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# Hong Kong Public and Squatter Housing

Geopolitics and Informality, 1963–1985

Alan Smart and Fung Chi Keung Charles

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# Preface

This book resolves questions that emerged from my doctoral and subsequent research and offers a new lens on postwar Hong Kong. After four decades of failing to end new squatting after the Second World War, and with their numbers climbing to over 750,000 in 1982, the colonial Hong Kong government finally succeeded after 1984. A key part of this success was the 1984–1985 Squatter Occupancy Survey (SOS), the first time that the residents of squatter areas had been registered, rather than just their structures. Its importance was that, afterward, only those occupants registered at this time were eligible for resettlement in permanent public housing. It played a crucial role in the turning of the tide against squatting. Similar shifts occurred in the same period against other forms of informality, which reveal a trend toward formalization.

This preface removes from the main narrative of the book autobiographical details of how the research questions it answers were developed. It also addresses theoretical issues of disclosing plausible explanations in the absence of compelling documentary proof.

This book is based on archival research since 2012, supported by more than 26 months of ethnographic and interview research on squatters and squatter clearance in Hong Kong since 1982, a previous major archival project on the origins of the Squatter Resettlement Programme, and MPhil research on colonial governance by Fung Chi Keung Charles. The 30-year rule for access to confidential government documents allowed reading of files that were being generated behind my back while I was conducting anthropological participant observation in the Diamond Hill squatter area in Hong Kong from 1983 to 1985. An important policy change in squatter administration, the Squatter Occupancy Survey, occurred in the middle of my field research, providing an opportunity to challenge and expand my account of the political economy of squatter housing and squatter clearance (Smart 1988). Anomalous squatter property—illegal but bearing socially legitimate value—developed a distinctive informal real estate regime (Smart 1985, 1986), but that system could not persist in its prior form after the new regulatory regime instituted through the SOS.

My funded research proposal to Canada's Social Sciences and Humanities Research Council (SSHRC) asked how and why this Survey was conducted, breaking past bureaucratic precedent. That proposal was supported by a plausible geopolitical explanation of the adoption of that Survey, and more generally the formalization of informality. Prior research had been unable to uncover any smoking guns to support a geopolitical explanation. But I had high hopes for the opening of the files for 1984 and the 1980s more generally. The archival research attempted to evaluate the adequacy of the geopolitical explanation. A key part of this effort was to look for rival explanations not already considered. The archival methodology involved reading or photographing every document that referred to squatter or squatting or other variants, examining every alternative keyword that seemed directly or peripherally connected to my questions and concerns, then pursuing leads that emerged from this reading. I also consulted widely with Hong Kong experts who were willing to offer insight into relevant issues and documents. Josephine Smart was the co-investigator on the project, following up on her doctoral ethnographic research on illegal street vendors in Hong Kong, carried out from 1982 to 1985. While some issues around street vendors will be discussed in this book, the bulk of that analysis and documentation will be the subject of a later book. Their dynamics of formalization took a different trajectory, in part because vendors did not prevent the development of land, only impeding the movement of traffic and pedestrians. Both were seen, however, as posing risks to public safety and public order, while jeopardizing the modernizing look of the rising city.

Charles Fung's involvement in the project began in mid-2020. The outbreak of the COVID-19 pandemic around early 2020 posed a research challenge due to worldwide travel restrictions. Against this backdrop, I asked for his help to access files from the Hong Kong Public Records Office. Previous experience of doing archival research, including the tacit knowledge of locating relevant materials in the Public Records Office, enabled Fung to find unexplored files that I had not been aware of. Before coming aboard the project, he had already done research on colonial governance in Hong Kong. While his MPhil research was about colonial fiscal policy implemented in postwar Hong Kong and Singapore, he continued to explore other relevant topics, including Hong Kong's external relations and the Chinese as an official language movement in the early 1970s.

The collaboration became more ambitious when Fung started to offer ideas about alternative explanations. He suggested that the colonial government's decision to exclude recent Chinese immigrants from obtaining public housing flats was undertaken in the name of being fair to the local people. His earlier research on the changing governing strategy of the colonial government before and after the riots in the 1960s argued that the imperative of



promoting loyalty was a crucial factor that made the colonial authority become more responsive to popular demands. In this light, he then wondered if the change of eligibility for permanent public housing, which also exacerbated the problem of housing shortages in the early 1980s, had to do with the local identity/political loyalty that the colonial government tried to foster during the 1970s. Addressing these issues requires tracing the process of how the identity issue entangled with the housing policy, while trying to explicate the role of the colonial government more generally.

Explaining governmental actions and inactions presents large methodological problems. The public explanations given by serving government officers and politicians rarely present more than a portion of the underlying motivations and contexts. Subsequent memoirs can offer useful accounts, but generally are written with self-serving objectives. Even for the most scrupulous and honest of retrospective commentaries, memories shift over time while what is discussed is influenced by priorities, concerns, and issues at the time of writing, including normative bias (the natural tendency to present one's actions as fitting with preferred norms). Interviews with serving officials suffer from the need to support the "party line": no one has an interest in making public that their practices do not fully conform to policy. Interviews with retired officers can be invaluable in getting at more sensitive issues, but details fade over the years. I have had interviews where the original confidential documents were more vibrant, precise, and illuminating than vaguer recollections of what was going on decades earlier. We quote these documents in depth because of this, as well as in acknowledgement that only specialist researchers will ever look at the originals (particularly since they have not yet been digitized). Memoirs can be invaluable, though, in providing crucial context for the discussions. Legal cases also sometimes offer moments of transparency and vantage points on otherwise unmentioned and taken for granted practices (Schneider and Schneider 1999; Chapter 9).

Confidential documents, including transcripts of key meetings, are the most valuable resource for finding insights into the play of debate among representatives of different agencies and viewpoints, particularly into what alternatives were considered to those eventually adopted. In the British Empire in the twentieth century, at least, files on specific issues were circulated, with relevant documents on the right side and a running commentary of minutes added on the left, as the file passed from one desk or office to another. In my previous research on the beginning of Hong Kong's public housing program (one of the largest and most successful in the world, sheltering 45% of Hong Kong's current 8 million population) in the 1950s, these policy files were a treasure trove, full of candid commentary and disagreement in which decisions could go from being considered impracticable and undesirable to becoming essential, sensible solutions. However, the archival rule in the 1950s

was that confidential documents would only be released after 50 years; most of those involved would be dead or at least retired by the time the material came to light, facilitating very frank and illuminating discussions. Freedom of information rules, and the change from 50 years to 30 years for release in Hong Kong, although in principle desirable, have had the unintended consequence of discouraging officials and politicians from writing down potentially dangerous comments on paper. Even email has become problematic, encouraging face-to-face discussions on sensitive issues, as well as innovations such as the use of removable Post-it® Notes on documents (Sharma 2018).

When I began intensive archival research on the 1980s files released after 2010, the rich materials uncovered in the files for the 1950s and 1960s seemed to be thinner and less thought-provoking. This might have been the result of self-censorship in the corridors of power, but in recent years, another possibility became disturbingly revealed: the extent of “sterilization” of files as part of the decolonization process. I first heard about the sanitizing of the Hong Kong Archive from a senior civil servant, but interpreted it as involving sensitive files being transferred to the National Archives in London to prevent them falling into the hands of the Chinese Communist Party in 1997.<sup>1</sup> It was only with the public scandal generated by the work of Caroline Elkins (2005) that it became clear that there was something more systematically distorting of history going on with the disposition of colonial records. Elkins revealed the preindependence systematic destructions of files about detention centers and pervasive torture during the Mau Mau Rebellion in Kenya. Ian Cobain (2016, loc. cit., 156–162) documented that such actions were common in other British colonies prior to independence. The end of the Empire was “accompanied by an extraordinarily ambitious act of history theft, one that spanned the globe, with countless colonial papers being incinerated or dumped at sea.” This was “Operation Legacy . . . intended to erase all trace of the darker deeds of Britain’s colonial enterprise.”

The Foreign Office’s invisible cache of historical records took up 15 miles of floor-to-ceiling shelving, many of which were migrated to a high-security intelligence facility in Hanslope Park, rather than made available through the National Archives. There were 50 meters of Hong Kong papers (Cobain 2016). In 2011, Foreign Secretary William Hague requested Anthony Cary to conduct an internal review into the migrated archives. Cary reported that with the flurry of decolonization—as set out in a Colonial Office guidance telegram of 3 May 1961 on the disposal of classified records—successor governments should not be given papers that might embarrass governments, members of the Police, military forces, public servants or police informers; that might compromise sources of intelligence information; or that might be used unethically by the successor government (Cobain 2016).

