongkong Telegraph*, 18 February 1913; "Overcrowding in Hong Kong," *The Hongkong Telegraph*, 15 July, 1913.

<sup>60</sup> "Portuguese Housing Scheme," CO129/390/16260, 1912.

However, this initial enthusiasm began to subside when a series of disputes broke out between Ede and the Governor over the sharing of expenditure for the project, such as those concerned with the provision of public infrastructure including roads, sewers and water supplies.<sup>61</sup> But the most serious discrepancies lay in two related issues. The first involved the right of debenture holders to make exemptions of subleasing houses to non-Portuguese in case of failure of the scheme. Ede argued that the debenture holders must retain this right in order to provide financial security in the future. In other words, if the project failed to attract enough Portuguese to move to the reservation, or should the debenture holders encounter difficulty receiving their payments, they should be able to sublease some of the properties to non-Portuguese. May, however, believed that such an arrangement would simply defeat the “philanthropic purpose” of a Portuguese reservation, and would allow the land, which was granted by the government on “easy terms,” to be diverted to more lucrative uses while leaving a loophole for “admitting persons of other races to the enjoyment of the area.”<sup>62</sup>

Certainly what worried May most was the potential invasion of Chinese, who, in his opinion, were no doubt already prying into the possibilities of overtaking the properties in the reservation. To prevent this negative scenario from happening, May insisted that a clause be inserted into the lease to prohibit the subleasing of any houses to non-Portuguese persons except by special permission from the Governor-in-Council. This was basically the same clause that would be applied to the Peak reservation a few years later.

No person of other than of Portuguese Extraction except a domestic servant employed by a authorised resident in “The Reserved Area” shall reside in that area and no sub-lease shall be granted by the leasees to any other person than of Portuguese Extraction without the written permission of the Governor-in-Council.<sup>63</sup>

The other disagreement involved the question of whether debenture holders were able to retain any interest after defraying the charges at the rate of 8 percent per annum on capital expenditure. May insisted that because this was a “philanthropic project,” any such “surplus profits” must be diverted to the colonial treasury to the credit of the Government. Ede, on the other hand, argued that some profits should, at least in the early stages of the development, be utilized to form a sinking fund to defray the cost for building repairs and for the construction of communal facilities for the benefits of the residents.<sup>64</sup> Furthermore, Ede pointed out that this was necessary for financial security since the yearly profits for such “philanthropic projects” would be small. Frustrated by the high-handed approach of the Governor, Ede wrote:

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<sup>61</sup> “Portuguese Reservation Scheme,” CO129/408/42212, 1913.

<sup>62</sup> *Ibid.*; “Portuguese Reservation,” CO129/410/16671, 1914.

<sup>63</sup> “Portuguese Reservation,” CO129/410/16671, 1914.

<sup>64</sup> *Ibid.*, 192.



I cannot believe that it can be the intention of either His Excellency the Governor or the Secretary of State of the Colonies to give with one hand while taking away with the other, and it must be apparent that unless debenture-holders can be secured the scheme cannot possibly mature.<sup>65</sup>

Another year of negotiation brought little progress towards reaching an agreement on the proposal. Finally, in 1914, Ede decided to make an offer to the government by paying a higher premium (that reflected the full value of the property) in exchange for the withdrawal of some of the lease restrictions imposed on the project.<sup>66</sup> May eventually agreed to allow debentures holders to withhold some interest for financial security, but was adamant that no subleasing to non-Portuguese persons would be allowed without government permission. He further asserted that because the revised lease conditions that Ede proposed had now drastically changed the “philanthropic nature” of the scheme, it would be necessary for the government to raise the crown rent and withdrew support on some of the infrastructure and urban services promised in the original deal.

In other words the proposal, which was first conceived as a unique philanthropic project predicated on generous concessions granted by the government, was increasingly reverting back to the usual “market conditions” under a “high land price policy”. What was ironic is that it was Ede, the promoter of what was essentially a racially-segregated enclave, who ended up fighting hard against the sanction of complete segregation in practice.

#### 5.4. A Model Settlement for “Better Class Chinese”: The Kai Tak Bund at Kowloon Bay

Despite the eventual failure of the *Cidade Comeos*, May continued to insist that the proposal for a Portuguese reservation was a desirable model of colonial development, one that could offer an effective means to segregate the populations by race. Although he had long been keen to protect European interests against those of the Chinese, May was not averse to permitting the latter to establish their own “reservations” in the hinterlands. On the contrary, he saw such concessions to be advantageous in several ways. First, it would provide political legitimacy to keep the Chinese away from the Europeans. Second, it would help raise the values of undeveloped lands and bring in more revenue to the government. And third, it would provide an example of effective colonial governance by showing the advancement of native enterprise under an enlightened and progressive administration.

There were certainly familiar themes. Chinese property ownership had always been key to the growth of Hong Kong’s economy. And it should not be surprising that, given their longstanding interest in real estate investment, the Chinese were more than ready to take

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<sup>65</sup> Ibid.

<sup>66</sup> Ibid., 203.

up the opportunity to build their own suburban enclaves. As discussed in the last chapter, the Chinese had already built several large-scale settlements by this time, such as Li Sing's housing scheme in Shumshuipo (see chapter 4). Various developers had also been constructing multiple blocks of *tong lau* in the Chinese districts over the years. What was new in the 1910s was the turn towards comprehensive development catering for the growing number of wealthy Chinese, who, like their European counterparts, desired to live in well-designed, modern environments free from overcrowding. The encouragement of suburban settlements thus offered opportunities for the Chinese not only to further expand their property holdings, but also to experiment with modern planning and design on a large scale, often in enlisting the service of British and European architects and other professional consultants.<sup>67</sup>

In 1912, not long after Ede began negotiating with the Government on the development of *Cidade Comeos*, a group of prominent Chinese businessmen put forward an ambitious proposal to build 6000 houses along "garden city lines" on the foreshore of Kowloon Bay in the New Territories.<sup>68</sup> This project, which would be named *Kai Tak Bund*, was initiated with the following objectives:

1. To provide a model settlement for the better class of Chinese in order to relieve the over crowding at Hong Kong caused by the influx of Chinese from Canton on account of the unsettled state of the Kwangtung Province of China;
2. To accommodate the wealthy Chinese who come from Canton with better residence, so that they may make their houses here and invest their capital in the colony.<sup>69</sup>

*Kai Tak Bund* was named after two of its chief promoters, Ho Kai, the long time Chinese representative on the Legislative Council, and Au Tak, a wealthy businessman from Canton. Like the housing schemes proposed by Ede and Soares, the Chinese syndicate requested the Government to reserve the land without public auction and to provide support for various urban services and public works. But *Kai Tak Bund* also differed from the other initiatives in that its emphasis was not "philanthropic" and did not set in place a cooperative system that enabled residents to pay low rent (even though the rent here was comparatively cheaper than those of the houses in Victoria). Rather, its operation followed that of a normal real estate investment scheme aimed to attract wealthy Chinese immigrants and overseas returnees with substantial capital. Confident of their financial capability, the promoters had agreed from the outset to pay a standard premium and crown rent as well as to cover all the expenses for the reclamation and public works (excluding the construction of water mains and the maintenance of public

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<sup>67</sup> This kind of collaboration has been mentioned in the last chapter. For examples of the alignment of interest between these architects and their Chinese clients, see "Memorial of Messrs. Denison, Ram and Gibbs," CO129/433/32613, 1916.

