

The Great Difference

Hong Kong's New Territories and

Its People 1898–2004

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Introduction

James Stewart Lockhart called it “the great difference”. Returned from a twelve-day inspection tour of the newly leased extension to Hong Kong territory in August 1898, Lockhart, a senior Hong Kong colonial official, had used this phrase to emphasize the gulf between “the Chinese inhabitants of Hongkong [sic] and of the new territory”. But as I shall show in chapter 2, it could be applied equally well to the two places, the old and the new parts of the now expanded British Crown Colony. It is my purpose herein to follow through “the great difference”, over the ninety-nine years of the Lease.¹

Appointed a Cadet Officer in the Hong Kong Civil Service in 1879, Lockhart’s career in Hong Kong would take him to the influential senior posts of Registrar General (1887) responsible for management of the Chinese population of the Colony, and later to Colonial Secretary (1895), responsible to the Governor for the smooth running of the administration. As Registrar General, he had developed a closer, more formalized liaison with Chinese elites, and his known abilities and reputation as an official who understood the Chinese people would lead the Foreign Office to entrust him with inspecting the newly leased extension to the Colony and reporting on it, to them and to its Governor.²

The New Territories, as they became known (though at first in the singular³) were quite unlike the Hong Kong of Lockhart’s day. The older parts of the Colony, which up to this point had comprised only Hong Kong Island and Kowloon, had been ceded to Britain during the series of hostilities beginning with the Opium War (1840–1842). They had now been under British rule for almost sixty years in the case of the Island, and for forty in the case of Kowloon. Each passing day took them further from the content and sentiment of traditional China, as represented by the new accession. The New Territory was also much larger than the existing Colony, being twelve

times its size. Moreover, its population of some 80,000 was long-settled, in comparison with the overwhelmingly migrant, largely male community of the 250,000 other Chinese living, working, or passing through British Hong Kong in 1898.

The period of the Lease was hardly uneventful. British Hong Kong had ever been affected by international as well as national events. Internally, making its history the more intriguing, the presence after 1898 of two disparate sections of the community within a greatly enlarged Colony, each of them dynamic in its own fashion, created a fascinating, almost *yin-yang*-like interaction between them.⁴ Present throughout the ninety-nine years of the Lease, it became especially active when, as land provider, the NT became essential to the further development of Hong Kong in the early postwar years. It became so again, and for quite different reasons, in the last decade of British rule, when a rift developed between the indigenous community and the by now far more numerous remainder of the population. These discords stemmed largely from the legal and administrative arrangements made for the indigenous inhabitants at the beginning of the century, but were also due to their very different histories and attitudes.

Given the complexity of the subject, I have thought it helpful in this introduction to provide an overview of the book's topics and themes, also mentioning some of the questions which have occurred to me during its preparation, and now referenced in the index.

Chapter 1 describes the New Territory and its community in 1898, bringing out its continuous and long settlement, colourful history, tight social organization, and largely self-sufficient economy. Chapter 2 then explores "the great difference", contrasting the newly leased extension with the Colony to which it was about to be joined. Mention is also made of the armed opposition to the British take-over; and of New Kowloon, that part of the leased territory below the Kowloon hills, which would be administered as part of the metropolitan area. Chapter 3 describes the all-important land survey and settlement of titles conducted in 1900–1905, which through retaining ownership of landed property in accordance with Chinese custom, preserved the fundamentals of the pre-1898 system.⁵ However, this was after stripping it of features "incompatible with the principles of British administration",⁶ notably in regard to the organization and incidence of the Chinese land tax and its collection through intermediaries.

The new system for administering the New Territory, put in place by the Hong Kong authorities with guidance from London, together with events in the NT up to the Japanese capture of the Colony in 1941, are described in chapter 4. Next, the War and Occupation 1941–45 — for various reasons

a watershed in the history of both the NT and Hong Kong at large — are dealt with as a separate topic in chapter 5. A traumatic and difficult time, the Occupation was yet seminal for later political developments, such as the elected village representative and rural committee systems (1948 on) and the curious involvement of some indigenous communities and their leaders in the Communist Disturbances of 1967.

Chapter 6 describes the New Territories in the opening decades of the postwar period, when radical and fundamental change would overtake the rural life and economy. Within less than twenty years beginning in the late 1950s (and not only by reason of Hong Kong's switch to industrial manufacturing and the onset of large-scale development) rice farming went into a sharp decline, ending the characteristic subsistence economy of the rural NT. Development and modernization were greatly aided thereby; so, too, was the conversion of much of its upland area for use as fully managed country parks, in order to provide recreational space for the ever-growing urbanized population of the Colony. A different, but equally essential, aid to development was the systemization of rural representation mentioned above, along with the reordering of the Heung Yee Kuk (Rural Consultative Council) by statute in 1959. Thereby, it was possible to negotiate development, with mutual flexibility and compromise, avoiding potential strife.⁷ Meantime, as described in chapter 7, the removals and resittings for successive water schemes, begun in the 1920s to supply the urban population, had quickened pace with the construction of four major reservoirs after 1945. The effects of uprooting and a changed environment on all these former rural dwellers are deserving of a fuller account than is possible here.

Chapter 8 deals with land recovery and village removals and resittings for the planned “New Towns” which are such a prominent feature of today's New Territories; and for related infrastructural projects such as highways and cross-border links, and the extension of the Mass Transit Railway system. The evolution of compensation policies and how they affected and were received by village landowners are also covered. During this period of village removals, which were always negotiated, but within an approved but flexible policy, their leaders' pragmatic approach was instrumental to achieving planning targets. In the process, the native population survived, to provide identity and leadership for the very large urban communities being established in their home areas. As already indicated, the remaining villagers of New Kowloon would be differently treated, and something of their much less fortunate history is provided in closing this chapter.

Chapter 9 describes the rural community in its heyday, and how its leaders led the way, through the new District Advisory Boards,⁸ in building

the desired new-style dialogue with the authorities and in developing the recreational and sporting programmes needed in the “New Town” districts. Through continuing to mount the traditional festivals, the rural groupings also kept the spirit of Chinese popular culture alive among their huge populations. These contributions were yet another manifestation of the “great difference”; for British Hong Kong possessed little that was comparable in scope, historical depth, and intensity of feeling, to the living cultural heritage of the indigenous communities.⁹ Meanwhile, in rural areas not subject to development, the social and economic effects of Hong Kong’s speedy industrialization and modernization were quietly but inexorably taking effect, as examined variously in chapter 10.

Chapter 11 focuses on a different dimension: namely, the drama inside the indigenous community during the 1967 Disturbances when, unprompted from Beijing, a sizeable proportion of both leaders and led had taken a pronounced anti-government stance. Latent resentments left over from Anglo-Chinese history underlay this situation, not omitting more recent influences traceable to events during the Japanese Occupation 1941–45. Something of an enigma, and warranting fuller enquiry, the events of 1967 are another reminder that “the great difference” was still operating. So, too, was the NT leaders’ strenuous lobbying for the protection of accumulated native interests during the Sino-British negotiations for the return of Hong Kong to Chinese rule in 1982–84, and again in the late 1980s during the preparation of the Basic Law for the future Hong Kong Special Administrative Region.