The ending of geopolitical constraints on repressive action on squatters may still account for reduced toleration of illegal housing and attendant harsher clearance arrangements, particularly for those who moved into squatter dwellings after the Squatter Occupancy Survey in 1984. The problem might be that the documentation necessary to prove this has been destroyed or is still inaccessible. If so, how could a geopolitical explanation be either supported or rejected?<sup>2</sup> This raises the question of the “plausibility” of explanations. A plausible—as opposed to a demonstrated or proven—explanation is one that is consistent with all available relevant information and makes sense within an adequate theoretical framework but is not definitively supported by strong evidence. Once its plausibility is sufficiently established, the key question becomes whether it is better than all other rival plausible explanations.

Recent developments in abductive methodology, related to the critical realist philosophy underlying structuration theory (Sayer 1992; Bhaskar 2008), have been useful in grounding our search for explanatory plausibility. The idea of abduction derives originally from the work of Charles Sanders Peirce (1839–1914), an American philosopher central to the history of pragmatism and semiotics. Abduction involves the argument that a “surprising fact C is observed; There is reason to suspect that some hypothesis of kind K explains C; Hence, there is reason to suspect that some hypothesis of kind K is true” (Niiniluoto 1999, S440). “Abduction” is used in two different senses. In both senses, the term refers to some form of explanatory reasoning. Historically, it refers to the place of explanatory reasoning in generating hypotheses, while in the sense most frequently used in later literature it refers to the place of explanatory reasoning in justifying hypotheses. In the latter sense, abduction is also often called Inference to the Best Explanation. Hypothetic inference for Peirce “is not only a method of discovery but also a fallible way of justifying an explanation. Thus, in the strong interpretation, abduction is not only an inference to a potential explanation but to the best explanation” (Niiniluoto 1999, S443).

Abductive reasoning—distinguished from both inductive and deductive reasoning but drawing from the strengths of both—is a “form of inference that takes us from descriptions of data patterns, or phenomena, to one or more plausible explanations of those phenomena” (Haig 2008, 1020). Phenomena are uncovered that surprise, since they do not follow from any accepted hypothesis or theory, such as the sudden end to new squatting in Hong Kong in 1984, despite continual failures to achieve this at large expense for three decades. The challenge differed from that in my earlier work on the beginnings of Hong Kong’s squatter resettlement program in 1954. These efforts entailed first evaluating, and rejecting, a number of proposed rival explanations. After that, work turned to developing an alternative account that adequately explained the phenomenon while also providing a reasonable

verification of its veracity to the historical events and processes. In our current effort, there are no extant explanations for the turning of the informal tide after 1984, nor discussions of the role of the SOS in enabling the shift, other than Smart's earlier commentaries (Smart 1988, 1989b).

Once the initial plausibility of an explanation is accomplished, "attempts are made to elaborate on the nature of the causal mechanisms in question. This is done by constructing plausible models of those mechanisms by analogy with relevant ideas in domains that are well understood. When the theories are well developed, they are assessed against their rivals with respect to their explanatory goodness. This assessment involves making judgments of the best of competing explanations" (Haig 2008, 1019–1020). Following these precepts is much less clear-cut than it would be in a laboratory science, but we have attempted comparable procedures. Rather than a formal model, we need to generate a sufficiently robust account of the nature of governmental organization and process in a particular kind of state (colonial) at a particular time and place. From this, we can identify apparently causal mechanisms. Ultimately we needed to combine multiple explanations to adequately account for the outcomes and the paths taken to get there.

The pathway to understanding the pivotal turn of 1984 and its place in the history of modern Hong Kong was complex and winding. Our hope is that our description of it will both convey the reasons for that complexity and try to make the journey as clear and enjoyable as possible. Microhistories (see Chapter 1) and ethnographies alike burrow into the minutiae of everyday life, or everyday policymaking, to shine new lights onto distinctive experiences. In this case, a history of the pathways that led to the end of new squatting reveals how the policy discussions—and the multiple influences on them—moved through multiple waves of "solutions," failures, and gradual awareness of what needed to be done to end what the policymakers called the "squatter problem." Things could have been very different, as we discuss in the penultimate Chapter 11, which uses Hong Kong's experience to consider varying pathways in other Asian cities.

Alan Smart

# Introduction

Change can never be disentangled from continuity because it is constitutive of it: the two together define the experience of historical process.

—Alice Yao, *The Ancient Highlands of Southwest China* (2016, 36)

This book reveals how Hong Kong, after decades of failing to resolve the “squatter problem,” finally succeeded in ending new squatting after 1984.<sup>1</sup> It has also gradually decreased the numbers of squatters from a peak of about 750,000 in 1982 (Figure 1.1), although there are still over 200,000.<sup>2</sup> This might seem to some a marginal topic, but that would neglect the global and local consequences of squatting. Globally, there are over 1 billion squatters (Neuwirth 2005), and the numbers may be continuing to rise, with immense consequences in diverse policy domains. Locally, we will demonstrate how the management of Hong Kong’s squatters and squatter areas has played a major role in structuring the kind of landscape, government, and society that emerged in the four decades after 1949.

Informality was central to Hong Kong experience and development prior to 1984, and to a considerable extent afterwards as well. Despite government opposition, it made major contributions to Hong Kong’s economic and social miracles in the period after the Second World War. It was also of great importance in other colonial and postcolonial cities, with vast attention to it for the latter overshadowing considerable neglect for the former.<sup>3</sup> Informality involves practices that do not conform to the prevailing rules and regulations, but where goods, services or other practices are not inherently illegal, such as producing informal housing rather than contraband drugs. Up to 80% of paid work in the Global South is informal (Jütting and Laiglesia 2009, 13), but if we expand the scope to include unpaid work such as domestic labor, then more than half of all work globally might be informal. While there are strong forces and reasons for the expansion of informality, national governments and supranational agencies are strongly promoting the formalization of informality, either through making informal practices legal (regularization), or through eradication and eviction, which was the dominant route in Hong



**Figure 1.1:** Squatter area, Yau Tong, Kowloon, 1983. Copyright and provided by Alan Smart.

Kong (Smart and Smart 2017a). Hernando de Soto (2000) has convinced many international development policymakers and think tanks that the key to poverty reduction is turning informal assets into formal capital, which can be leveraged through loans and other benefits.

Research on informality began with the idea of the informal sector, as opposed to the formal sector of firms included in government statistics and conforming to regulations. Keith Hart (1973) introduced the term “informal sector” in 1971. He used the concept to demonstrate, counter to then-current development ideas, that the urban poor were not unemployed, but instead working in ways that were unregulated by law and invisible to bureaucracy. The International Labor Office presented the informal sector as an opportunity for development, but conceived it as a separate sector of small-scale, low-productivity, low-income activities without benefit of advanced machines. Later research demonstrates that it is not a distinct sector of the economy (Hart 2010; Roy 2005). It is more useful to see informality as a different way of doing things. It is to varying degrees ubiquitous, but often mostly invisible and deniable. The dominant debates on informality and what to do about it were for too long based on dichotomous formal/informal, regular/irregular, or legal/illegal lines, where government/law equates to formality. This echoes the Global North/Global South divide in which the North stands for formality

and the South represents informality (Harris 2017). Formality and informality, in such views, are considered domains that oppose and often exclude each other, often to the extent of being defined as polar opposites on a composite range of characteristics.

Ethnographic studies have demonstrated how formality and informality coexist, portraying their entanglement with each other in their formation and transformation (Heyman 1999; Lomnitz 1988; Smart 2001; Smart and Zerilli 2014). Keith Hart (2010, 148) describes formality and informality as inevitably intertwined, but usually in conflict. James Scott (1998, 310) emphasized the inseparability of the formal and the informal: “the formal order . . . is always and to some considerable degree parasitic on informal processes, which the formal scheme does not recognize, without which it could not exist and which it alone cannot create or maintain.” Analytically, it is better to think in terms of a duality, with a spectrum of degrees of formality and informality, rather than a dichotomy (Guha-Khasnobis, Kanbur, and Ostrom 2006; Koster and Smart 2019). The position of any particular practice or situation on this spectrum depends on context and the ability of people to legitimize their actions as conforming to prevailing rules.

Many dualistic approaches suffered from using multifactor definitions of the informal sector, lumping together such features as labor-intensity, unsophisticated technology, and failure to follow regulations. These do not necessarily covary. For example, insider trading can use extremely sophisticated forms of financial engineering and large amounts of capital yet adopt informal, if not illegal, practices. It also operates in the gray areas between clearly legal and illegal (Smart 2021a). One result of the dichotomy was to generally equate the informal sector with the poor and marginal, and by implication assume that it did not exist among the rich and powerful. As a result, we know much less about informality among the middle classes and the elite (Browne 2004; Calor and Alterman 2017; Morris and Polese 2015). A single factor definition of the informal economy is much more useful than one that assumes multiple factors uniformly covary. One of the most viable single factor definitions is to see informality as including practices where the goods and services transacted are legal, but the ways in which they are transacted are not (Portes, Castells, and Benton 1989). This approach distinguishes informality from both formality and from the illegal economy, which consists of those fields in which the goods or services themselves are illegal, such as contraband drugs, fencing stolen goods, and so on.