<sup>68</sup> "Kowloon Bay Reclamation," CO129/425/59436, 1915.

<sup>69</sup> *Ibid.*

roads).<sup>70</sup> This arrangement rendered the proposal more appealing to the colonial government. In a correspondence to the Secretary of State, May contended that the conditions laid out by the Kai Tak Investment Company was in his view “most satisfactory” and expressed that he was eager to approve the scheme which would effect improvement in what was an undeveloped and insanitary locality with little cost to the government.<sup>71</sup>

The image contains two advertisements side-by-side. The left advertisement is a vertical Chinese notice with the following text (read from right to left):

資本家欲置業建屋宇者注意  
 實業家欲購地築工廠者注意  
 營業家欲租地貯貨物者注意  
 本公司備有本銀壹百萬元在香港九龍填築  
 海地其間規模宏遠目下石壘經已築成而填成  
 之地段陸續工竣該處枕山面海水陸交通舟車  
 利便詢合商埠屋宇地點諸君有意購地及租賃  
 地者請移玉至德輔道中廿六號三樓與司理人  
 黃廣田君或向各董事處面商一切價格務取公  
 平此佈  
 啓德營業有限公司董事張心湖周晉臣黎季斐  
 己未年三月初十日 周少岐 謝蔭堦 曹善允

The right advertisement is in English and reads:

THE  
 KAI TACK LAND INVESTMENT  
 COMPANY, LIMITED.  
 Authorised Capital - - \$2,500,000.  
 OFFICE: 26 Des Vœux Road Central. Telephone 788  
 THE  
 KOWLOON BAY RECLAMATION SCHEME

Figure 5.7 & 5.8. Advertisements for the Kai Tak Bund project in Hong Kong’s Chinese newspapers. (Source: *Hua Zi Ri Bao*).

A most striking aspect of *Kai Tak Bund* was its strategic location, which was set to lie right outside the northern boundary of Kowloon Peninsula within the leased New Territories. The idea of building on a piece of land that would one day return to Chinese sovereignty certainly carried heavy symbolic significance to the promoters and was arguably part and parcel of a wider Chinese nation-building project, tying this development with other similar ambitious planning schemes that were emerging in China around this time.<sup>72</sup> But the comparison of these projects also point to a seeming irony here: that it was only in a British colony, with its supposedly effective rule of law that did not exist in the Mainland, that the Chinese became most confident in investing their money. As pointed out by the *China Mail*,

the greater security to be enjoyed under the British flag is widely recognized by Chinese merchants, and now that so substantial a beginning is made to create an attractive Chinese suburb in British Hong Kong colony, we cannot doubt that further great [advancement] in this direction is assured.”<sup>73</sup>

<sup>70</sup> Ibid.

<sup>71</sup> Ibid, 255-256.

<sup>72</sup> “Model City at Hong Kong,” *Royal Society of Arts Journal* 65, 3382 (September 14): 1917, 727-728.

<sup>73</sup> “Kowloon Development Scheme,” *The China Mail*, 20 November 1916.

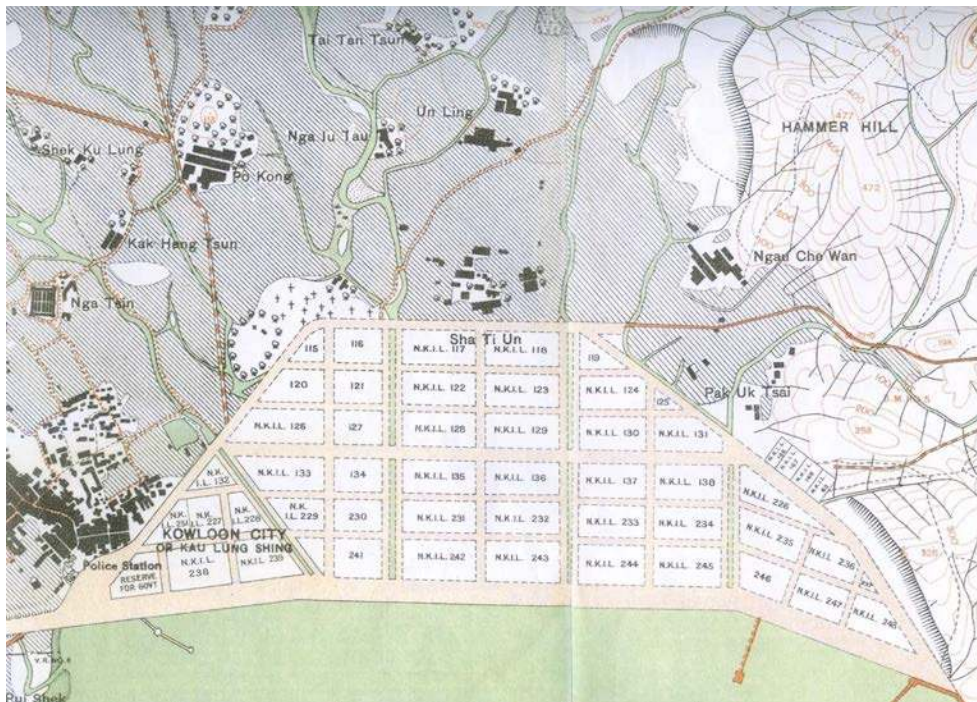
Kai Tak Bund was also a much more ambitious undertaking than other contemporary initiatives in Hong Kong both in size and scope. The proposed number of houses to be built were 40 times that of the Portuguese settlement in Wongneicheong, making it the largest development in the colony's history. While it included few of the social purposes of the original garden city concept, it was the only scheme that adopted Howard's idea of functional zoning and included a long-term plan for industrial development within its premises. As shown in the plan provided by the project's architectural consultant, Adams, Little and Wood, Ltd. (the same firm that provided the preliminary layout of *Cidade Comeos*), land would be reserved at the peripheries of the residential districts for factories and warehouses, and for an efficient transportation network that included ferries, buses and railway that would connect the area to other parts of Hong Kong.<sup>74</sup> More significantly, the project provided the beginning of a blueprint for future development of North Kowloon and the New Territories as a whole. As indicated on a government statutory plan produced in 1921, all the existing villages in the surrounding areas would eventually be redeveloped and the new plan would be laid out in such a way to integrate seamlessly with that of Kai Tak Bund, extending the latter's grand avenues and replicating the design of its streets and open space.<sup>75</sup>



**Figure 5.9 & 5.10.** Two maps showing the location of Kai Tak Bund at Kowloon Bay, which lay just north of the boundary between Kowloon Peninsula and the New Territories. (Source: The National Archives of the U.K: Public Records Office, London).