Chapter 12 considers convergence and, paradoxically, a new divergence, between the old and new segments of Hong Kong’s population in the last decades of British rule. By then virtually indistinguishable in externals and life-style, the indigenous community’s reactions to various public issues would help to put it “off-side” with the general public. A disregard for the environment and the public weal had been noted and deplored, whilst poor behaviour during the debate to allow female succession to village property was viewed with disapproval. Dissatisfaction over its members’ special privileges, not infrequently abused, and the Heung Yee Kuk’s strident anti-government campaigning for them, served to intensify the increasingly evident public distaste for the older population. These, together with other, still unfolding issues,¹⁰ which carry the story beyond 1997, are also covered in chapter 12 and its concluding epilogue, with some pertinent questions.

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Convergence and Divergence: *A Deteriorating Relationship*

As early as 1980, the development programmes being implemented in the NT had progressed to the point where, opening a Royal Asiatic Society symposium on “The New Territories and Its Future”, the then Secretary for the New Territories could complain, “it is strange that we should be discussing this topic at all. It is equally strange that we continue to separate the New Territories from the rest of Hong Kong”.¹

By then, less than twenty years before Hong Kong’s return to Chinese sovereignty, the main features of the NT’s new social, political and administrative landscape were fast becoming a reality. First was the swamping of the indigenous population on its home ground by newcomers. Second was administrative and political change. Third was the social change whereby the indigenous and newcomers alike shared the same basic lifestyles brought by modernization and increasing prosperity. There was a coming together of the old and the new, a convergence for the first time since 1898. This was the emerging situation prompting David Akers-Jones’s intentionally thought-provoking remarks, one that will be developed and explained in the course of this chapter.

But first, we should recognize how far Hong Kong had traveled since the bleak days of 1945–49. The early decades of postwar Hong Kong had been marked by speedy industrialization, in which the export-led manufacturing industry, notably the textiles sector, soon developed a global stature.² In the 1970s, a regional services and banking industry was built up, and with the start to China’s Modernization programmes at the end of the decade, this enabled Hong Kong’s entrepreneurs to make a massive contribution through their well-honed skills and large capital investment.

Internally, the 1970s had been marked by a huge housing-led development programme. The construction of large “new towns” in the NT was

matched by similar initiatives in public transport. A much expanded educational provision at secondary and tertiary levels, and the steadily improving standard of living resulting from the Colony's favourable economic circumstances, wider employment opportunities, and rising incomes, had gradually widened the horizons of the population, especially among the young. This encouraged a new-found interest in Hong Kong and a burgeoning sense of pride in its place in the world, marking the beginnings of a distinctive Hong Kong identity.

NUMERICAL OVERPOWERING AND A SINGLE LANGUAGE

In the postwar decades, the villagers would become outnumbered, and then swamped, by newcomers. Soon after 1945, an increasing numbers of "outsider" vegetable farmers had taken up rural land, and there was much unauthorized squatting around the NT townships, especially at Tsuen Wan. From the early 1970s, the "New Town" programmes, extending relentlessly year by year thereafter, would complete the overpowering process. By 1 July 1997, the population of Hong Kong was stated to be 6.617 millions, of which 3.05 millions were living in the NT, around 46.9% of the whole.³ The exact number of indigenous inhabitants is not available, but it was surely no more than ten per cent of this figure. And linguistically, Cantonese had by then long displaced Hakka.

Numerically, the two sections of the NT population had been almost equal in 1898. Either one or the other language was spoken, and in mixed Cantonese-Hakka areas, both were to be heard. The language of instruction depended on the predominant group settled in the local villages, and overall the number of schools teaching in Hakka was considerable.⁴ This had continued up to the Second World War, though in Hakka Tsuen Wan there was a change in the 1930s. Thereafter, all the new subsidized primary schools taught in Cantonese, and it was not long before Hakka was mostly spoken only at home. Ironically, though relative numbers of Hakka and Cantonese can no longer be traced in the Census returns, the numerical proportions of the two sections of the old population may be much the same today as in 1898.

The prolonged absence of many villagers overseas would accentuate this numerical overpowering. On a visit to the remote villages of Kuk Po with Fung Hang near Sha Tau Kok in 1987, only around 100 persons were reported as being in residence, with another hundred elsewhere in Hong Kong and about 1,000 or more overseas.⁵ At the hitherto large nearby

settlements of Luk Keng and Nam Chung there were many ruined houses, the major part of their active populations being overseas or elsewhere in Hong Kong.⁶ At Yin Kong, close to the Shenzhen River, many persons were abroad, among them the 65-year-old Village Representative's family members, scattered in Britain, Switzerland and Australia, and all in the restaurant business.⁷ Yet as was ever the case, village situations varied widely. In other places the majority of native families were still at home. At Yuen Kong, a large village with a claimed population of 1,000 people, only a hundred men were said to be overseas, mainly working in restaurants; and at Nai Wai, along the Castle Peak Road to Ping Shan, there were numbers of men and families abroad, but clearly quite a lot at home too. But overall, many people were no longer resident, though continuing their connection through ownership of property and occasional visits, especially at major festivals and when the decennial *Ta Chiu* rituals to protect the community were being performed, to whose cost they often donated generously.⁸

AN URBAN-STYLE ADMINISTRATION

After its reorganization and fourfold expansion between 1958 and 1962, the District Administration had continued to evolve.⁹ Maintaining its routine land administration and registration duties and the heavy burden of land recovery and village removal for development programmes, it would soon also engage directly in community building work through the formation and servicing of Mutual Aid Committees and other bodies needed to implement the Colony-wide campaigns against crime, littering, drugs. All directed by the central government and coordinated from departmental headquarters in both the City and the NT, they had to be implemented by the district officers, with support from local organizations and their leaders.¹⁰ There was, too, the District Administration's important role as monitor/coordinator of services for the "new towns" and the expanding erstwhile market townships, and of the work being done by the other departments involved in town management.¹¹

Land and rural responsibilities excepted, these extra duties took it ever closer to the work of the Home Affairs Department in Hong Kong and Kowloon, and in March 1981 it was amalgamated with the HAD to form the City and New Territories Administration. Thereby, a single urban-focused department became responsible for district administration across the whole of Hong Kong.¹²

Soon after, other changes would further alter the old administrative and political landscapes. In 1982, the CNTA was stripped of its land authority.

This was passed to a newly established Lands Department which, henceforth, would administer land throughout the Colony.¹³ In 1985, the District Officers would cease to be chairmen, or even voting members, of the recently introduced District Boards (see below);¹⁴ and in 1985–86, a provisional (appointed) and then elected Regional Council for municipal services in the NT was established, on which the CNTA was not even represented.¹⁵ Finally, in 1994, after a re-titling of the former CNTA to Home Affairs Department the previous year, the two Regional Secretary posts heading the Urban and New Territories areas, created at the time of the amalgamation, were abolished as such.¹⁶ In purely administrative terms, the New Territories had ceased to exist.¹⁷

The transition from the immensely powerful executive department of NTA days to the essentially monitoring and coordinating — and virtually toothless — role of the combined organization was abrupt.¹⁸ Upon being told of the transfer of the land authority, one of my Village Representative friends, used to expressing himself in picturesque language, told me, in disgust, that we had now so reduced our “clout” that in future we would have to ask for permission to go to the toilet!¹⁹ It was a far cry from the days when Peplow could write, “To the villagers of the Territory the District Officer is the Government. Whatever happens he is their particular official, and what is more, their friend.”²⁰ I shall have more to say about administrative change, and its social and political implications, later in this chapter.