Even the most formal institutions have informal practices (Smart 2018a). The Western judiciary is perhaps the most formal of all, with its efforts to have all rules and their interpretation procedures clearly specified and uniformly applied, providing alleged equality before the law. Yet it still has important and pervasive informal practices and conventions, taken for granted in the

daily practices of courts, such as the plea bargaining that keeps the system from being completely overwhelmed by the volume of cases. In other domains and places, informal work-arounds to cope with red tape and bureaucratic inflexibility are ubiquitous—and arguably indispensable. Practices of squatter control in Hong Kong have repeatedly been criticized by people like the Attorney General as lacking in legal foundation (see Chapters 4 and 10). Reforms of the overall policy making process in the 1970s attempted to regularize decision-making (see Chapter 5). While our focus is principally on squatter control, the effort to make sense of how and when key decisions were made requires us to also consider formalization within government itself.

While our project here focuses on the formalization of squatting, a similar process occurred with the “hawker problem”—street vendors illegally selling in the crowded streets of hyper-dense Hong Kong. Informal practices—such as squatter factories, manufacturing in domestic premises, and informal labor management through outwork (Lui 1994)—were a key part of Hong Kong’s manufacturing miracle of the 1950s and 1960s, as well as its contribution to the economic miracle of China’s Pearl River Delta after 1978 (Smart and Smart 2012). These dynamics, as well as those for other forms of informality that were important in colonial Hong Kong, are considered in Chapter 2.

We next provide a relatively brief discussion of the pathway to the ending of new squatting in Hong Kong, and more generally attempts by government to deal with the “squatter problem.” Following that, we introduce the theoretical ideas that underpin our analysis. We end this chapter with an outline of the book as a whole.

## **Ending New Squatting**

The tide turned against Hong Kong’s informal housing in 1984. We argue that the registration of squatter occupants—and not just the structures in which they lived, which occurred then for the first time ever—was a big part of making this tipping point possible. This book describes how that event happened and why it happened then, in the way that it did. The path to formalization could have taken other routes, or even never been followed at all.

Hong Kong tried four approaches to formalize squatter areas. One kind of eradication was simply to demolish the structures and evict the residents. This was the only approach used before 1952, but it continued in some circumstances thereafter. The second kind of eradication, dominant after 1954, was demolition plus resettlement. This made the clearance of squatter areas much easier but did not end new squatting. The first approach that involved regularization was tenure change, providing some kind of title or formal security to squatter structures without their having to meet conventional regulations. This was discussed periodically from 1970 but never implemented in



the urban areas.<sup>4</sup> The second type of regularization was improvement, which in Hong Kong not only kept the structures themselves illegal but prohibited the private improvement of existing, tolerated structures. Instead, it focused on improving the infrastructure in the area, attempting to reduce the visual squalor that attracted outside criticism, while reducing the risk of fire, landslides, and public health problems.

The core of our book examines the rationales behind the promotion, adoption, and rejection of each of these approaches, and how their consequences constrained and channeled the pathway to ending the squatter problem. These decisions had massive consequences for the landscape, political economy, and society that developed in postwar Hong Kong.

Hong Kong's pathway is perhaps unique, though most comparable to Singapore's (see Chapter 11), but it still has lessons for the continuing global situation of more than 1 billion squatters (Neuwirth 2005). Our main goal, though, is to unravel how the end of new squatting and formalization was achieved. A sustained methodological and theoretical focus on that question is used to draw conclusions about why it happened the way that it did. The consequences of this shifting tide will also be considered. We begin with what we have discovered to be a pivotal decision, and which has not previously been addressed by historians or other scholars of Hong Kong.

The clearest line to the 1984 Squatter Occupancy Survey (hereafter SOS)<sup>5</sup> and the end of the growth of squatter areas, takes us back to 1970, when the Governor of Hong Kong, David Trench, raised concerns over the conditions in squatter areas, specifically in areas not required for development.<sup>6</sup> This issue was prompted by high-level questions from the United Kingdom. In a memo to Hong Kong's Colonial Secretary (Hugh Norman-Walker), the second highest official in the Hong Kong bureaucracy, he reported that:

You will recollect Mr. Heath's [Edward Heath, Prime Minister of the UK June 1970 – March 1974] concern over squatters, mentioned while here and conveyed to us recently by the Secretary of State [Sir Alec Douglas-Home]. Mr. Royle [Anthony Royle, Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs] has raised this with me again and has asked if we could not do something more about them: in spite of the fact that our whole corpus of argument on this general problem is accepted as valid.<sup>7</sup>

These were surprisingly high-level interventions into the "squatter problem." In addition to Prime Minister Heath's original concern, Douglas-Home was not only the Secretary of State for Foreign and Commonwealth Affairs but had been Prime Minister himself from 19 October 1963 to 16 October 1964, and leader of the Opposition for the following year, in which post he was succeeded by Edward Heath. Hong Kong had generally operated with a high degree of autonomy, in part because it characteristically operated with budget surpluses and did not require financial support from Britain. Economic success in a

colony increased its autonomy, from both imperial oversight and local economic elites (Scott 1989). The exceptions to colonial autonomy tended to be when issues became public concerns or scandals within Britain itself or in Parliament (Ure 2012; Faure 2003a). Even in such cases, the Hong Kong government was usually able to deflect such metropolitan interventions with more modest reforms than those suggested, by explaining the local conditions that made more radical reforms impractical.

By the 1970s, however, London's<sup>8</sup> interventions had become more forceful and consequential. They were more successful at prompting action, but we will show that the kind of action undertaken was largely the outcome of local processes, constraints, and preferences. Hong Kong's massive public housing program, initially a squatter resettlement program, resulted not from pressure from the Colonial Office, but instead was the outcome of a learning process after other efforts failed to solve the squatter problem. Resettlement of squatters was an undesired and reluctantly adopted solution, conditioned by the way in which the geopolitical situation—a precarious colony on the edge of Communist China during the Cold War—made squatter clearance without resettlement impractical and risky (Smart 2006; Smart and Lam 2009).

It seemed reasonable that geopolitics might also offer an explanation for the turning point for the squatter problem that is the focus of this book: the effective ending of new squatting. The timing of the SOS made this explanation even more plausible, since it coincided with the negotiations for the Sino-British Joint Declaration on the Question of Hong Kong, signed on 19 December 1984. The UK transferred sovereignty over Hong Kong to the People's Republic of China (PRC) on 1 July 1997. The constraints posed by the threat of Chinese intervention in support of "oppressed" squatters disappeared in a context where Beijing, Guangzhou, London, and Hong Kong all shared interests in social and political stability in the transition to 1997. Research had located substantial documentary evidence, including several smoking guns, in support of the geopolitical explanation of the multistorey squatter resettlement beginning in 1954 (Chapter 3, Smart 2006).

In the research reported in this book, we have intensively looked for smoking guns and other evidence supporting a geopolitical explanation for the end to new squatting and the SOS, but without success. While it seems reasonable that more forceful options might have become available for dealing with the squatter problem because of geopolitical change, we have not found statements to demonstrate that this directly affected the decisions we are concerned with. While absence of evidence is not evidence of absence, it does complicate any argument that relies on a change in constraints on governmental actors. Instead, we broadened our search of the formerly confidential documents from the period, trying to make sense of how and why the crucial decisions were made. We reconstruct the path of choices and motivations that

those who apply Foucault to colonial governance. Governmental plans often, perhaps usually, go astray. It also does not seem to fit the squatter problem very well, yet extensive squatter areas sprang up in many colonial cities. A fuller development of the promising beginnings of the Foucauldian analysis of colonial governance requires an examination not just of the techniques of control and surveillance, but also of their failure, and of the outcomes deriving from interactions between the two. Our analysis of the genealogy of the SOS emphasizes that the path leading to it was littered with false starts, failures, and uncertainty.