<sup>74</sup> "The Housing Question: Kowloon Bay's Modern City," *The China Mail*, 11 April 1919, 4.

<sup>75</sup> *Ibid.*



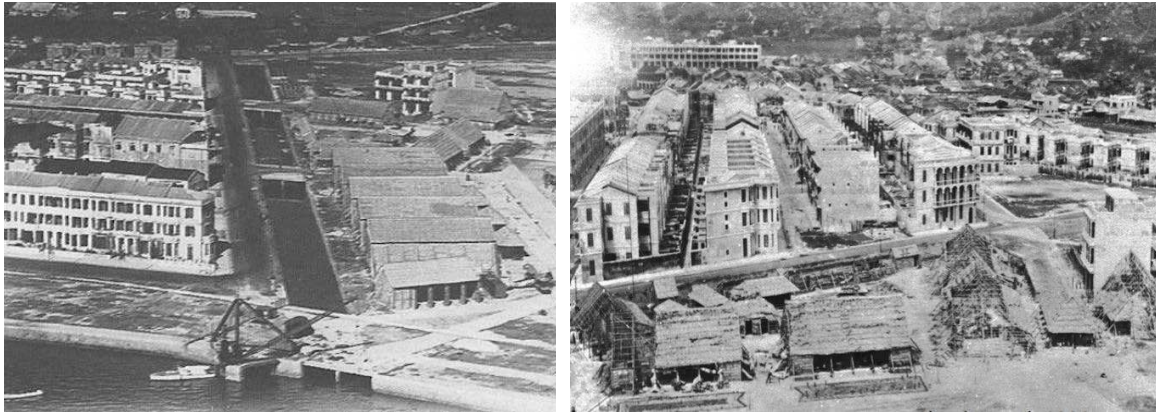
**Figure 5.11.** Lots layout at Kai Tak Bund. Note the wide nullahs located in the middle of the main streets. (Source: The National Archives of the U.K: Public Records Office, London.)

In hindsight, the plan of Kai Tak Bund embodied the optimism that characterized the beginning of a new planning era. It aspired to be a thoroughly modern township whose urban forms would be superior to those in old Victoria. All of the major avenues intersecting its 47 residential blocks were to be tree-lined and a hundred feet wide.<sup>76</sup> The scheme also was intended to provide ample recreational space as well as a modern praya at which large ocean steamers could be berthed. More significantly, it would offer an efficient drainage system along modern sanitary lines that would surpass the ones in the European district. As explained by the project civil engineer, a most important feature of this system was the splendid nullahs that ran through the settlement. These nullahs, which would be spanned by reinforced concrete bridges, would be the biggest and most advanced of the colony, and would represent a major effort of modernization in the early 20<sup>th</sup> century.

Responses to the scheme were generally one of admiration both at home and abroad. As reported in an article in London's *Royal Society of Arts Journal*, if realized Kai Tak Bund would become an attractive "model city" for the well-to-do Chinese in South China.<sup>77</sup> Meanwhile, Hong Kong's *China Mail* commended that the project was the greatest development ever yet attempted in Hong Kong's history; It would be the first thoroughly modern city built by Chinese on their own native soil:

<sup>76</sup> Ibid.

<sup>77</sup> "Model City at Hong Kong," *Royal Society of the Arts Journal* 65, 14 (Sept 1917): 727-728.



**Figure 5.12 & 5.13.** Two birds-eye views of Kai Tak Bund, showing some of the completed houses, 1921. (Source: The National Archives of the U.K.: Public Records Office, London).

The Chinese, no matter where on the earth's surface they wander to, always come back, if it is at all possible, to their own land. With the wealthy Chinese this modern city of the future will be a goal for *otium cum dignitate*. So that at the present [we] have the making of the foundation for a new township, one to which the Chinese are sure to flock.<sup>78</sup>

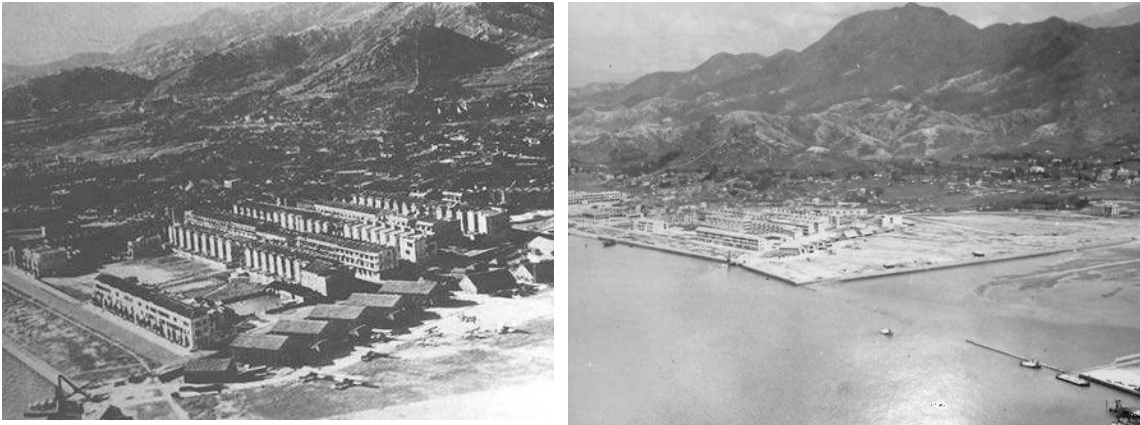
Unfortunately, despite all of the fanfare, the visionary scheme was only one-fifth completed when The Kai Tak Investment Company ran out of funds during a recession instigated by the Hong Kong-Canton labor strike in 1925.<sup>79</sup> The Government eventually took over the reclamation work and, contrary to the planning intentions behind the project, converted the rest of the land into an airfield amidst growing concern over the need for military defense in the 1930s.<sup>80</sup> The recession also halted the development of the surrounding region in North Kowloon and the New Territories, and the grand plan of 1921 was never realized. During the Pacific War in the early 1940s, the Kai Tak Bund was one of the first sites to be heavily bombed by the Japanese, and all of its houses were completely destroyed. The entire site was redeveloped thereafter into the Kai Tak International Airport and all traces of the original settlement eventually disappeared.