POLITICAL CHANGE

As described in chapter 9, District Advisory Boards had been established in all administrative districts of the NT in 1977. With their extension to the city districts and a change in title to District Boards in 1982, an elected element was introduced. The original all-appointed membership was reduced by one-third, and in its place, 132 members were to be returned from specially drawn constituencies. Once begun, this elective representation was extended thereafter. In 1985, the number of elected seats was increased to 237, all officials were withdrawn from membership of the Boards, and the District Officers ceased to be their Chairmen. These posts would henceforth be filled by election from within the Boards. The elected element was augmented slightly in subsequent periodic elections until, in 1994, the remaining 140 appointed members gave way to a wholly elected membership.²¹

These developments had taken place against the background of the Sino-British negotiations (1982–84) for the return of Hong Kong to Chinese

sovereignty at the end of the New Territories Lease, the finalization (1985–90) of the Basic Law for the future Hong Kong Special Administrative Region, and latterly the dispute between Governor Chris Patten and Beijing over his further democratic reforms.²²

THE HEUNG YEE KUK AND ADMINISTRATIVE AND POLITICAL CHANGE

Demographic and economic growth had prompted these major administrative and political changes, together with the rapid build up of people in the NT under the “New Towns” programme, and the perceived need to enlist wider public understanding and support for the Hong Kong government. In the process, as described in chapter 9, the indigenous community and its leadership in the erstwhile rural districts had participated willingly in the process, despite the looming indications that their position *vis-à-vis* the Administration was likely to decline as the new arrangements for consultation and management gathered momentum. It is now time to consider the reactions and proceedings of the New Territories Heung Yee Kuk, the statutory body which represented the whole body of native villagers.

Thus far, I have seldom mentioned the Heung Yee Kuk and its activities in these years. Like the District Administration itself, the Kuk had undergone a reorganization in 1959–60. Following withdrawal of official recognition owing to internal disputes and machinations in 1956–57, it had been restructured with the eventual consent of the majority of its members, and now had statutory status under its own Ordinance, Cap 1097 of the Laws of Hong Kong.²³ Truth to tell, I had had very little to do with it in the Southern District in the 1950s, or in Tsuen Wan in the 1970s.²⁴ Socially, I met its leaders at our or their periodically hosted receptions and dinners, but I was not present when general issues were discussed with our headquarters staff. Even when Regional Secretary, NT, in 1985–87, my meetings with the Kuk largely related to issues of the day rather than constitutional development.²⁵

This being so, pending a still unwritten close study of its relations with the Government, conducted through the District Administration, and of its own internal politics and policies post 1959, it is fortunate that my former colleague in CNTA, David Man-tin Ip, has provided an interesting review of the Kuk’s major negotiating and lobbying activities over these years.²⁶ He describes how the Kuk used its position as the recognized spokesman for the indigenous community and adviser on New Territories affairs, variously to promote goodwill with both the Hong Kong and UK governments, push

for advantages, and protect or enhance its status in the face of change. He instances the strong support given by the Kuk during the 1967 Disturbances (though I believe he understates the non-cooperative or actively opposing element) and its delegation's government-assisted visit (1968) to Chinese communities in the UK.²⁷ The "pay-offs" included the later visits to the UK in 1973 and 1977 to push its various concerns with the British government, which gave both Kuk delegations its full attention and received them well. He describes how, on the 1973 visit, the Kuk pushed for Secretary ranking for the head of the NT District Administration to give him (and them) more "clout" following a major reorganization of the higher ranks of government in 1972–73; and it continued to lobby for improved compensation for land resumed for development, with tangible results following the 1977 visit.²⁸ There was another such in 1980.²⁹ In 1983, an approach to the New China News Agency in Hong Kong led to a sponsored visit to Beijing and a top-level meeting with a senior official which proved useful in the Sino-British negotiations for the rendition of Hong Kong in 1997.³⁰

At home, the Kuk agreed to the creation of the District Boards, and to the successive increases in the number of elected seats, and later supported the establishment of a Regional Council in the NT (in return for a significant number of *ex-officio* and appointed seats on the District Boards and the new Council).³¹ In his speech on the occasion marking the Kuk's 60th anniversary in 1986, its chairman claimed various successes along the way. These included "talking" [NT] people into "becoming tolerant in order to assist the Administration in accomplishing various development projects" [the New Towns and related schemes]; and, through the consultation process, in making "unceasingly constructive proposals" for achieving more representative government, as well as hailing senior Kuk members' "active participation" in the various new bodies.³² Two years later, in a final concession, the Government acceded to the Kuk's long sought creation of a new "rural sector" functional constituency for the Legco elections in 1988, in which (of course) the Kuk's chairman was successful.³³

Throughout, at home and abroad, the Kuk's leaders had been (as Ip puts it so aptly), "obsessed with accessibility" to higher authority, so as to maintain its status and influence in the face of change.³⁴ Its position was enhanced when, following the Chinese Government's disavowal of Governor Patten's unilateral political changes in 1994, leading Kuk members were appointed to its Preliminary Working Committee in Hong Kong, and subsequently to the Working Committee to prepare the interim constitutional arrangements for governing the territory in the period following the hand-over.³⁵

POLITICAL OVERPOWERING

Despite the Kuk's undoubted success in obtaining adequate, even strong, representation for the indigenous community at all levels of the new political arrangements (assisted by the conciliatory approach taken, partly out of necessity, by the Hong Kong Government), the gradual shift to elected District Boards would edge out practically all but holders of *ex officio* and appointed posts from district politics. In the telling, the numerical overpowering of the indigenous population assumes a dramatic persona, but, curiously enough, there were no histrionics from the losing side. Pondering the reasons, a number of pertinent facts suggest themselves.

First, as we shall see in the Tsuen Wan case, the new arrangements initially catered to the sensitivities of the native leaders. Secondly, their strong position in the districts, their experience, and their local pride, made them enter wholeheartedly into the work of the new District Boards, with most of them realizing that self-interest dictated their participation. Thirdly, they had the money and leisure needed for full participation, derived from compensation moneys, land-holding, land-brokering, and investment.³⁶ Fourthly, their gradually deteriorating situation was masked by the concessions obtained by the Heung Yee Kuk for rural representation described above. But despite these initial successes, there was no mistaking the general downward trend.³⁷ And ironically, it was accompanied — almost aided — by the perverse behaviour of some sections of the indigenous population, which (as will be seen) drew down criticism upon the whole.

CONVERGENCE OF URBAN AND “RURAL” POPULATIONS

By the late 1980s, there was little outward difference between most parts of the Colony. Save for areas of sea and mountain unsuited to development — but with much of the latter now gazetted as Country Parks³⁸ — urbanization of the New Territories was well advanced. Across the face of Hong Kong, Kowloon and the NT, huge populations were living in densely packed high-rise modern buildings in all suburban areas, and in the “New Towns”. A train journey from the Sino-British border to Kowloon would take the traveller smoothly through conurbations of gleaming tower-cities which, lit by innumerable lights after dusk, shone ever more brightly in the enveloping night sky.