Political economy encourages us to follow the money, and the power of those who control the assets that generate authority as well as wealth, while Foucault considers how government has its own dynamics, potentially but not necessarily synchronized with the “needs” of the dominant mode of production. Structuration theory provides an open-ended methodology for incorporating a non-dogmatic consideration of both political economy and Foucault into our processes of theorizing concrete histories of the development of states, societies, and economies. This line of inquiry also provides techniques for yoking them together in provisional assemblages of temporary fixes and responses to crises and other challenges. Accordingly, this book uses these theoretical insights to help us trace those pathways toward formalization of informality which were thought possible, as well as balancing interests, power, resources, and ideas that made certain decisions and choices appear more desirable and practical in the circumstances. The outcomes and consequences occasionally encouraged the abandonment of plans and their replacement by alternatives, sometimes those that had previously been rejected. The course of our collaborative research has been comparable, as plausible explanations came to be seen as inadequate in the light of issues and discussions we had either been unaware of, or which previously did not appear to connect to our concerns. The minutiae of policy debates are examined in detail, and with considerable attention to the words used to frame and contest them, not simply because of a historical fascination with them, but because they resulted in choices that made Hong Kong the kind of place it became in the last decades of colonial rule. In turn, the colonial territory that they helped form continues to ramify and echo through contemporary Hong Kong, where more informality might make the controls of an increasingly authoritarian government easier to cope with in the second half of Hong Kong’s promised 50 years of autonomy under the People’s Republic of China.

### **Outline of the Book**

Many of those who are quite familiar with Hong Kong history know relatively little about squatters, governmental concerns about the squatter problem,



**Figure 1.2:** Mark II resettlement housing, Kwun Tong, 1982. Copyright and provided by Alan Smart.

or the actual responses beyond the public representation of the Squatter Resettlement Programme by the colonial and postcolonial governments (see Figure 1.2). Its successor, the Public Housing Programme, has taken on mythological tones that were deployed to legitimize and celebrate the contribution of British colonialism in the transition to 1997 (Hampton 2015; Smart 2006). The first chapters provide a background and context for the examination of the processes that resulted in the end of new squatting in 1984. They also explain the nature and significance of informality and squatters, both within Hong Kong and globally.

Chapter 2 engages with concepts of informality, more useful than the older dualism between the informal and formal sectors. Rather than being restricted to the poor and marginal, informality is ubiquitous, with informal practices having great importance among the powerful, the middle classes, and within government agencies, such as police forces (as the Black Lives Matter movement is making distressingly clear). We situate economic informality, the subset which has received the most attention, in the broader context of informality in general. To a considerable extent, modernity is the extension of formal rules to a growing number of domains which had previously been treated informally, such as the punishment of children. Economic informality has received the most attention, concerning informal organization and practices in commodified fields such as commerce, lending, manufacturing, and services. It is useful to distinguish between economic informality as involving cases where the good or service is legal, but the way in which it is produced, distributed or reported does not follow extant rules. If the good or service itself is illegal, then we are dealing with illegality rather than informality (although there is certainly a great deal of informality within illegal economies as well). Informality is about squatter housing or unlicensed street vending, not heroin or contract killing. The chapter then turns to the widely discussed

and implemented practices of the formalization of informality, such as providing land titles to squatters or changing the rules to legalize food trucks. Finally, the pervasive informality of Hong Kong in the period between 1945 and 1966 is described, focusing on several domains of informality beyond squatting.

Chapter 3 concentrates on the importance of Hong Kong's vulnerable geopolitical situation in explaining the failure for four decades to resolve the squatter problem. It also helps us understand the changing geopolitical situation from 1984, with the signing of the Sino-British Joint Declaration to return Hong Kong to Chinese control in 1997. It explains how the geopolitical situation, and its inhibition of harsh responses to the squatter problem, accounted for squatter resettlement, while most rival explanations accounted only for the clearance and demolition of squatter areas and not for resettlement. Issues like threats to public safety and public health could be dealt with by clearance alone. They did not explain why large resources were devoted to rehousing squatters and hardly anyone else, especially since squatters were very low on the scale of "deserving" recipients of public housing in the minds of officials' minds. It then discusses how the 1984 deal—and its need for stability in the period of transition—offered a plausible explanation for the turning of the tide against squatting, since the prior constraints on harsher treatment of squatters had disappeared and public attention was averted.

Despite the apparent plausibility of a geopolitical explanation, thorough archival research has so far failed to uncover any smoking guns that support a conclusion that it clearly does provide a reason for the end to new squatting, and formalization more generally. That does not mean, of course, that the geopolitical explanation is not indeed correct. In the absence of direct evidence for its accuracy, a conclusion supporting a geopolitical explanation requires not only a demonstration of its analytic adequacy, but also the rejection of other plausible explanations as less powerful or less empirically supported. This would leave the geopolitical context of 1984 as the most plausible reason for the timing of these shifts in Hong Kong's landscape of informality, but we do find other explanations that are at least equally plausible. The second objective of Chapter 3 is to provide some necessary context for understanding the political economy of Hong Kong, and its influence on governmental regulation and intervention into informality and related issues. This context will help ground the following chapters, which offer alternative plausible accounts for the changes leading to 1984.

Chapter 4 provides more context for the remainder of the book by describing Hong Kong in the first half of the 1960s, concentrating on housing, squatting, and immigration from China. It builds on Smart's ethnographic research by providing a case study of the Diamond Hill squatter area, where he conducted his doctoral participant observation research, and interrogating the confidential government documents that help to explain why this large

(about 50,000 people) and well-located squatter area (on a large piece of flat land near the old airport and a large industrial zone, bisected by a major arterial road) survived until 2001.

Hong Kong in the first half of the 1960s was largely a straight-line continuation of the 1950s. That decade is described in *The Shek Kip Mei Myth* (2006). Pervasive informality persisted and grew, with hills in Hong Kong Island and Kowloon covered with both resettlement estates and squatter settlements, streets filled with itinerant peddlars and more static street vendors (both ready to flee at any sign of the hawker control squads), and corruption still rampant among governmental agents. The economy included strong representation by both small and medium-sized informal workshops and factories. Their influence was expanded through their associated informal outworkers doing piecework at home (Lui 1994, Smart 1992). The level of prosperity had increased, with wages higher than rivals in the region. Rather than leading to larger factories with greater economies of scale, rapid exploitation of new product niches through networked outsourcing of orders intensified. The established production system sped up even more. Along with soaring numbers of migrants from China, the cost of private housing continued to increase. Redevelopment displaced many people. Demand for public housing soared as well, but most could not access it except through living in a squatter structure demolished for development (see Chapter 8). Absence of significant democratic influence within the governance system fostered more dissatisfaction among the increasingly well-educated population, particularly since the serious undersupply of local university admissions lead many to study overseas.

Chapter 5 continues by presenting the context for the transformation of efforts to deal with the squatter problem. Between 1949 and 1984, the biggest turning point in Hong Kong history was the “riots” of 1966 and 1967. It is widely thought that these disturbances resulted in widespread reforms, which stopped short of any significant democratization due to the geopolitical situation. This chapter discusses the nature of the disturbances and their impact. The 1966 riots were much shorter in duration and smaller in scope and space compared to 1967, which involved the violent spillover of China’s Cultural Revolution into Hong Kong. Documentation, though, demonstrates that 1966 did have an important impact and likely would have led to reforms even in the absence of 1967, because it was clearly of Hong Kong origin and represented a long festering set of issues. On top of anger about the housing situation, there was widespread resentment of the high profit margins of monopolies such as the Star Ferry and the power utilities (Goodstadt 2005). Without direct political influence, anger was more likely to emerge in street protests, which could turn violent—as has been occurring in dramatic fashion in contemporary Hong Kong.

One key narrative on the riots stresses how Governor Murray MacLehose (serving 1971 to 1982), instituted a decade of major reforms that created what many have seen as a discontinuity with previous governors. The MacLehose era has been “fondly remembered as a period marking a turning point in colonial rule in Hong Kong and in socioeconomic development in the postwar decades” (Yep and Lui 2010, 2). MacLehose’s major achievements included consolidation of the “four pillars” (public housing, education, medical and health services, and social welfare) and establishing the Independent Commission Against Corruption. In particular, since unaffordable and insalubrious housing was at the top of Hong Kong’s list of concerns, a massive public housing program was launched in 1972. This set off dynamics that eventually resulted in the ending of new squatting. The chapter also examines the issue of Hong Kong’s limited autonomy and the influence of intervention from London, one of the alternative explanations for the end of new squatting. Finally, we engage with the growing literature on crises and how they should be conceptualized. We suggest that series of crises often have a greater impact than a single one, which can foster a trend toward loss of trust in government, or, in other circumstances, a process of learning on the part of leaders.

Chapter 6 examines policy discourse around squatters on land not needed for development, first to generate an alternative explanation for the formalization process in Hong Kong, and second to evaluate the adequacy and plausibility of this explanation. This chapter is limited to the initial commentaries; the consequences of the decisions taken will be explored in subsequent chapters. These discussions emphasize practicality, envisioned possibilities, and constraints. They begin by muddling through, with some possibilities arising only to disappear from sight, while others condense as more suitable alternatives. Initial contingency grows into selected paths, which become easier to follow as they become established, and sometimes retrospectively appear to have been inevitable.