Today, very few people seem to know of the existence of the project, which is only mentioned in passing by Hong Kong's historians. There were, however, a few scattered writings about the place, such as this excerpt from an autobiography of a Eurasian woman, Catherine Symon, who recounted her experience when she first moved to the new settlement of Kai Tak Bund in 1923:

<sup>78</sup> "The Housing Question: Kowloon Bay's Modern City," *The China Mail*, 11 April 1919, 4.

<sup>79</sup> The 1925 Hong Kong-Canton Labor Strike, which took place between June 1925 and October 1926, began as a response to a shooting incident in Shanghai whereas Chinese protesters were killed by the British police. For a discussion of the dynamics in Hong Kong, see Steve Tsang, *A Modern History of Hong Kong*, and Carroll, *A Concise History of Hong Kong*.

<sup>80</sup> "Kowloon Bay," CO129/494, 1926.



**Figure 5.14 & 5.15.** Two photographs showing Kai Tak Bund in the process of reclamation, early 1920s (Source: The National Archives of the U.K.: Public Records Office, London).

Very little of Kowloon Peninsula had been developed at the time. Two and three storey houses stretched along Nathan road for a couple of miles, becoming more and more scattered, and disappearing altogether before the tiny settlement of Kai Tak. From there a 10-minute walk brought us to our new home 23 Kai Tak Bund, in a small terrace of 17 houses. Across the wide road, we could actually see the sea. In marked contrast to our tiny flat in Hong Kong, the house was huge, with bright, spacious rooms, and a front garden.<sup>81</sup>

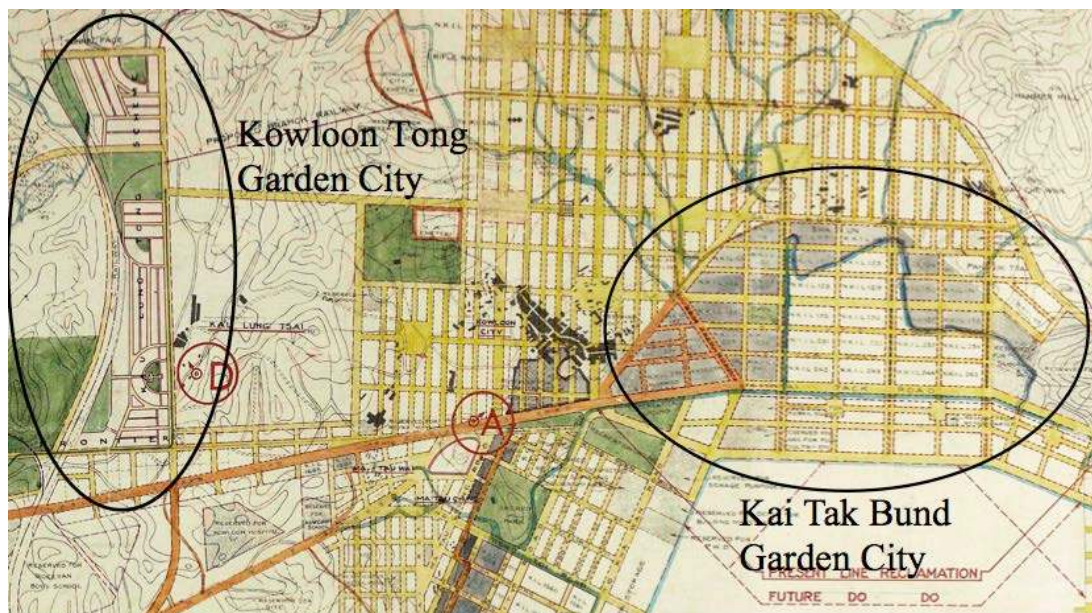
Like many of her neighbors, the author's family moved to Kai Tak Bund in search of a better place to live. Although the settlement never grew into the vibrant township that its promoters had wanted, its residents nevertheless took pride in being the pioneers by establishing their homes in the new suburb, and protested vehemently when the government later tried to resume part of the area for the construction of an aerodrome. The legal battles dragged on until the settlement was finally razed during the war in 1941.

Almost all the other garden city initiatives encountered financial difficulty. The prolonged recession that began in the mid 1920s significantly dampened the development frenzy of the earlier period, leading to the withdrawal of investment on almost all of these schemes.<sup>82</sup> For the few that had been partially realized, all were eventually reverted to more conventional commercial ventures, and the idea of cooperative housing, self-help and community building that had been so emphatically promoted a decade earlier were no longer their main components. At the same time, the idea of racial segregation also began to break down, when Chinese capital was brought in to rescue some of the failing projects, subsequently resulting in many Chinese and Eurasian families moved into these settlements.

<sup>81</sup> Joyce Symons, *Looking at Stars: Memoirs of Catherine Joyce Symons* (Hong Kong: Pegasus Books, 1996): 8.

<sup>82</sup> An example of these was the Kowloon Tsai Garden City Scheme, which was proposed by a Chinese syndicate in the 1920s. See PRO HKRS 58-1-116(2).

One example that went down this path was the Kowloon Tong Garden City, which was one of the very few garden city projects that was actually completed and survives to the present day. It was in effect the “model settlement” originally conceived by Soares for “working class non-Chinese population” back in 1911. After his fallout with the Government on the financing of *Cidade Comeos*, Ede became interested in this project and eventually overtook its directorship in 1921 under a new company, Kowloon Tong and New Territories Development Company Ltd.<sup>83</sup> Ede continued to push for a cooperative scheme similar to that of *Cidade Comeos*. But the promotion of Kowloon Tong was no longer centered on it being a “European reservation.” While there was no clear indication when this change occurred, the growing proportion of Chinese subscribers for the project in the early 1920s suggests there was a shortage of European participants, causing the company to open the scheme to Chinese to help finance it.



**Figure 5.16.** A plan showing the proximity between Kai Tak Bund and the Kowloon Tong Garden City, early 1920s. Note the grids in yellow color superimposed on top of the existing landscape. According to the Government’s initiative in 1922, a large number of existing villages in this area had been earmarked for demolition and be replaced by new houses designed according to modern principles. However, the financial insolvency of the Kai Tak Bund and Kowloon Tong projects along with the onset of the labor strike in the mid 1920s had prevented the planning initiative to move forward. Some of these villages remained in place until today. (Source: The British Library, London).