The Hong Kong lifestyle for most, the indigenous population included, was now modern and urban, or semi-urban. For the young especially, it

had coincided with the growth of a fast-emerging Cantonese–Hong Kong culture.³⁹ Shaped by technological advance in all fields, it placed all Hong people on a common footing. As Mr. Martin Lee observed in Legislative Council some years later, “Because of the electronic media and mass culture, any lifestyle difference between rural people and urban people is becoming indistinct”.⁴⁰ This coincided with the rise in Chinese communities overseas of a new self-assurance and consciousness of their own worth as Chinese, greatly aided by the vibrant presence of many middle-income migrants from Hong Kong. In Canada at least, they had created what one local author described as “the Hong Kong Hoopla”.⁴¹ A new patriotism based on the achievements of the new China, but at a safe distance, also contributed something to the general euphoria.⁴²

SEEDS OF DIVERGENCE

While the gap between urban and former rural had as good as closed, it was about to open up again, owing to their differing outlook. In the NT case, this was linked to the fundamentals noted in this book. To be on their home ground, and in sufficient numbers to maintain their own identity and to preserve, and even enhance, their privileges, had been a major factor in determining their mind set. By contrast, the urban population within which they were now embedded, was, and for long had been, overwhelmingly migrant, without much cohesion and identity. For much of the earlier period under British rule, they had been merely sojourners, while after 1949 many newcomers were people in limbo, fleeing totalitarian rule in China but living precariously without loyalty or affection for Hong Kong.⁴³ In the late 1970s, this was about to change. Hong Kong urban people were now constructing their own identity.⁴⁴

Improved social conditions through the decisive housing-led programmes, educational reforms, and the greatly increased recreational amenities of the 1970s, were supplying the essential tools. Steady economic growth and the underlying confidence slowly generated by the application of Common Law and a generally efficient and well-intentioned British administration, provided the bedrock. Incomes rose, and opportunities for overseas travel with them. The recent reforms in marriage law (see below) were another liberating influence on the young. The government’s strenuous campaigns in community building on a colony-wide scale, with their inculcation of self-help and civic responsibilities, provided a more positive background for individual effort. And fundamentally, in the Hong Kong case, identity came through achievement.⁴⁵

THE CONTINUANCE OF LAND-RELATED CUSTOMARY LAW

Meantime, in the NT, title, management, and succession to landed property were still dictated by the New Territories Ordinance, unless by special exemption.⁴⁶ While law reform in the 1970s had done away with traditional and other marriage practices in the Colony,⁴⁷ the NTO remained unaltered. Within the context of a fast modernizing Hong Kong, its continued existence would soon appear increasingly anomalous and, fanned by envy at native privileges, become the underlying source of the growing discord.

However, because village society was organized along traditional lines, the New Territories Ordinance was still highly relevant in the countryside. Despite the huge amount of land taken back for development, the majority of pre-1898 land holdings outside the “New Towns” (known as Old Schedule Lots) remained largely in the hands of their indigenous proprietors. Of special import were the thousands of lineage trusts, large and small, the common property of their (male) members and in the charge of managers registered under the New Territories Ordinance.⁴⁸

Notwithstanding practical aspects, these residual manifestations of times past, linked to the narrowly conservative attitudes of those in charge, would create difficulties for both the indigenous population and the government in the last decades of colonial rule. By the late 1980s the native population had found itself facing an increasingly critical and, before long alienated, Hong Kong society at large.⁴⁹

SOME CAUSES OF DISHARMONY

First among the irritants was its leaders' continual lobbying to their own advantage, described above, particularly over land policies and compensation. Later, during the Sino-British negotiations for the return of Hong Kong, they lobbied both the British and Chinese governments, for the protection of their accrued interests. Further lobbying with Beijing took place when the Basic Law for the Hong Kong Special Administrative Region was being drafted by a group of Beijing-appointed persons in Hong Kong. This would be seen as yet another extension of the familiar NT pattern of advancing self-interest. No other body of Hong Kong residents was as suitably placed, or as similarly favoured.

Two concessions in regard to land and compensation attracted special public notice. The Small House Policy introduced in 1972 had resulted

in the construction of a great many attractive three-storey village houses, mostly in and around old villages in what were styled “village expansion areas” approved by the authorities. Provided at concessionary premia, these “once in a lifetime” grants of land were meant to solve the problem of village expansion (so often hindered by planning restraints) and were intended only for villagers. However, many were sold to “outsiders”, to the considerable profit of the grantees and developers and proportionate loss to the Treasury.⁵⁰

The second was the highly advantageous change in compensation policy introduced after the report of a working party chaired by Sir Y. K. Kan in 1978. For the first time, and after almost sixty years of complaint and lobbying, cash compensation for agricultural land resumed for a public purpose would now reflect development potential, at valuations based on the going market price for “Letters of Exchange” of varying dates of issue, reviewed quarterly.⁵¹ Thereby, the financial benefits accruing from resump-tions and village removals had been further increased. Fortune piled on fortune indeed, as seen by envious urban onlookers!⁵²

The next source of urban criticism arose from actions deemed anti-social in many quarters. Owing to the chronic shortage of land available for container and other storage, many village landowners had filled their paddy fields to road level, and were renting or selling them to industrial and commercial operators. The government opposed this, but after a develop-ment company had made a successful appeal to the Privy Council in London against a decision of the Hong Kong Court of Appeal,⁵³ more high stacks of these unsightly but necessary items appeared in all kinds of unlikely spots. Besides creating eyesores, the careless manner in which land was filled to build temporary hard standings for storage, without making adequate drainage arrangements, had led to widespread flooding in the northern NT during storms and heavy rain.⁵⁴ Lineage trusts owned much property there.

Abuses of these two kinds were well-publicized in the media. Along with the publicity given to prosecutions of Village Representatives by the Independent Commission against Corruption for offences involving bribery, or old-fashioned “squeezing” of one kind or another, they helped turn the former good-natured contempt for “country bumpkins” into disapproval and dislike in equal measure.⁵⁵ There was, too, a growing perception, in time amounting to a conviction, that the authorities were “soft” on the indigenous population.

These negative feelings were not confined to the general public. Some civil servants were also censorious, even within the City and New Territories Administration.⁵⁶ Inside the new Lands Department, among its professional officers, there was even more criticism of the Village Removal Policy and the

Small House Policy, and the privileges which they conferred, with (it has been said) attempts on the part of some District Land Officers to have the latter abolished.⁵⁷

RURAL CONSERVATISM AND THE NEW TERRITORIES ORDINANCE

The indigenous community had still shown no desire for changes to the New Territories Ordinance, and despite some restiveness among lawyers dealing with the complexities of NT land, who thought that some of its provisions (e.g. governing the disposal of trust properties) were hindering private investment and development, there was no significant agitation on the subject. That is, until extraneous circumstances created a novel situation, in which the rural community would find itself at a distinct disadvantage in the court of public opinion in regard to one particular matter.

When a Hong Kong Bill of Rights was brought to the Legislative Council in 1990–91, the exclusion of females from succession to landed property became an issue raised by urban women's groups (including some expatriates). In their capacities as Legislative Councillors, two leading members of the Heung Yee Kuk made impassioned pleas against their demand for amendment of the New Territories Ordinance.⁵⁸ When the bill to revise the ordinance was introduced in the Legislative Council some years later, the same two councillors again spoke against it, but without success, since the great majority of members were in favour.⁵⁹

Whereas a spirited defence of the existing law by the two Legislative Councillors was to be expected, the boorish behaviour of some village leaders during demonstrations outside the Council Chamber and their threatening public utterances against female Councillors was not.⁶⁰ Such well-publicized misdemeanours only served to harden public prejudice.⁶¹ Moreover, they opened the way for conflict on other matters, in which the indigenous community was forced ever onto the defensive.