The third plausible explanation points to the contingent collision of distinct policy issues in a political and geopolitical context, which made possible an initially unintended course toward formalization. We call this the mangle of policy practice, based on science and technology scholar Andrew Pickering’s (1995, 23) metaphor of the antique washing machine mangle. Material objects frequently lead to the failure of human projects to achieve their goals. Humans must work with and against material resistance to our intentions. This idea can be extended to the unpredictable transformations worked upon whatever gets fed into the mangle of policy debate. Perhaps it can be more relevantly thought of as a sausage grinder, in the spirit of the adage misattributed to Otto von Bismarck: “To retain respect for sausages and laws, one must not watch them in the making.” Mangle analysis goes beyond path dependency by considering how multiple policy paths occasionally intersect

through the mangles of working parties, commissions or inquiries, resulting in unexpected entanglements and decisions. Ideas get fed through these policy mangles and often end up following paths no one fully anticipated or perhaps even wanted, such as the 1950s transformation of the squatter problem into the Resettlement Programme (Smart 2006). Early choices can have substantial unexpected effects, but can also subsequently turn into dead ends. This chapter addresses some early choices that made formalization possible, while related initiatives will be considered in later chapters.

It is in Chapter 6 that we turn in detail to the key intervention from London in 1970 about the problem of squatters on land not needed for development, which launched the path toward the SOS. This chapter is the first deep dive into the confidential documents, exploring how discussions emerge from the circulation of files, and the outcomes can often be unexpected. In this case, neither of the solutions (resettling all squatters or giving them title) suggested by the governor to the problem raised by London were accepted. Instead, a third alternative of squatter area improvement without formalization or legalization emerged, temporarily successful, but ultimately being rejected in 1984. The chapter also demonstrates that the second possible explanation, intervention from London, is inadequate. London's influence succeeded in insisting that "something" had to be done about squatter areas that were attracting questions in Parliament and the press, but what that "something" was resulted from local deliberations much more than metropolitan influence.

Chapter 7 develops a fourth explanation based on imbalance of supply and demand of both temporary and permanent public housing in the Ten-Year Housing Programme. This was instituted during the term of Trench's successor, Governor Murray MacLehose. It was intended to resolve the housing problems experienced by most of the population, and thereby encourage loyalty and confidence in the colonial government. These and other reforms were in part responses to the riots discussed in Chapter 5. However, the massive housing developments launched in 1972 were undermined by problems in clearing squatter areas to allow new development, and by resulting imbalances between the supply and demand for temporary and permanent public housing. Despite the massive impact of the Ten-Year Programme for Hong Kong, the confidential documents appear as yet underexplored in other studies. The chapter examines how these failures derived in substantial part from failure to make enough land available for development. This failure in turn resulted from delays in clearing squatter areas, impeded by shortage of temporary housing to relocate them. Only the occupants of the squatter dwellings surveyed and tolerated in 1964 huts were eligible for permanent housing, while families occupying those built after 1964 but surveyed in 1976 were eligible only for temporary accommodation. Two-storey temporary housing was



lower density than the squatter areas and permanent public housing estates, so in a land-scarce context, the eligibility policies created a major obstacle.

The decision to undertake the SOS in 1984 emerged from a “review of public housing allocation policies,” which in turn had been a response to a review of housing objectives and the Ten-Year Housing Programme in 1980. At that point, housing targets were being missed by a large margin. In particular, far from ending the squatter problem (which had been listed as the first target), 1980–1982 saw the largest number of squatters ever, peaking at over 750,000 in 1982. This upsurge was due in part to a large influx of migrants from China, but also to failures in squatter control, which are discussed in this chapter. In 1981, it was acknowledged that to deal with the shortage of temporary housing, it would be necessary to revise the criteria for admission into permanent housing so as to make a greater proportion of cleared squatters eligible for permanent housing. While resolving these problems, policy changes to resolve the imbalance with more generous treatment of squatters and migrants fostered the emergence of localist identities, while squatter improvement failed to remove the dangers of squatter areas on dangerous slopes. The earlier policies had generated an imbalance between the supply and demand for temporary housing and a solution required more generous treatment of squatters. But this leaves the question of why these policy-generated imbalances were created in the first place. The supply and demand imbalances are an important part of explaining the path to the SOS, but it does not account for why the imbalances existed.

Chapter 8 turns to citizenship and identity issues to explain how this imbalance developed. By the mid-1970s, the prominence of squatters and migrants in public housing allocation was fostering public sentiments that people who were born in or were longtime residents of Hong Kong were more deserving of the limited and widely desired public housing. Access through the means-tested Waiting List often required more than seven years, while many cleared squatters could be rehoused immediately and without being subject to the means test. The rise of Hong Kong identity in this period is a complicated process with various causes proposed by different scholars, but the conflict over public housing allocation seems to have accelerated the process and, so far, has not received adequate attention.

The chapter returns to the Ten-Year Housing Programme, offering a broader assessment of its motivations, outcomes, and failures. In particular, the chapter concentrates on the tensions around allocation quotas and explicates the discursive role of the colonial government in managing the tensions that arise from it. Beyond the resentment of squatters and migrants as undeserving of scarce public housing, the review of housing allocation also focused attention on the public housing tenants who had become rich, or at least better-off and benefiting, while poorer people languished on long Waiting List

queues. Fairness became a key battleground for the future of Hong Kong's public housing system. However, fairness conflicted with practicality, since imposing income limits on cleared squatters, for example, was recognized as complicating and probably delaying development clearances, and thereby endangering the completion of the housing production targets. Fairness also complicated the management of Chinese migrants, who were not eligible for public housing except through squatter clearance, and who mostly could not afford private housing. As a result, they became more concentrated in squatter areas, particularly in the 1980s, which contributed to their stigmatization.

Chapter 9 investigates the colonial will to improve, which formed one of the alternatives to eradication of squatter structures. This chapter has three objectives. First, it offers a description of this path to formalization in Hong Kong: squatter area improvement, which emphasizes formalizing the infrastructure, while leaving the legal status of the dwellings unchanged. Second, it considers another possible explanation for formalization: the colonial desire to improve problematic spaces and places, or more generally what James Scott (1998) describes as "seeing like a state," making its territory visible and accountable through "rational engineering of all aspects of social life" with an assumption that this would "improve the human condition" (Scott 1998, 88). The problem with this explanation lies in the belatedness with which such desires took hold in Hong Kong, and in squatter areas, and the need to offer further reasons for why it took place when it did. The third objective is to use the case of squatter area improvement to consider the strengths of some of the other plausible explanations posited in previous chapters.

Long before the 1982 launching of the Squatter Area Improvement Programme in Hong Kong, squatter areas (and squatters) were seen as in dire need of improvement, both by London and in Hong Kong's Government House. The most desired way to improve these areas was to demolish them completely and permanently, replacing them with something legally ordered. There were various constraints to this, particularly on land that was difficult to develop. Improvement in the absence, or delay, of demolition became an alternative after other solutions to the squatter problem failed, sometimes repeatedly. At the least, squatter improvement could help avert London's gaze and criticism on the squatter problem. Without a definite timeframe for persistence, infrastructure spending in tolerated squatter areas could not be adequately discounted, making them riskier and less attractive investments. Awareness of the considerable costs for moderate improvements may answer why the program had such a short life—1982–1984—although with a longer gestation and afterlife, since long delays in clearance after 1984 prolonged the need for infrastructure improvements. The collapse of the improvement strategy opened the path to the adoption of the resettling-all-squatters approach, with the SOS serving to limit the future costs involved in doing so.

Chapter 10 has two objectives. The first is to examine the crucial policy changes between 1982, when the Squatter Area Improvement Programme was put into place, and 1984, when it was decided to instead phase it out over five years, to resettle all squatters on vulnerable slopes, and to carry out the SOS. These decisions were influenced by growing awareness of the political and economic costs of managing landslip risks affecting squatters. The second objective is to describe the implementation and consequences of the Survey.

The main rationale for carrying out a survey of squatter occupants was that the survey of squatter structures alone does not prevent them changing hands, either being sold by racketeers or by the squatters themselves. This loophole enabled a number of people to jump the queue into public housing. Nor was there any way of controlling the increase in the numbers of people occupying existing surveyed structures. The importance of the SOS was that people not registered in it would not be eligible for resettlement in public housing. This capped the number of squatters to be rehoused during clearances, other than increases through births to registered occupants. Combined with more effective squatter control, the result would be that every time there was a clearance, or an occupant moved out or died, the number of squatters eligible for resettlement would ratchet downward. This made the decision in 1984 to resettle all squatters, even on land not needed for development, feasible by limiting the commitment to those already in place. It also avoided encouraging additional squatting. It put the final nail in the coffin of new squatting.