Like what happened to many developers of large-scale real estate schemes, Ede’s company ran out of funds during the recession in the mid 1920s.<sup>84</sup> Part of this was due to underestimation of the construction cost. Uncertainty over the project was furthered by Ede’s untimely death in 1925, leading subscribers to refuse to continue contributing

<sup>83</sup> “Kowloon Tong Estate Development,” CO129/520/12, 1930.

<sup>84</sup> Ibid.



payments and consequently leaving the premium due to the colonial treasury unpaid. After prolonged negotiation between the government, the company and the subscribers, the Government eventually granted a relief on the premium to help bring the projection into completion. Kowloon Garden City was finally finished in 1930 – five years later than the projected completion date. And in marked contrast to Soare’s original vision of a reservation catered for “middle class Europeans,” a significant number of houses had by this time been transferred to the hands of wealthy Chinese, who became the majority property holder of the settlement.



**Figure 5.17.** (left). Kowloon Garden City in the 1920s. (Source: Hong Kong Public Records Office).

**Figure 5.18.** (right). A house in the Kowloon Tong Garden city, 2009. Quite a few houses have been remodeled over the years. But because of the height restriction imposed by the Government for all buildings this area, these remained two-story houses, making them a rarity within the high-rise landscape of Hong Kong<sup>85</sup> (Source: Photo by author).



**Figure 5.19.** A partial plan of the Kowloon Tong Garden City. It is interesting to note that many of the streets here were named after the towns and cities in England (e.g. “Somerset Road,” “Kent Road,” and Dorset Crescent,” etc.). (Source: Hong Kong Public Records Office).

<sup>85</sup> For a discussion of the development of Kowloon in the postwar period, see Kwok-kee Sun, “Is Kowloon Tong a Responsive Environment?” 1998.

### 5.5. In Demand for Equity: The Merits of Reservation and the Myth of the “Free” Housing Market

In their explanation of the dissolution of European reservations that began in the mid 1920s, Lai and Yu have argued that discriminatory zoning had created an inefficient housing system that suppressed market competition.<sup>86</sup> In their view, the eventual transfer of properties from Europeans to Chinese in the Peak and other districts in Hong Kong during the economic downturn (when many Europeans were eager to liquidate their properties) was an inevitable process that helped restore a “normal” housing market. To Lai and Yu, what promulgated the end of racial segregation in Hong Kong was thus not so much a fundamental lessening of racial prejudice or a general shift toward a more “liberal” colonial urban policy, but the very unsustainability of the system itself. While this view provides an important perspective not accounted for in most historiographies of Hong Kong, it would be necessary to further examine the changing discourse about the function of reservations as well as the growing class stratification that began to unsettle the long assumed divide of the population associated with race.<sup>87</sup> In this last section, I turn to examine some of the emerging debates over the housing problem in the early 1920s, including divergent opinions on the role of the government and the regulation of the rental and housing market.

Despite the continual widespread enthusiasm about the garden city movement, by the early 1920s it became increasingly clear to many that the kind of “model reservations” in Kowloon Tong and Kai Tak Bund fell far short of relieving Hong Kong’s housing shortage. Although the Government was supportive of these projects in principle and had agreed to grant certain concessions on their lease terms, its longstanding concern for maximizing revenue under a “high land price policy” and general reluctance to provide outright spending on infrastructure ultimately led it to pull back some of the support. The heavy financial risks and technical challenges of these projects prevented them from proceeding apace with their original schedules, in turn resulting in a loss of confidence in their subscribers and financial backers, who began to withhold investment even before the onset of the recession in the mid 1920s.

The perceived limitation of these schemes also needs to be contextualized within the fervent speculative climate in the early 1920s. The slow progress of these large and politically complicated projects contrasted sharply with the accelerated transfer of properties throughout Hong Kong, where a large influx of investment capital from Kwangtung amidst growing instability in the South China region drove up land value to an extraordinary degree. As shown in government reports in the period, many land lots changed hands several times within a short time span, with their prices being three or

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<sup>86</sup> Lai and Yu, “The Rise and Fall of Discriminatory Zoning in Hong Kong,” 2001.

<sup>87</sup> For examples of writings on the discriminatory policies in Hong Kong, see Wesley-Smith, *Discriminatory Legislation in Hong Kong*; and Richard Klein, “Law and Racism in an Asian Setting: An analysis of the British Rule of Hong Kong.”

four times the price of less than a year before.<sup>88</sup> Although the situation was a familiar one, the severity of the housing shortage and exorbitant rents that affected a growing number of tenants across the populations led to new demand for the government to intervene in the market to protect those at risk of being dispossessed.

Amidst this confusing mix of excitement about the speculative land boom and anger over growing inequality between the propertied class and propertyless was the beginning of a shift of the narrative of victimization. This can be seen in several editorial pieces in Hong Kong's major newspapers that underscored the sufferings shared by the "working class Europeans and Chinese" resulting from profiteering practices of "outsiders" (that is, the wealthy mainland Chinese). As one article in the *South China Morning Post* described:

What happened in so many cases [was that] the landlord came in from elsewhere, not being a man born in the colony, he bought a houses at a certain price, put up the rent and then after triumphantly screwing a higher rent out of the tenant the time was ripe for getting rid of the houses at a profit.<sup>89</sup>

In another editorial in the *Hongkong Daily Press* – a paper that had long advocated expanding the colony's European reservation, pointed out that "high rent was a grievance which the Chinese resident fully shares with the European," and that the rapid increase in the cost of living was especially hard on the Chinese worker<sup>90</sup>:

We are not thinking only of the rents which European who dwell in the colony have to pay for business and residential premises. It is a much larger question than that. Today the average Chinese workman has to pay for his housing accommodation quite twice as much as he paid ten years ago, and when rents rise, everything must rise wages, and the cost of living generally. It represents an enormous tax on the trade of the port, and in the permanent interest of the colony, its further increase must be definitely checked.<sup>91</sup>

Besides accusing "outsiders" that were said to have little concern for Hong Kong's long term interests, the moral claim of "protecting the working class across the local population" was also directed against large investment firms, which routinely farmed out their properties to local "rent farmers" who sublet these houses to tenants at high rent. Although this kind of practice had a long history in Hong Kong, the growing collective frustration over the rising cost of living seemed to have propelled more people to express their anger in public. These included many anonymous Chinese writers who sent letters to both the English and Chinese press describing their grievances.<sup>92</sup> Like many editorials and articles published in this period, these writings began to take on a stronger "social leaning," frequently lashing out against "unethical landlords" and rent farmers

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<sup>88</sup> *Hong Kong Government Administrative Report*, 1921.