In these various ways, the gap in outlook and sympathy between the now deemed to be over-privileged village population and the rest of Hong Kong's residents, was further widened. By this time, the latter now included the many times larger number of residents of the New Town communities. The prevailing strong conservatism in the NT hardly helped matters. On a visit to Hong Kong in 1992, it was no surprise to be told by friends that they did not want there to be any more elected seats on the Legislative Council, and that they were criticizing the United Democrats party for hindering the work of the government.

RURAL COMPLAINTS

On the other hand, the urban population did not always endear itself to villagers either. In 1987, during my last year as Regional Secretary NT, I paid a visit with the District Officer Tai Po to villages in the Shap Sze Heung in North Sai Kung. This was before the road connection with the Ma On Shan extension of Sha Tin New Town was completed, but already thousands of townfolk were flocking into this area, drawn by the recreational opportunities and attractive landscape. With the calm waters of Tolo Channel on one side, and the impressive bulk of Ma On Shan on the other, the setting was very beautiful. While some villagers sought to profit from the influx by offering miscellaneous services (despite the lack of appropriate planning provision) others were less enthusiastic. At Nai Chung, a large notice had been erected stating that tourists were not allowed to enter, while the Village Representative of Ma Kwu Lam wanted to put a six foot high fence around his village to the same end.⁶² And not all villages had prospered. At Tai Tung (population 45 in 1960) the old houses had been redeveloped, but by outsiders. Falling on bad times, the Village Representative and many other villagers had become Christian converts during or soon after the Japanese Occupation, possibly to help change fate, and he now lived in a squatter hut.

Such visits to rural areas showed high levels of frustration with similarly outdated planning regulations. In North Sai Kung there was no practical value in maintaining the current Agricultural Protection Area, when little or no farming was carried on, irrigation water was being taken by Water Schemes, and many villagers were working overseas or in the city. More realistic zoning was needed, to permit land usage more appropriate to the times, combined with efficient processing of applications by the Lands Department instead of refusals, stone-wallings, and occasional deterrent measures against enterprising and progressive villagers.⁶³

INSUFFICIENT KNOWLEDGE OF THE NT

It can be asserted with considerable justification that the urban population had never been well-informed about the New Territories and its people. There was some history to this situation, which began, you might say, with Hong Kong's famous harbour.

Before the introduction of modern transportation, there was a real division of the urban population into those who lived on Hong Kong Island and those who lived in Kowloon. For persons of all classes, family members,

acquaintances and school friends would have mostly lived on one side of the harbour or another. There had even been a snobbish prejudice among expatriates and rich Chinese against living in Kowloon: “Hong Kong looks down on Kowloon with all the well-bred contempt of Belgravia for Brixton”, a visitor had observed in 1903.⁶⁴ The harbour was truly a defining barrier.

As for the NT, even to children born in the 1960s such as my Chinese nephews and nieces, it was “far away” and seldom visited, save on rare family outings or school excursions. Until the opening of the first cross-harbour tunnel in 1972, taking your car to Kowloon (if you had one) meant using the slow vehicular ferry and waiting in queue to board. For those going for sport and recreation at golf clubs and swimming beaches, the journey through Kowloon by motor or rail was merely a means to an end, and as we have seen, writing of the early 1970s, Denis Bray had noted that many important people lacked knowledge of the NT.⁶⁵ Ten or fifteen years later, the spectacular progress of development had worsened the situation, not least because, with traditional farming long defunct, the old New Territories was much less visible to the visitor, and its society even less so.

When I spoke with the law faculty of the University of Hong Kong in March 1987 about our review of the New Territories Ordinance in the context of changing times and in preparation for Hong Kong’s rendition in 1997, this general deficiency seemed to underlie what were otherwise perfectly legitimate observations. In the then recently concluded Sino-British Joint Agreement, had it been wise (I was asked) to lock the indigenous population’s land ownership and other privileges into the fifty-year guarantee of the maintenance of existing systems, and was this not a strait-jacket that could become irksome at some point in the future? Was it right to bolster the customary law, given that the indigenous population might continue to change in circumstances and outlook? Should not we be considering the general advantage of Hong Kong people? The fast pace of development was in everyone’s minds, with less consideration of the old NT society and the direct relevance for it of the land-related customary law. Even the fact that it *existed*, and was not an inconsiderable part of the population, tended to be overlooked.

And not only in the universities. A similar view had been taken by the Registrar General a few months before, in response to my letter informing him of the formation of the working group in CNTA, the reasons for it, and its terms of reference. The paragraph in question encapsulated the general thinking on the subject within the senior ranks of government:

My own initial view of customary law is that although it has served the New Territories well in the past it has practical application mainly to land, and the area of land now left in the New Territories to which it

could be applied in the practical sense is rapidly diminishing. Another consideration is that the reasons for distinguishing the New Territories from any other part of Hong Kong have all likewise virtually disappeared, and I think the policy is that the New Territories should be treated as far as possible on the same footing as any other part of Hong Kong.⁶⁶

It seemed that many believed that the NT's days were over. In his reply, the Registrar General had also informed me that the Law Reform Commission of Hong Kong was then examining the matter of intestate succession (clearly impinging on an important area of the customary law as applied through the New Territories Ordinance) and that a sub-committee had already submitted its interim report, without, to his surprise, "much representation from the New Territories".⁶⁷

In short, it was being assumed that, for all practical purposes, there were, at that point, no residual concerns standing in the way of Government's "extinction" of the NT. This would help explain how the Regional Council, in effect the municipal council for the New Territories, came to be so styled, and why my post, successor to the former District Commissioner NT's post, was entitled "Regional Secretary, NT". It was being overlooked that development itself, and a large but overall still not significant reduction in the area of private land subject to customary law, did not remove an old society, numerically important and still closely tied to and shaped by land-holding, and so vibrant and determined to survive.

In reply, I suggested that it was "somewhat misleading to relate the applicability of customary [land-related] law to the spread of concrete", and drew attention to the large number of villages and of indigenous land-owners still in continuing need of the NTO. I doubted that the reasons for marking off the NT from the rest of Hong Kong would all disappear in the foreseeable future, though many already had. Also, the Sino-British Joint Agreement had endorsed the separateness of the indigenous community, making it doubly advisable to review the existing provisions to see what might be done to improve application of the customary law through compilation or codification, and any other measures that might be suggested to and by the working group.⁶⁸

Presented several months after my retirement, our report disappeared into bureaucratic limbo, but two years later (as related above) customary law came under the public gaze within the general context of the proposed Bill of Rights. When it seemed that debate over the exclusion of females from succession to landed property might lead to wider changes in the New

Territories Ordinance than might be wise, I wrote again, this time to the Convenor of the Legco Working Group on the Bill of Rights, reminding her colleagues:

that the NT is a complex place, much of it still occupied by a community with a much older and different social and economic organization from the old urban areas of Hong Kong and Kowloon. This community is in course of change, but the variations are as varied as the spectrum of situations to be found in the villages. Changes will come, but it seems better to me that they should come from within, and with the consensus of its members, than from the outside.