Chapter 11 builds on the results of the study of how Hong Kong ended new squatting after 1984 by considering a number of Asian cities with differing experiences. The comparison is focused on the mode of eviction used, and the reasons for tolerating squatting, drawing on typologies that Smart has previously developed for comparison in this field. Singapore is the only other example of a complete ending of new squatting addressed in this chapter. It generally has the most similarities with Hong Kong, particularly its huge public housing provision system. Kuala Lumpur is also close to having ended new squatting, although it is less controlled in other parts of Malaysia. It also shared the legacy of British imperial rule. Indian cities also echo their British heritage but have taken a more political path to the control of squatting, with widespread toleration giving way to a much more repressive regime of control in the last two decades. China, despite its cultural commonality with Hong Kong, has a heavily political mode of control of informal housing, which is generally unauthorized building in urban villages rather than squatting as such. Manila has the strongest and most effective squatter movement and has a legacy of in situ informal settlement upgrading and regularization, although this is currently eroding.

The Conclusion will draw together the argument that has been developed throughout the book, evaluate the six plausible explanations offered for the

end to new squatting and the turning of the tide against informality, and consider again the nature of historical explanation. It will sketch the state of informality in the Hong Kong of the 2020s and consider some of the consequences of the decline of informality. It will also draw out the policy implications of the study for the management of informality and consider some of the theoretical issues that have been raised.

## The Situation in the Early 1960s

### Introduction

The United Nations declared 1959–1960 World Refugee Year. As part of the campaign publicity, Trafalgar Square in London became home to an installation of 40 huts, “such as would be found in the squatter settlements in Hong Kong,” in order to demonstrate “how refugees lived on a daily basis” and left the British public “with an absolutely desperate picture of life in the colony” (Madokoro 2016, 89). The 1960s thus began for Hong Kong with unusual publicity for the difficult conditions of its squatters. Not all, though, were refugees. Many were born in Hong Kong. This chapter attempts to sketch the situation in the 1960s before the 1966 disturbances, with particular attention to migration and housing. The broad squatter situation is described through the discussions and decisions of a 1963 Working Party on Housing report that resulted in the White Paper entitled *Review of Policies for Squatter Control, Resettlement and Government Low-Cost Housing*, published in 1964. It was a turning point for policy on the squatter problem and was still influential in the mid-1970s. The adoption of the Squatter Occupant Survey (SOS) in 1984 can be traced in important ways to this Review. Subsequent policy interventions attempted to address the problems that eventually resulted from measures adopted in its wake. A local perspective on squatters prior to the 1964 Review is provided through an examination of squatter clearances planned in Diamond Hill in the early 1960s. The following chapter picks up from there, exploring the consequences of the twin riots of the Star Ferry (1966) and the Cultural Revolution (1967).

In many ways, Hong Kong in the first half of the 1960s was largely a straight-line continuation of the 1950s. Pervasive informality persisted and grew. The economy buzzed with small and medium manufacturing operations. The level of prosperity had increased, with wages higher than rivals in the region. Rather than simply leading to larger factories with greater economies of scale, rapid exploitation of new product niches through networked outsourcing of orders intensified. Along with soaring numbers of migrants from China, the

cost of private housing continued to increase, and redevelopment displaced many people. Demand for public housing soared as well, but most could not access it except through living in a squatter structure demolished for development. Absence of significant democratic influence within the governance system fostered more dissatisfaction among the increasingly well-educated population.

## Housing and Squatting

It was a “sudden upsurge in illegal squatting” that led to the appointment of a Working Party “to advise what changes in policy, if any, might be required”.<sup>1</sup> From 1957 on, the problems with the policy of squatter containment became more and more apparent. Since the main route into public housing before the 1970s was squatter resettlement, redevelopment of prewar tenements and migration were placing unmanageable pressures on housing for low-income people. Intensified use of the surviving tolerated squatter structures was one result, new squatting another. The Commissioner for Resettlement’s Annual Report for 1961–1962 stated that “[v]irtually all Crown Land in the Urban Area that is not impossibly steep is occupied to a greater or lesser extent by residential squatters or illegal cultivators” and mentions cases where 1,500–2,000 people were living in a single acre of one-story wooden structures.

One indication of the attractions of squatter areas—not just as a solution to housing problems but as a path to public housing—can be seen in income statistics. The expectation of many would be that squatters would be the most marginal and poorest segment of the population, but this was not always true. The possibility of getting into public housing more quickly through resettlement meant that there was a strong attraction for even middle-class households to take up residence in irregular settlements. The result, combined with the substantial level of social mobility for the working classes during this period, was that many squatter areas had substantial numbers of middle-class households and average incomes that were fairly close to the Hong Kong average. The median monthly income of private temporary housing (squatters in structures of temporary materials) households in 1981 was 76.12% of the Hong Kong median; by 1996, however, it had dropped to 54.9% (Census and Statistics 1981, 1996). The drop seems to have been due at least in part to the rule that only those registered as occupants of squatter dwellings in 1984 could be eligible for permanent public housing in a clearance (Smart 2001).

What we think of as *implicit principles* emerge from consistent trends in discussions and practices but are not clearly codified. Implicit principles are more about practice, supported by commentary in confidential contexts, than about public and published policies—what we might also call the hidden

transcripts (Scott 1990) of rule.<sup>2</sup> Two implicit principles that continued or intensified until at least 1984 are particularly significant. The first was that resettlement was a means to the end of facilitating land development stymied by the encroachment of squatters on public land. Only land needed for development received resettlement clearance.<sup>3</sup> Other squatter structures would be either formally tolerated (usually by conducting a physical survey of them and declaring by government gazette that only occupants of those surveyed structures would be eligible for resettlement) or informally tolerated (until another “final” survey took place once the pressure and problems of unsurveyed structures became too great). There was generally an attempt to limit the extent of resettlement obligations, in part because land supply in the steep landscape of urban Hong Kong was difficult. The Hong Kong government has particularly tried to limit and reduce its housing commitment to squatters. Various categories of squatters, recent migrants and fire victims were made ineligible for permanent public housing. They were shifted into licensed areas and later into temporary and interim housing with much lower amenities. The anomalous situation of the early 1970s, when a shortage of temporary housing (TH) spurred efforts to make more squatters eligible for permanent public housing, was a result of this general principle resulting in too much exclusion, creating imbalance problems. It will be addressed in Chapter 7.

The second principle was to prevent any appearance of squatters’ rights, or more generally any sense by squatters of having any kind of property rights in their homes (Smart 2001). Squatters’ rights in the common law tradition are more technically referred to as adverse possession, which in turn is defined as a method of acquisition of title to real property by possession for a statutory period under certain conditions (De Biasi 2019). In the Report on Adverse Possession published by the Law Reform Commission of Hong Kong, adverse possession refers to how title can be acquired to someone else’s land by continuously occupying it. The adverse possessor’s claim needs to show three elements: he has been in actual possession of the land; the possession has been adverse (that is, he intended to possess the land against the wishes of the owner); and that such possession has lasted for a period of time stipulated by law. In Hong Kong law, this is 60 years for government land and 12 years for private land (Yang et al. 2017). In Hong Kong, most cases of adverse possession that have gone to court have been on agricultural land in the New Territories (Merry 2020). It is unclear why squatter areas that have persisted for more than 60 years—and there are some—have not used this legal mechanism, but at the time of most intense squatter political activity, the 60-year period would not have been surpassed.

This principle of avoiding actions that legally or informally create the impression of ownership by squatters helps to account for the practice that even tolerated structures could be demolished without eligibility of the

occupants for resettlement in permanent public housing if they were found to have expanded the building envelope or rebuilt in permanent materials. It also created the administrative gap where squatter structures but not squatter residents were registered, until the SOS in 1984, since before that, officials worried that having the dwelling and its occupants listed on the same register might look too much like a title registry (Smart 2003b). In the early 1960s, it accounts for the difficulties discovered in the Working Party proposals for “permitted areas.”