<sup>89</sup> "The Housing Problem: Hon. Mr. Pollock's Views," *South China Morning Post*, 10 April 1919, 7.

<sup>90</sup> "The Colony's Needs," *Hongkong Daily Press*, 21 January 1920, 6.

<sup>91</sup> "Profiteering in Rentals," *Hongkong Daily Press*, 7 February 1920, 6.

<sup>92</sup> "Chinese Tenants Petitioned to Governor," *Hongkong Daily Press*, 11 July 1921, 3.

and lamenting the Government for failing to help alleviate the hardship of the working class. The fury over rent-racking reached a peak in mid 1921 with the discovery of widespread farming practices encouraged by one of Hong Kong's most reputable investment firms, The Hong Kong Land Investment Company.<sup>93</sup> The saga sparked off a stream of angry letters in the newspapers, eventually forcing the Company to issue an apology and the Government to conduct an investigation into the issue.

It is in this context that the Government, in a surprising departure from past practices, considered passing new legislation to control the escalation of house rent. In 1921, the Legislative Council proposed the Rents Restriction Bill aimed at prohibiting landlords from raising rent for domestic tenements for 12 months from a specified date in the preceding year.<sup>94</sup> It was hoped that by making the law "retrospective," it could help "correct the market" and dampen the speculative craze on existing properties. In addition, the proposed legislation would also disallow landlords from giving notice to evict their tenants as long as the latter were complying with the terms of their tenancies. As explained by the Attorney General, a major effect of the bill was to take away some of the rights from the "intermediate lessees," or the rent farmers, who would in future be restricted to the collection of the respective standard rents of the property.<sup>95</sup>

In a somewhat ambivalent statement, the Governor Reginald Stubbs (1920-1925) admitted that he personally felt that such heavy-handed legislation was undesirable and even "distasteful" due to "its interference with the operation of the natural law of supply and demand in a laissez-faire economy."<sup>96</sup> However, given the abnormal rent escalation and rapid increase in the cost of living, he thought the situation had become "intolerable" to an extent that the Government had no choice but to intervene in the housing market. Stubbs also pointed out that in order to encourage house building, the control of rent was not applied to new developments – a move that was consistent with the Government's long term goal of expanding the housing supply through private capital. In a later statement, the Colonial Secretary A.G.M. Fletcher added that the Government fully understood the importance of supporting the private housing market, and would do what it could to assist those with "enterprising spirits" to initiate new housing schemes in the new suburbs.<sup>97</sup> Fletcher also singled out the garden city projects being constructed in Kowloon Tong and Kai Tak Bund as desirable development models

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<sup>93</sup> "Local House Rents: Hong Kong Land Investment Agency Co. Ltd.," *The China Mail*, 30 June 1921, 4; "Correspondence: The Rent Ordinance," *The China Mail*, 5 July 1921, 8; "Correspondence: Local House Rents: Land Investment Company's Letter," *The China Mail*, 6 July 1921, 10.

<sup>94</sup> Ordinance 13 of 1921. See "Ordinance 13 of 1921, Rents," CO129/436/47783, 1921, and "The Rents Bill," *Hong Kong Daily Press*, 2 July, 1921. The full name of the bill was "An Ordinance to amend the law relating to the recovery of possession in certain cases and to restrict the rents of certain domestic tenement."

<sup>95</sup> *Ibid.*

<sup>96</sup> Stubbs, "Housing Conditions," CO129/481/344/58792, 1923.

<sup>97</sup> "The Housing Problem: Government Believe that They Have a Solution, Colonial Secretary Interviews," *The Hongkong Daily Press* 23 March 1923, 5.

and examples of “local patriotism,” enabling each “section of the community” to live comfortably in a surrounding that was reserved for their members.<sup>98</sup>

Not unexpectedly, the Rents Restriction Bill was not welcomed by the landlords. After the Bill was made into law in 1922 and was under consideration for further extension in the following year, the Chinese Chamber of Commerce organized a meeting in which all the Chinese property owners in Hong Kong attended.<sup>99</sup> Members of the Chamber criticized the imposed measures as “too harsh” and urged the Government to consider “the lean years of landlords and how much the present thriving condition of the colony was due to them.”<sup>100</sup> They also argued that the problem of high rent was primarily a result of inadequate land supply and the heavy premiums required for new housing development – two conditions that the Government could have easily corrected in order to bring down house rent and stimulate investment in housing construction. In addition, they pointed out that the prohibition of rent increase on existing properties would only propel property owners to pull down their houses and rebuild in-situ in order to fetch higher rent. And the inevitable result would be the displacement of even more tenants thereby causing more hardship for all.

Notwithstanding the landlords’ vehement complaints against the Rents Restriction Ordinance, it was well received – and not unexpectedly -- by tenants across the colony. This can be seen in some of the articles in the local Chinese newspapers, which devoted substantial footage to cover the subject. An example was *Hau Zi Ri Bao*, which published a series of articles on the ongoing debates over the Ordinance. It is interesting to note that although the paper had previously supported the landlords’ position, it seems to have now increasingly leaned toward that of the tenants. This is reflected in its publication of the many statements made by members of various “tenant associations” that had been recently established with the goal to protect the interests of “long-suffering tenants.”<sup>101</sup>

Despite the ambivalent attitude of Governor Stubbs and other officials toward this so-called “anti-market” legislation, the successful enactment of the Rents Restriction Ordinance and its subsequent extension had undoubtedly enabled the colonial administration to regain some credibility by demonstrating its willingness to “stand up against unethical profiteers,” even though in reality nothing was done to alter the long existing “high land price” policy.<sup>102</sup> By shifting the responsibility to the landlords, the government was able to portray itself as a “guardian of the public interest” while

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<sup>98</sup> “Ibid.; “Government and the Housing Question,” *Hongkong Daily Press*, 23 March 1923, 6; “Housing,” 21 March 1923, *Hua Zi Ri Bao*.

<sup>99</sup> Rents Restriction Ordinance of 1922.

<sup>100</sup> “Rent Restriction Bill: Criticism by Chinese Landlords,” *Hongkong Telegraph*, 4 July 1921, 2-3; “House Rents: Government’s Measures and Chinese Chamber of Commerce Criticism,” *The China Mail*, 4 July 1921, 1; “The Landlord’s Protest,” *South China Morning Post*, 4 July 1921, 6.

<sup>101</sup> 13 July 1923, *Hua Zi Ri Bao*.