Underlying my concern was the likelihood that the long existing self-management of the villages and lineages of the NT would be weakened thereby, leaving the government in the unwelcome position of having to provide for it by other means.⁶⁹ My perceptions of its general efficacy at that time remain, despite some views to the contrary.⁷⁰

LATER DEVELOPMENTS INSIDE THE INDIGENOUS COMMUNITY

The change made to the New Territories Ordinance in 1994, to allow female succession, made a major inroad into customary practice, and no doubt shocked many traditionally minded persons of either sex. However, it is now clear that, from the 1960s on, some adjustments had already been made, principally owing to resumptions of lineage trust lands for development. Their large numbers across the territory, the frequency with which their holdings were being resumed, and the steadily increasing value of compensation derived from them, had elevated the question of who should benefit into a major issue in the villages. Suffice it to say here that women and girls, and even infants of both sexes, were being included in the distribution of assets, and that sometimes distribution would be split, with half or some other proportion being divided between branches of a lineage (*per stirpes*) and the rest among all descendants (*per capita*).⁷¹ The examples coming to my notice were mostly from smaller trusts, but as Michael Palmer has pointed out, wider issues were at stake among the major lineages of the northern NT, making settlement more difficult.⁷²

There had also been some change of sentiment in the wider context of how to treat daughters when, by custom, a father's landed property would

pass to their brothers or in their absence to cousins. When serving in Tsuen Wan in 1975–82, I knew that no village father would by-pass his sons in favour of a daughter (this would have been against village opinion and would have been indignantly contested) but had been told that more progressive fathers would leave cash or other financial assets to their daughters, or make provision at some point while they were alive. This was likely to have been also the case in other districts.⁷³

More recently, the anthropologist Selina Ching Chan has pointed to a change in how daughters, now married women, are coming to be regarded within the lineage, replacing the old perception that women no longer belonged to the natal family upon marriage. Of course, this is a logical development in modern times, when brides are no longer sent to another village and lineage, with potential for inter-village strife and loss of land and property.⁷⁴ She also makes the interesting point that in the 1990s, her respondents and informants were attributing the New Territories Ordinance with being the source of their custom, and not custom itself. Evidently, by then, custom itself needed some buttressing. How the late Maurice Freedman would have relished investigating and analysing the current, still unfolding situation!⁷⁵

In the event, the amendment of the New Territories Ordinance permitting females to succeed to family property stopped short of admitting women to the membership of lineage trusts, thereby averting the separate, and more weighty, set of problems that would have come with it; but the issue of village management would come to the fore before very long, and with it the matter of candidacy in elections to the post of Village Representative. As will be seen, the “push and shove” element came neither from the government nor the indigenous community.

VILLAGE ELECTIONS AND VILLAGE MANAGEMENT

The democratic element prominent in Hong Kong’s constitutional arrangements by the 1990s was in practice largely absent from village elections.⁷⁶ Most Village Representative posts had been, and still were, filled by co-option and consensus. Where voting did take place, non-villagers, and even village women, were usually excluded, and neither could stand as candidates for election.⁷⁷ Yet by the end of the lease, many non-villagers owned or rented houses there, and in some places outnumbered the indigenous core. This element would soon demand to have a say in village affairs, especially in regard to management, but also in regard to candidature for elections. And it would include women and non-Chinese.

The lead appears to have come from the political arena. At a public meeting of the Constitutional Affairs Panel of the Legislative Council in early January 1994, Martin Lee, leader of the United Democrats political party, had pressed for the introduction of a “one man one vote” system for electing all village representatives. Since village representatives elected the members of rural committees and the Heung Yee Kuk (from 1988, a functional constituency for the Legislative Council elections) they should, he urged, themselves be subject to the electoral process. However, it appeared that the City and New Territories Administration was not about to change the system for obtaining village representatives. Its strategy (I was informed at the time) was to apply gentle pressure on the Heung Yee Kuk and the body of village representatives at large to adopt a more democratic election process, and this would continue.⁷⁸

The Government would find it difficult to handle these matters. Like the Qing before it, the Hong Kong authorities had never managed the villages, leaving rural affairs to be handled by the village representatives and lineage elders. It had rarely intervened in village elections, and when it had done so, a satisfactory outcome had not always been attainable. Posts could be left vacant for some time, in cases of a faction’s refusal to compromise, or for other internal reasons.

But in a changing world, an increasing number of non-indigenous NT residents felt aggrieved at their continued exclusion from village management. Some were prepared to contest it in court, and did so successfully.⁷⁹ A “One Village, Two Heads” scheme was proposed in 1999,⁸⁰ and has now passed into law.⁸¹ Here, it has to be said that some — perhaps too many — of the leaders of the older communities appear not to have taken sufficient account of ongoing change.⁸² Nor yet of the implications for themselves, and their fellow villagers. The tale is assuredly unfolding.⁸³

EPILOGUE

There were developments in the few years leading up to the hand-over of which I have only recently become aware. These merely added to the urban/rural dissonance described above. During that period, angered by the Government’s decision to amend the New Territories Ordinance in 1994 in favour of female succession to landed property, the Heung Yee Kuk mounted a campaign on behalf of the indigenous community to voice displeasure at the outcome. In an interesting paper, Selina Ching Chan has portrayed the Kuk as upholding tradition and anti-colonialism, drawing on its own version

of history in and after 1898, and in the process seemingly able to obtain the polite support of Beijing's representatives in Hong Kong for its ostensibly patriotic line.⁸⁴ At the same time, by emphasizing various items in its ritual and social traditions, she suggests that the indigenous population had sought to underline its difference from the rest of Hong Kong.⁸⁵ As described by Dr. Chan:

A conscious and increasingly systematic effort to establish and maintain a boundary between the indigenous inhabitants and more recent immigrants to Hong Kong has been made by villagers even while distinctions between lifestyles in the village and the city continue to blur. Tradition is interpreted as the sharing of a place of origin and rural customs by the villagers, and the year 1898 has assumed significance in the interpretation of shared native place (*xiangxa*) by the inhabitants.⁸⁶

While her examples are largely drawn from one of the Five Great Clan villages — half whose residents now live abroad — there is no reason to think they are untypical of the whole, and certainly not of the older and more numerous lineages.

Basing on this account, the wisdom of the Kuk's actions and pronouncements at that time, and of the extended use of tradition (otherwise a positive contribution to community building in the New Towns⁸⁷) are surely in question. Although essentially defensive in nature, both were guaranteed to fuel the general public's already existing antipathies. To this extent, they cannot be considered as anything but sadly misguided and out of step, adding weight to Hugh Baker's perceptive observation (1993) that it is not the indigenous population but the newcomers who may, through their efforts and identification with Hong Kong, be considered its true "belongers".⁸⁸

Turning to the present, it is also relevant that the year by year proliferation of new homes built on former agricultural land around the villages under the Small House Policy, with the usual accompanying abuses, fuel the long-held objections to indigenous "privileges", as does the way in which some landowners still benefit from the ongoing environmental degradation caused by container and other storage on private land. Public querying on these points continues, especially on the former.⁸⁹ It must be asked whether the government itself is partly to blame for the current situation. And after the changes made in 1981–82, may not the District Administration, in its new and weakened form, be charged with gradually losing its grasp of indigenous affairs, and with it, the capability to guide the older community into more progressive channels?⁹⁰ These and other aspects of how the present situation came about, present intriguing questions for future investigation.⁹¹

This should also take into account a few other disruptive factors, some of very long standing, others more recent and connected with the care taken of the territory and all its residents, old and new alike. Ever seen as an appendage to the first Colony, even today Hong Kong Island and Old British Kowloon are still the core of the present SAR. Once development began in the New Territory (as it did practically from the start of the Lease) it was mostly the case that the various projects were *in*, not *for*, the NT. Seen and used as a convenient and increasingly indispensable adjunct to the City by the government, by private developers, by the urban community at large, this trend became the norm. The highways which speed the traveler across the former rural landscape mask the existence of unimproved areas: left, in effect, for the big developer to take over when the time is ripe.