The terms of reference for the Working Party on Housing were “[t]o advise what changes in policy, if any, are required with regard to the provision of and eligibility for resettlement or low-cost housing and with regard to the clearance of squatters and the provision of temporary resites for squatting.” The Secretary for Chinese Affairs, McDouall, was Chairman and the other members were the Director of Public Works, the Commissioner for Resettlement, the Deputy Economic Secretary, a Police representative and four Urban Council representatives. The Working Party followed on from the Special Committee on Housing, which argued in its 1958 Final Report that “the provision of low-rent public housing on this scale [an estimated 700,000 living in public housing by 1957] will itself tend to constitute an attraction to immigration, to deter the production of housing by private enterprise in the same field, and to create a large privileged class of public housing tenants; to this extent, therefore, public measures for the improvement of the situation will themselves tend to create further difficult problems for the future.”<sup>4</sup> In 1959, targets were set to double resettlement building to 100,000 new units a year, but an average of only 65,000 was achieved in the four succeeding years. The delay was not due to lack of funds “but site formation on rough hillsides, the provision of roads, sewers, water supplies etc., and difficulties over the clearance of cultivated plots and factories in New Kowloon all contributed to delays in implementation. Only now, with a number of sites becoming available together, is it possible to clear off the backlog in the original programme.”<sup>5</sup>

The Working Party found only two possible ways to control new squatting. The first was “the present (1954) policy of demolishing at sight all new squatter structures.” While failing by the 1960s, when formulated it had appeared to be “realistic” and “for some years it worked despite the warnings which the then Deputy Commissioner of Police unavailingly uttered about certain of the very abuses and difficulties which have since arisen.” The alternative would be “the containment of old and new squatter structures within certain areas.”<sup>6</sup> The 1954 policy of containment and discouragement had led to “(1) Failure, on an increasing scale, to stop new squatters; (2) Exploitation of squatters by criminals and opportunists; (3) Constant sources of misunderstanding between the Resettlement Department, the Urban Council, the police, and squatters; (4) Disaffection, which has shown signs of more serious



## Hong Kong Identity and Squatter Exclusion

That communal world is complete in so far as all the rest is irrelevant; more exactly, hostile—a wilderness full of ambushes and conspiracies and bristling with enemies wielding chaos as their main weapons . . . It is there, to that wilderness, that people huddling in the warmth of shared identity dump (or hope to banish) the fears which prompted them to seek communal shelter . . . Communal fraternity would be incomplete . . . without that inborn fratricidal inclination.

—Zygmunt Bauman, *Liquid Modernity* (2000, 172)

### Introduction

As delineated in Chapter 7, a crucial consideration in the course of correcting housing supply and demand imbalances that pushed policy trajectory toward implementing the SOS was the growing concern for fairer treatment of long-term Hong Kong residents on the Waiting List compared to recent Chinese immigrants. The colonial government acknowledged, and may have helped foster, that concern and changed the eligibility for public housing. The upshot was squatter exclusion that exacerbated the PPH/TH imbalance in the early 1980s. In short, what we saw was an exclusionary turn in housing allocation and beneath it was a growing resentment of squatters and migrants, who were thought of as undeserving of scarce public housing. These changes (i.e., exclusion and resentment) are puzzling because, on the one hand, for most of its history Hong Kong has been an immigrant society and, on the other hand, acquiring public housing resources through squatter resettlement was an established practice that dated back to the 1950s. The exclusionary turn in housing allocation and the resentment of squatters and migrants thus beg several questions: How did such resentment of squatters and migrants come into being? Was the exclusionary turn inevitable? How did the preference for fairer treatment of long-term residents on the Waiting List come into being?

This chapter offers a broader assessment of the Ten-Year Housing Programme's motivations, outcomes, and failures; interrogates how identity

issues entangled with the allocation of public housing quotas to generate resentment of squatters and migrants; and explicates the discursive role of the colonial government in managing the tensions that arise from allocation of limited public housing resources. We suggest that the identity issue is relevant as a complementary explanation to the implementation of SOS. Nonetheless, we argue that the tension between long-term residents on the Waiting List and recent Chinese immigrants had to be understood within the institutional context of housing allocation and the colonial government's discursive practices for maintaining legitimacy. The upshot of this tension and the state discursive practices that stigmatized the recent immigrants was that Hong Kong society became increasingly anti-immigrant: the Hong Kong Chinese began to see that they "deserved more attention [being given] from the government" (Mathews, Ma, and Lui 2008, 38). This served as an enabling condition for the colonial government's exclusionary tactics in protecting the local residents. In so doing, the colonial government could then divert public housing quotas to those on the Waiting List, a move deemed important in cultivating loyalty from the Hong Kong Chinese. It was in this way that the colonial government took a self-undermining move that further amplified the pre-existing PPH/THAs imbalance. The resulting problems pointed to a compromise that resolved the conflicts between fairness of housing allocation and practicality of increasing supply of affordable housing.

### **Ten-Year Housing Programme and Promoting Loyalty**

To understand the formation of the preference for fairer treatment of long-term residents on the Waiting List that led to immigrant squatter exclusion, it is necessary to consider the imperative of promoting loyalty. Chapter 5 offered an overview of the changing colonial governing strategy and its relationship with the 1966 disturbance and 1967 riots, constrained and enabled by Cold War geopolitics. Bridging the gap between the government and the people was a crucial objective, but promoting loyalty began to demand distinctions between the "real" people and recent migrants, which we focus on in this chapter. In the course of promoting loyalty, the housing mission gained momentum under MacLehose's governorship. In a Government House meeting on 27 May 1972, Governor MacLehose "said that provision of housing was the biggest problem in Hong Kong" and the colonial government "should press as quickly as possible."<sup>1</sup> To his mind, "if adequate housing were available for all there would be greater stability and therefore as much as possible should be done in the next decade." In particular, he remarked that "the long term [housing] programme must take in the squatter population and the aim must be to mop up squatter areas." On 18 October 1972, the Ten-Year Housing Programme was announced in the Legislative Council to tackle the problem of "inadequacy



**Figure 8.1:** Government publicity materials, “Building Homes for a Hong Kong Million.” Source: HKRS156/3/42. Graph compiled by the authors.

and scarcity of housing” that could remove “major and most constant sources of friction” that jeopardized “our civic pride and our political good sense.”<sup>2</sup>

Governor MacLehose remarked in his 1972 annual report to London that the colonial government could not “aim at national loyalty” as the path to independence was out of the question, but “civic pride” could be a “useful substitute.”<sup>3</sup> What he meant by civic pride was more than improving the standard of living, however. It meant convincing the populace that an alien authority could serve the interests of the local community within the status quo. In this way, promoting loyalty means more than cultivating a sense of belonging (i.e., identifying the colony as their home), but also a new form of colonial state-society relations where the colonial government attempted to be responsive to popular demands (at the same time that they tried to manipulate these demands through what Mok (2019a; 2019b) calls the “covert colonialism” of public opinion polls) so as to acquire a sense of legitimacy and consolidate colonial rule. In other words, promoting loyalty and being responsible are two sides of the same coin. What embodied such a new form of colonial state-society relations is a deformed citizenship that conferred the colonial subject a limited sense of entitlement without political power devolution (see Ku and Pun 2004). Indeed, Governor MacLehose noticed that people were increasingly aware of their “conditions of life” and “more expectant of Government.”<sup>4</sup> In particular, he was aware that the demographic composition of Hong Kong

had changed and a locally born generation was growing up. In contrast to their parents who came to Hong Kong by choice and “inclined to accept the status quo . . . for the sake of expediency,” this baby boomer generation had a higher expectation of the performance of the colonial government and “the very thought of living in a political anachronism such as a colony makes them feel uneasy.”<sup>5</sup> It was a situation of “growing impatience among young people with Government and the *status quo*.”<sup>6</sup>

One manifestation of this higher expectation was that these baby boomers were more inclined to participate in social movements and challenge government policies that aroused considerable criticism and discontents. As an internal report published in 1971 revealed, “with dissatisfaction increasing, it is most likely that these young people would take a keener interest in the causes of dissatisfied groups and exploit such causes as issues for agitation.”<sup>7</sup> Further complicating the issue is the rise of the New Left and “growing sentiments of pan-Chinese nationalism.” Both had been sources of motivation that triggered agitation to redress the economic disparity and cultural discrimination in Hong Kong. In this way, the colonial government made sense of why students “made appearances at the strike of Cross Harbour Tunnel Workers . . . and again at the Tung Tau Tsuen [squatter] clearance” in 1971 and why the Chinese language movement could gather wide support. “Inadequacies in housing . . . are interpreted as sign of colonialism and proof that the well-being of the masses is subordinated to the interests of the minority which is in political and economic power.”<sup>8</sup>

One conclusion of the report was that “there is an immediate need to bring [the moderates and the hitherto un-committed] much closer to the Government,” otherwise they could side with the “very small minority [that] hold extreme views.” In the long run, “there is a need for Government to have clear objectives” and “a programme of social reform and administrative actions should be established to meet the need.” This would mean “much speedier progress in solving the housing problem [and the improvement of] the standard of the living environment.” As the Secretary for Home Affairs succinctly summarized, the whole point was “humanizing the Government and making it and its officers feel more individually responsible . . . which gave Government [as in 1967] an aura of being run by people who cared.”<sup>9</sup> Although people with a higher expectation for government performance could represent “a potential danger,” Governor MacLehose saw this as an “opportunity to the Government if it sets out to meet them and is believed to be doing so.”<sup>10</sup> It was within this framework that the Ten-Year Housing Programme announced in 1972 acquired a sense of political importance. To facilitate the implementation of the program, the colonial government subsequently reorganized the Housing Department’s structure such that a single administrative authority

## Conclusions

[H]istorical research takes us into a world of detail, inevitable incompleteness and nonlinearity. . . . If storytelling reflects our need to organize our knowledge into modes of explanation (or refutation) that make sense of this world, then it will always need to elide or flatten some of the detail. Research, however, remains closely bound up with what we do not know, as well as what we do.