<sup>102</sup> “The House Rents Bill,” *Hongkong Daily Press*, 2 July 1921; “House Rents,” *The China Mail*, 4 July 1921, 4; “Correspondence: Landlords and Tenants,” *South China Morning Post*, 5 July 1921, 3.

preserving the colonial capitalist order, particular the land system which both provided the government with revenue as well as an attractive “managed environment” for property owning elites.



**Figure 5.20.** A 1923 article in *Hua Zi Ri Bao* that discussed the problem of high rents. It noted the extension of the Rents Restriction Ordinances as good news for the tenants, reflecting the latter’s appreciation of the colonial government’s effort to protect their rights and livelihood. (Source: *Hua Zi Ri Bao*).

While the growing discontent against high rents and the emergence of tenants associations in this period indicate that many Chinese of the laboring class were beginning to organize themselves to fight for their rights and challenge injustice levied against them, a closer look at the wider range of writings in this period suggest that many were not averse to the colonial capitalist system per se. Unlike the more radical leftist writings emerging in the early 1920s in neighboring Canton calling for a social revolution against the “capitalist class,”<sup>103</sup> these pieces tended to make the case for protecting the livelihood of laborers as a way to maintain Hong Kong’s economic status, thus rendering their claims not dissimilar to those of the colonial administrators. Indeed, it can be argued that it is by recognizing these growing popular sentiments and threats to its legitimacy that the colonial government began to adjust its rhetoric, putting more emphasis on the state’s role in guaranteeing Hong Kong’s prosperity and continual progress and warning against potential social unrest that would hurt the interest of “all sections of the community.”

This is, of course, the familiar rhetoric that lay at the core of the “Hong Kong success story” -- a story that can be traced all the way from the 19<sup>th</sup> century to the present day. While the preceding analysis points to some of the myths and injustice embedded in this history, it is important to recognize that what made the narrative of economic success so compelling was the fact that it was constructed by many constituencies, including not only those who had “made it,” but also others who aspired to become wealthy and

<sup>103</sup> These include those writings that proliferated in the left-leaning Chinese press in Canton, which had a large presence of members of the Communist party. These writings were also circulating in Hong Kong, but they were not in the mainstream.

successful in a racially divided, highly unequal, but nevertheless upwardly mobile colonial society composed of a large number of wealthy landlords. Despite their lamentation of the inequality between the haves and have-nots, many poor Chinese nevertheless expressed their hopes and yearnings for a brighter future in which they could live a better life by becoming part of the property owning elites. These complex sentiments of a “working class colonial subject,” though containing tensions, were important components in the shaping of Hong Kong’s colonial governmentality – a particular way that Hong Kong residents related to themselves and others and participated in the ongoing (re)construction of history.

## Chapter 6

# Conclusion

In the one-and-a-half centuries since Hong Kong came under British colonial rule, countless local and foreign writers have depicted the colony's urban landscape with fascination and frequent admiration. In many of these narratives, the contrasting built forms of the city have been presented as symbolic of burgeoning commerce, growing prosperity, and the harmonious coexistence of "cultures," enabled by the smooth coordination of British administration and Chinese entrepreneurship. While the pairing of modernization and economic progress has been a persistent theme of the "Hong Kong success story," the telling and retelling of this story also naturalized a particular discourse of colonial development predicated on relentless speculation and accumulation.

In contrast to this familiar, harmonious "East meets West" narrative, this dissertation presents a more complex history shaped by continuous contestations and sometimes uneasy collaborations between different constituencies under colonial rule. By focusing on speculative building practices and the administrative framework that sought to regulate urban forms and social norms in Hong Kong in the late 19<sup>th</sup> and early 20<sup>th</sup> century, I have illustrated some of the inherent contradictions in colonial development between the liberal, laissez-faire ideology that propelled capitalist expansion and the exclusionary impulses that clung to a hierarchical and racialized spatial order. These contradictions gave rise to new discourses and representations that solidified a perceived dualism between "European" and "Chinese" cultures. Although this bifurcated milieu helped justify different rules for different peoples, it also opened up new channels for cultural and political negotiations. Among those who participated in these negotiations were many Chinese property owners who contributed significant tax revenue to the colonial government. Although resenting the discrimination they encountered in the British territory, they were able to advance their economic and social standing in large part thanks to the colonial system and achieve preeminence in relation to the Chinese populace. Meanwhile, their growing stake in Hong Kong's economy was perceived as a threat by the local British and European residents, who tried to secure their privilege via discriminatory legislation, such as the establishment of European reservations, which they claimed were legitimate on the grounds that difference races had different adaptability to climate and the built environment.

All the case studies explored in this dissertation evidenced two overarching themes. The first is the emergence of "liberal governmentality" predicated on a discourse of market freedom in a colonial context whose economy had always depended heavily on native capital. Long hailed as a land of opportunities for the less well-to-do, Hong Kong, with its particular land system that enabled quick accumulation through property speculation, provides an example of the "practice of freedom" wherein native subjects were



encouraged to claim a stake in the colonial economy at their own “free will”. This “freedom” brought with it however, new legal and performative obligations, and through these contributed to degree of social peace and cohesion. But while this discourse of market freedom, which was closely entwined with the rise of liberal democracies in Britain and elsewhere, was predicated on limiting the power of governing authorities and protecting the rights of subjects, it was confined within a regulatory framework that belonged to a “non-liberal” authoritarian colonial regime. The tensions produced by this peculiar marrying of antagonistic forms of government and justificatory frames underpinned ongoing contestations and negotiations between different constituencies and the concomitant production of competing cultural claims.

Closely connected with the theme of liberal governmentality was the discourse of improvement, which saw all human beings, regardless of race, as being “improvable” through the provision of modern environments and the inculcation of “civilized” ways of living. As has been illustrated in several case studies, particularly those concerning the provision of water supplies and other urban amenities, the conception of health and sanitation as an economic-political problem led to the development of new techniques of managing the urban population along with an increasing administrative practice. While these modernizing projects promoted by engineers and architects were at once material and technological, they were also social, aiming to shape the norms of subjects according to “universal” standards that enabled indirect government. At the same time, interventions in infrastructure, planning and building code promoted a kind of “graduated sovereignty” that in turn created new social hierarchies and reinforced class distinctions. A case in point was the debate about allowing Chinese who developed “civilized habits of living” to live in “European reservations.” Indeed, the term “respectable natives” came to be widely used, often as a form of hierarchical self-reference by the Chinese themselves, illustrating the entrenchment of the improvement discourse central to colonial development.