Much of the still undeveloped, inhabited parts of the NT hints at official indifference, a lack or insufficiency of sustained interest, which also extends to certain aspects of otherwise thriving and still expanding villages.⁹² This seeming general disengagement has led my village friends to conclude, not without reason, that the NT ceased to exist, with its own needs no longer being taken into account, upon the demise of the old District Administration in the 1980s.⁹³

While not providing the answers, it is hoped that this book will help to explain much about the former New Territories and its people which may not now be readily evident to the general public: also, that with the requisite will and understanding on each side of the present divide it will encourage the resolution of ongoing problems in a more mutually accommodating spirit than has been evident in recent years. It is time for a re-think. After all, the colonial demons, if such we were, have gone for good!⁹⁴

Notes

Where, e.g. as at note 41 on p. 200, papers are referred to as being now or having been deposited in the HKPRO, they will be found under HKMS 178 1 1- *seq.*

Preface to the Paperback Edition

1. I wish to record my grateful thanks to Elizabeth and Graham Johnson, James and Rubie Watson, Mariann Ford, and Patrick Hase for help with writing this Preface. Also to Christine They for her generosity in allowing her artwork to be used for the cover of this reprint edition. The doyenne of Hong Kong anthropology, the late Barbara Ward, affirmed that social anthropology addressed “usually also their material culture and technology” in her authoritative article “Rediscovering our social and cultural heritage in the New Territories” in *Journal of the Hong Kong Branch, Royal Asiatic Society*, Vol. 20 (1980) pp.116-124.
2. Barbara Ward worked mainly among boat people in the NT, and Osgood in a largely immigrant community on Ap Lei Chau off Aberdeen, Hong Kong Island. See her (published posthumously) *Through Other Eyes, An Anthropologist's View of Hong Kong* (The Chinese University of Hong Kong Press, 1989) and his *The Chinese: A Study of a Hong Kong Community* (University of Arizona Press, three volumes, 1966).
3. Barbara Ward's review of anthropological research to around 1980 in the article cited above indicates the change of emphasis, which is confirmed in the full list of anthropologists and their sample fieldwork publications appended to Hugh Baker's most informative article, “The “Backroom Boys” of Hong Kong Anthropology: Fieldworkers and Their Friends”, in *Asian Anthropology*, Vol 6 (2007) at pp.1-28. Exceptions to the trend can be found in his own *Ancestral Images, A Hong Kong Collection*, reprinted recently by HKUP but first published by Hong Kong's *South China Morning Post* between 1979-1981 and earlier in Chapter III of Jack M. Potter's *Capitalism and the Chinese Peasant* (short title, see bibliography of this book, p.274) which includes information on farm economy and equipment during the transition from rice to vegetable

Introduction

1. See Shona Airlie, p. 103, with accompanying note 36 on p. 221. The ninety-nine years of the Lease began with the Convention of Peking, dated 9 June 1898, and ended on 1 July 1997 with the reversion to Chinese rule of the whole territory of Hong Kong. For the text, with map, of the Convention signed in Peking on 9 June 1898, see No. 25 in *Hertzlet's China Treaties*, Vol. I, pp. 120–122. Although the Extension was ostensibly for military defence purposes, and had been so argued since 1884 by successive generals in the Hong Kong command, the immediate reason for pressing it upon China owed more to the diplomatic and political exigencies of the time. See Andrew Roberts's *Salisbury, Victorian Titan*, pp. 687–689. British jurisdiction was extended to the New Territory by the Royal Order in Council made on 20 October 1898, and to Kowloon City by another made on 27 December 1899.
2. In 1902 he was appointed Commissioner of Wei Hai Wei, another leased territory, located in far off Shandong province in North China, where, to his chagrin, he remained until his retirement from public life in 1921. He was knighted in 1908. Well-versed in the Chinese language, he was a collector of Chinese art and numismatics, a scholar-author as well as administrator. His three best-known works were a *Manual of Chinese Quotations* (1893, with a revised edition in 1903) and a three volume work on the *Currency of the Further East* (1895–98) with a further volume on *Chinese Copper Coins* from his own collection (1915). His papers and collections are deposited in Edinburgh. See Shona Airlie's biography, 1989.
3. Writing in 1912, Orme refers to “the so-called New Territories, more popularly known as the New Territory or simply ‘the Territory’”. See Orme, para. 1.
4. A good and straightforward short account of *yin-yang* is given in Lai, Rofe and Mao, pp. 191–192.
5. The survey and land settlement warrant a full study, not only for their own sake as major events, but also because the published reports and papers (sometimes confusing and contradictory), do not always provide answers to some of the questions which kept on intruding themselves while writing the chapter. The decisions of the NT Land Court, and colonial practice in regard to registration of titles thereafter, are thought by some scholars, especially Allen Chun in 2000, to have altered local customary law. These matters are considered in chapter 3, pp. 39–41.
6. The wording, originally Clementi's, cited by an early British District Officer in his review of the New Territory 1899–1912. See Orme, para. 21.
7. The ensuing dialogue was often noisy, using heady and exaggerated language, but this is a notable Chinese characteristic, adopted also by the Mainland government in e.g. its feud with Governor Patten over unwanted constitutional advance in Hong Kong in the 1990s. In its local applications, it usually masked a good deal of pragmatism and common sense.

8. They were established in the NT in 1977, five years before their extension to urban Hong Kong and Kowloon. Retitled District Councils in 2000.
9. The traditional rural culture is described and illustrated in Hayes 2001.1.
10. Notably over village management and village elections, in which resident outsiders have now been given a say by the Courts, and various changes put in place by the government thereafter: see pp. 174–175.