—Peter N. Miller, *Peiresc's Mediterranean World* (2015, 25)

### Introduction

The natural tendency is to assume that the path Hong Kong took was the path it had to take. Yet, it is possible to imagine it as a place where public housing is as small a component of the housing stock (less than 5%) as in the United States or Canada. This outcome is perhaps even more probable than the reality, given the emphasis in Hong Kong on positive non-interventionism (Smart 2006). With only a tiny residual public housing sector, almost everything else about the landscape, economy and society would be different in many ways. Without an alternative to private sector accommodation, high housing prices could have undermined the territory's labor-intensive manufacturing boom. Alternatively, without the safety net, housing prices might have been lower, undermining the profits (and perhaps the concentration) of the private property development sector. As a third possibility, the facilitation rather than repression of villager-controlled building on agricultural land in New Kowloon and elsewhere could have produced an outcome closer to the urban villages in reform China. Conditions might also have led to a much greater reliance on public housing to promote loyalty, as in Singapore. There is no inherent reason why squatter management could not have taken any of the paths discussed in Chapter 11, all of which would have made Hong Kong a very different place.

Even the path that Hong Kong was on in the late 1970s, if continued, would have contributed to a very different contemporary Hong Kong.

Squatter control could have continued its leakiness with new squatting alternately contained and pushing through the loopholes. This would have been particularly likely if Beijing and Hong Kong had not cooperated in curbing large uncontrolled movements from China into Hong Kong. This straight-line projection of the 1970s would fit less well with media images of the global city and would score lower in terms of aesthetic governmentality. But it might have offered more opportunities for small and medium enterprises to start up and grow, while also providing housing opportunities, especially for migrants and the growing number of asylum seekers (Mathews 2014) who do not qualify for public housing.

Not as much has changed about the squatter problem as might have been expected. It was the stated intention to clear all remaining squatter areas by 1996, but squatter structures and squatter residents are still around in large numbers. This fact is probably surprising to many, because of their virtual invisibility in public discussion and government documents, except in more rural parts of the NT affected by developments such as the high-speed rail link. Nonetheless, the squatter problem does not just go away. It stays. In urban areas, three squatter areas still exist in Kowloon East, located at Cha Kwo Ling, Ngau Chi Wan, and Chuk Yuen United Village, where the numbers of surveyed squatter structures are 475, 266, and 49 respectively.<sup>1</sup> They are likely to be gone soon as the government announced in 2019 plans to redevelop them into high-density public housing. On Hong Kong Island, Pok Fu Lam Village (population about 3,000), is a possible exception to this disappearance, due to the history of the pre-colonial village with agricultural land leases. Its profile was increased by being listed by the World Monuments Fund in 2014 “to raise awareness of its significance and scarcity in the modern metropolitan Hong Kong.”<sup>2</sup> We explore the contemporary situation in the second half of this chapter. Prior to that, however, it will be useful to summarize our conclusions about the explanation of the end of new squatting, as concisely as possible.

The squatter problem was like a tough balloon: squeezing in one area prompted expansion elsewhere. The pressure in the balloon resulted from various conditioning circumstances, particularly the shortage of affordable housing, migration from China, and the reliance of the government on land-based revenues. Unless the pressure could be reduced, control of its spread required thorough control of all the niches and places in which illegal encroachments or illegal building could take place. We could consider this to involve building an adjustable cage around the squatter balloon, with squatter control and clearances attempting to squeeze down the size of the balloon. However, before 1984, leaks in the cage were rampant. In the 1950s and 1960s, at least, geopolitics restricted how aggressive the force applied on the balloon could be. From 1954 on, squatter resettlement made clearances less politically and diplomatically risky.

Clearance, however, was constrained by its focus only on developable land. Using part of the land made available while auctioning the rest to the private sector affordably financed the Resettlement Programme, which in turn made clearance politically feasible. The stage was set for the public relations problem of squalid squatter areas on land not needed for development. Intervention from London created a need to do something about them, but what was done derived from local preferences and deliberations. London's pressure, though, created a policy mangle in 1970, out of which initially emerged neither of Governor Trench's two suggestions, but rather a new approach of infrastructural improvement. Only modest improvements took place, however, as the first-listed Ten-Year Housing Target of 1972 set the objective to eliminate all squatter and licensed areas. In the circumstances, this implied resettling all squatters, since clearance without any rehousing would be politically contentious, perhaps impossible; but in any case, delays would result. This target was not achieved (and still has not been achieved) with 477,880 squatters in 1984.<sup>3</sup> The failure was due to public housing supply and demand imbalances, particularly the impeding of essential development clearances by shortage of temporary housing. Shortage was in turn induced by growing exclusion of squatters from eligibility for permanent public housing.

Dealing with the increasing proportion of cleared squatters eligible only for the less dense temporary housing was complicated by a growing sense of the unfairness of public housing allocation to squatters and new migrants, rather than long-term Hong Kong residents. Resettling all squatters in a short time frame would sharply reduce PPH access through the Waiting List, while squatter area improvement could delay the need for resettlement. However, this holding action failed due to reports that made clear the escalating costs of any improvement that would reduce the risk of landslides and fires, which had been adding pressure to the TH shortage in the early 1980s.

The other alternatives had failed or been seen as impractical, so the decision to resettle squatters in non-development zones came to be seen as the only option. Resettling all squatters would also be impractically expensive, however, if new squatting continued. The SOS could plug one of the largest remaining holes in the cage containing squatter rehousing commitments, and thus followed quite obviously from the prior decisions. Along with other squatter control measures, making registration on the SOS a new criterion for PPH was a key action for ending new squatting. In doing so, the tide turned against housing informality.

This summary of our argument makes clear that none of the plausible explanations that we have developed and evaluated in this book were adequate in themselves to account for the adoption of the SOS and the ending of new squatting. Instead, they explain at most one part of the troubled path of efforts to deal with the squatter problem. The loosening of the geopolitical

constraints on more repressive solutions was perhaps necessary but not sufficient, since it does not appear to have been explicit in squatter policy discussions in the early 1980s. It seems to have been a conditioning factor, like the continuing shortage of affordable housing. Intervention from London about the image problem of squatting in 1970 influenced when the debate had to be undertaken, and therefore the attendant issues that were being addressed during that period. This intervention thus influenced the course of this policy mangle, but the solutions adopted were locally formed. The greatest weight of empirical evidence is lined up in support of the supply and demand imbalance explanation, which clearly had a major influence on the decisions made in the 1970s and set the path toward formalization. However, the shortage of temporary housing due to exclusionary policies cannot be explained without turning to another major influence: rising concern about fairness and greater allocation of PH to long-term residents, rather than recent migrants and squatters. Improvement in general is a relatively weak explanation of the empirical situation, other than improvement through demolition of illegal uses of Crown land. It was, however, critical in creating a situation where it finally became clear that resettling all squatters on land not needed for development was the only viable way forward. It was the final failed experiment that resulted in policy learning. The policy mangle approach—although weak as a predictor of empirical outcomes, since it can usually be shown to be consistent after the fact—does have an important contribution to our explanatory goal. It helps us to understand why no single explanation manages to account for the road to formalization. It sensitizes us to the contingency of crucial policy decisions, because they generally were made through policy mangles (inquiries, working parties, or reports) that feed together heterogeneous issues and concerns as necessary contextual considerations for conclusions about what interventions might be practical and desirable. One mangle leads to new problems, which may result in additional mangles so that contingencies and accidents multiply. Outcomes may result that are unexpected from the programmatic starting points of the process. Tracing such tangled mangles has been one of the challenges of this book, but also one of its rewards. Unexpected linkages have shed new light for us at various junctures, and beyond helping us to make sense of our initial questions, have unearthed new questions for us to pursue in the future.

### **The Situation in the 2020s**

We include a brief discussion of the contemporary situation in Hong Kong because it helps to disclose what was changed and what continued about the conditions that formalization was expected to accomplish. Two features of the contemporary situation are particularly pertinent to our concerns in this



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