Crucial in enabling these “liberal practices” of government to function in Hong Kong’s colonial context was another important discourse, that of upward mobility. Notwithstanding underlying social tensions, the fact that many Chinese immigrants had in fact “made it” (whatever the real odds) also rendered the city a compelling backdrop for many “rags to riches” stories that have so often played a legitimating role in capitalist urban development. At the same time, the success of these immigrants provided a model for others and fostered a sense of self-reliance and aspirations to make a better life – albeit one only made possible, ironically, on colonial soil. Although most credited their success on individual effort and not on the colonial system per se (a sort of early neo-liberal governmentality), they also recognized that the laissez-faire framework instituted by the “colonizers” had made rapid accumulation of capital possible. It can thus be argued that these kinds of complex sentiments of “colonial subjects” helped dissolve some of the simmering antagonism in the territory and provided a source of stability. While the discourse of upward mobility and an individualizing “can-do” spirit were important elements that buttressed colonial rule, it also enabled the Hong Kong Chinese to maintain a sense of pride and cultural identity that separated them from the

British and Europeans. Indeed, the idea of Hong Kong as a land of “freedom” was arguably the core of Hong Kong’s coloniality, and one that remains substantially intact today.

This research project was built upon the objective of tracing a genealogy of a colonial urban milieu with a focus on the connections between property practices and the construction of colonial culture. The nature of such an enquiry calls for careful attention to the reciprocity between “agency” and “structure,” institutional frames and individual practices, and the contestations and collaborations between different factions of “colonizers” and the “colonized.” It is thus admittedly an ambitious project, and inevitably there have been gaps and silences that do not match these ambitions, directions that could have been explored in further depth.

The dissertation has only touched upon the role of aesthetics and symbolism in enlisting participation in, and helping to sustain the colonial system and liberal governmentality. Though it explored in some detail the significance of modern amenities such as water supplies, the symbolic significance of architecture remains to be further explored. It could also have benefited from further contextualizing Hong Kong within a larger frame and of transnational analysis. For example, there is also much more that could be examined in understanding housing policies in the “core” and “periphery” and their interplay. In addition, the connections between Hong Kong and housing elsewhere in China, especially Canton, remains to be investigated.

Another issue that could be rendered in more complex terms concerns the category of “Chinese.” Although I have discussed the ambivalences that result from the class ascent of Chinese entrepreneurs in the colonial context, more attention could be given to different ethnic, religious and gender divisions within the Chinese population. In addition, though I have examined some of the wider ethnic complexity of Hong Kong – in my discussion of the desire for a “Portuguese enclave,” for example – more could be said about the diverse groups of Asians and “Westerners” who lived within the territory.

In examining the mediation between property practices and the shaping of the colonial urban milieu, I have attempted to elucidate a more complex past than the commonly understood “Hong Kong success story.” And indeed, as I have tried to show, the trajectories of this past are very much alive in the present. All of the themes of the colonial period -- the “high land price” system, the centrality of property ownership and speculation, a government depicting itself as benevolent and committed to *laissez-faire*, a belief in progress and upward mobility, and a supposedly apolitical populace – continue to shape the forms and norms of the built environment. In this way, this dissertation not only illuminates some of the subjugated trajectories and historical processes of the past, but at the same time speaks to current dynamics shaping the discourses of the postcolonial present.

## Appendix I

# Law Relating to the Regulation of Planning, Building and Public Health, 1841-1941

### The Ordinances of the Legislative Council of the Colony of Hong Kong

- 1844 Preservation of Order and Cleanliness Ordinance
- 1856 Buildings and Nuisances Ordinance
- 1866 Order and Cleanliness Ordinance
- 1883 The Order and Cleanliness Amendment Ordinance
- 1887 Public Health Ordinance
- 1888 The European District Reservation Ordinance
- Verandahs Ordinance
- The Regulation of Chinese Ordinance
- 1889 Building Ordinance
- Crown Land Resumption Ordinance
- 1890 Waterworks Ordinance
- 1894 Closed Houses and Insanitary Dwellings Ordinance
- Taipingshan Resumption Ordinance
- 1899 Insanitary Properties Ordinance
- 1903 Public Health and Building Ordinance
- 1904 The Hill District Reservation Ordinance
- 1918 Peak District (Residence) Reservation Ordinance
- 1922 Rents Restriction Ordinance
- 1935 Buildings Ordinance
- 1939 Town Planning Ordinance

### Related Law in Great Britain and Other Colonies

- 1844 Metropolitan Building Act
- 1858 New Streets and Building By-law 1858
- 1875 The Public Health Act
- 1877 Models By-Laws
- 1885 The Housing of the Working Class Act
- 1892 Glasgow Building Regulation Act
- 1894 London Building Act
- Land Acquisition Act (British India)
- 1909 Housing and Town Planning Act

## Appendix II

## Major Commissions Appointed to Inquire into Housing Condition and Building Regulation, 1882-1935

- 1882 Osbert Chadwick's inquiry into the sanitary condition of Victoria
- 1886 Land Commission
- 1897 Commission to inquire into insanitary properties
- 1902 Commission to inquire into the Public Works Department  
Osbert Chadwick and W.J. Simpson's inquiry into the housing condition of Victoria
- 1906 Commission to inquire into the working of the Public Health and Building Ordinance and the existence of corruption in the Sanitary Department
- 1923 Housing Commission of 1923
- 1924 Report on the development of the port of Victoria
- 1935 Housing Commission of 1935

## Appendix III

## Governors of Hong Kong, 1841-1935

1843-1844	Sir Henry Pottinger
1844-1848	Sir John Davis
1848-1854	Sir George Bonham
1854-1859	Sir John Bowring
1859-1865	Sir Hercules Robinson
1866-1872	Sir Richard Macdonnell
1872-1877	Sir Arthur Kennedy
1877-1882	Sir John Pope Hennessy
1883-1885	Sir George Bowen
1887-1891	Sir William Des Voeux
1891-1898	Sir William Robinson
1898-1903	Sir Henry Blake
1904-1907	Sir Matthew Nathan
1907-1912	Lord Frederick Lugard
1912-1919	Sir Francis May
1919-1925	Sir Reginald Stubbs
1925-1930	Sir Cecil Clementi
1930-1935	Sir William Peel
1935-1937	Sir Andrew Caldecott
1937-1941	Sir Geoffry Northcote

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## Abbreviations

- CO129 Colonial Office Records, Great Britain. Series 129. Governors' Dispatches and Replies from the Secretary of State for the Colonies, 1841-1913.
- CO1069 Colonial Office Records, Great Britain. Series 1069. Colonial Office and Successors: Photographic Collection, 1815-1986.
- PRO Documents of the Hong Kong Public Records Office, The Special Administrative Region of Hong Kong.

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*The China Mail.*

*The Illustrated London News.*

*Royal Society of Arts Journal.*

*The Straits Times.*

*The Times.*

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