Chapter 1 The Leased Territory in 1898

1. Plate 1 is a reproduction of the “Map attached to the Convention signed at Peking [*sic*]” on 9 June 1898. Excised from its parent county/district of San On (Xinan) like Hong Kong Island and Kowloon before it, the leased territory is badly served by the county gazetteer, last revised as far back as 1819. Nonetheless, there is a useful part translation into English in Ng and Baker, with notes, and reproductions of its old-style Chinese maps.
2. HK 1960, p. 289. Lockhart had allowed 286 square miles for the mainland, and 90 square miles for the islands but greatly under-estimated their number. See LR pp. 535 and 538.
3. LR pp. 539–540. Along with Sham Chun–Sha Tau Kok, which he wished to include within the leased area (see p. 15), he estimated a round figure of 100,000. The lists of villages, population and “race” given in appendix 5 are neither comprehensive nor accurate, although the best he could provide.
4. SP 1911, p. 103 (26), Table XVIII. Exclusive of New Kowloon.
5. Faure 1986, p. 1 *seq.* See also the seminal work of the late Maurice Freedman, Professor of Social Anthropology at the University of Oxford, in this field, specifically Freedman 1966, and relevant papers in Skinner (ed.).
6. Judging from the village and hamlet populations recorded in detail at the 1911 Census, in SP 1911, pp. 103 (27–39).
7. For instance, the Liu (Liao) of Sheung Shui lived in an eight hamlet village; while the various segments of the Tangs each inhabited similarly organized “villages”. Faure calls such complexes (along with other groupings) “clusters” (*op. cit.*, pp. 90–96). Freedman (who coined the term) styled the geographically extended lineage segments “higher-order lineages” (Freedman 1966, pp. 21–28).
8. Chesterton, p. 144.
9. See Lung and Friedman.
10. In 1898, five lineages were predominant among the rest, all early arrivals in the territory. These were (in Cantonese romanization) Tang, Liu, Hau, Pang and Man, though a sixth, the To of Tuen Mun, could be added. See Baker 1966, pp. 25–47.
11. The seven year coastal evacuation (longer in other coastal provinces) is described in Hayes 1983, pp. 24–26.
12. Barnett. Also, Hayes 1977.1, pp. 25–32.

55. The head of the NT Office, located in Shatin, paid a courtesy call when I was RSNT between 1985–87; senior staff of CNTA all received invitations to attend either the NT liaison office's or the NCNA's celebration of the National Day; and when I retired, the NT office hosted a farewell lunch. For NCNA in Hong Kong, see Ching Cheong's essay in Ngaw Mee-kau and Li Si-ming (eds.), *The Other Hong Kong Report 1996* (Chinese University Press, 1996), specifically at pp. 115–119.
56. As earlier among trade unions: see Eugene Cooper's article in *JHKBRAS* 13 (1973), pp. 83–100.
57. The property was largely surrounded by high rise residential estates. In order to enhance their environment, I had tried to get the managers either to plant out the hill (one of the conditions required under the 1927 sale agreement, but only partially carried out) or agree to let us do it for them.
58. See Hayes 1996, pp. 184–186 for the grave and its hill.
59. For the historical facts which gave rise to this incident, see Faure 1984b, pp. 24–42, and particularly at pp. 24 and 28 for the To Hing Tong which took out the court summons. I have no information about later developments elsewhere in the NT with regard to the extensive properties held by this particular trust, but am sure the Hong Kong managers' worst fears were being realized.
60. Signed in Beijing on 19 December 1984. The documents which include the clauses protecting its rights are conveniently included as appendices in Liu Shuyong, pp. 205–268, including related papers.
61. Adopted by the National People's Congress on 4 April 1990.

Chapter 12 Convergence and Divergence

1. Birch 1982.
2. Comparing the Hong Kong and Singapore economies with other regional transformations, David Reynolds states that the two former were characterized by “catch-up” industrial growth, distinctive from the rest of Asia. “Because of their miniscule agricultural sectors, growth resulted from a shift of labor and capital from commerce to manufacturing, not from farming to industry. Second, growth was based unequivocally on free trade, with none of the barriers against imports of goods and capital apparent elsewhere in East Asia”. By the 1980s, both had become major financial centers. Their success — measured by high growth rates and income levels at least double those of [South] Korea and Taiwan — was noted the world over. *Ibid.*, pp. 424–425. Hong Kong was also “an administrative state par excellence, in which officials ruled with minimal political interference.” Reynolds, pp. 426–427.
3. *Hong Kong: The Facts* as at 1 July 1997.
4. Appendix G to Orme lists 105^{1/2} (*sic*) Hakka to 117 Punti.
5. This case is perhaps abnormal, in that farming had stopped, there was no road into the area, and entry was from the Closed Border Area — though these places were still quite lively.

6. Visit Note for 19 October 1987.
7. Visit to the Hau Villages, 16 October 1987.
8. See Baker 1997, pp. 35–36 for Chinese restaurants and NT men and their families in the UK.
9. The reorganization is described in ADR DCNT 1959–60, chapters V and XVI, and later ADRs for the gradual undertaking of these extra duties. With increased numbers and proliferation of grades and ranks, internal sensitivities developed between them. See David Ip, pp. 39–42, with charts which aptly cover this situation.
10. See Hayes 1993, pp. 136–137.
11. See Hase 1980 and Hayes 1996, pp. 245–248.
12. The change was reported tersely, and without explanation, in HK 1982, p. 248: “In November [1981] the administration was restructured to become the City and New Territories Administration with a regional secretary appointed for New Territories affairs [the post I held 1985–1987].” Its head was retitled “Secretary for District Administration”.
13. HK 1983, pp. 118–119.
14. HK 1986, p. 21.
15. HK 1986 and HK 1987 pp. 19–20 and 22–23 respectively.
16. HK 1994, p. 30.
17. A few years later, they did not even receive an index listing in e.g. HK 1996, nor in *The Other Hong Kong Report 1996*, nor *Colony to SAR*, two solid academic publications from The Chinese University of Hong Kong Press.
18. In a submission entitled “Note for the District Officers” Meeting on Saturday, 14 November 1981, I had expressed strong misgivings to the complete change-over, giving reasons and suggesting various possible alternatives to mitigate what I felt were its likely adverse impacts. The fact that the meeting was to be held on a Saturday, and that my submission was stated at the foot to be “in haste”, indicates that the change was sprung upon us at short notice. The decision had, of course, been taken in high places, as a matter of major policy change, and we were simply being “advised”. A copy of my paper has been placed in the HKPRO, together with other documents from the time
19. Ip, p. 45, describes the general concern felt in the Kuk at the “downfall” of the Administration. Meantime, battles over resumptions and compensation would continue, and since political responsibility still rested with the CNTA, those DOs serving in development areas had to do their best. In 1985, there were problems with three major projects: at Sai Kung in connection with a large new waterworks installation; at Lok Ma Chau in the frontier area for new cross-border facilities; and for the Light Rail Transit between Tuen Mun and Tuen Mun. See Hayes 1996, pp. 259–269 for these and other problems.
20. Peplow, p. 88.
21. With the exception of the *ex officio* seats for rural committee chairmen: HK 1993, p. 18. The District Boards were retitled “District Councils” in 2000 (HK 2001, p. 10).

22. See Steve Tsang, pp. 255–267.
23. How this came about is described, from the government side, in Bray 2001.2, pp. 97–98, 99–101.
24. In Tsuen Wan, by and large, we were working so closely and amicably with the rural committees that there was no need for appeals to or intervention by the Kuk.
25. See Hayes 1996, pp. 269–270.
26. Unpublished M.Soc.Sc dissertation, 1988.
27. *Ibid*, pp. 69–71.
28. *Ibid*, pp. 71–83.
29. *Ibid*, pp. 84–67.
30. *Ibid*, pp. 118–122.
31. *Ibid*, pp. 108, with 122–129. The new Regional Council would elect one of its Members to the Legislative Council. Thereby, the Kuk’s chairman, one of its number, would obtain a seat, but not as the Kuk’s own elected representative, which was then the goal.
32. Published separately, but included with the main volume marking the event, as at the following note.
33. There is a good deal of information on the contents of this paragraph in the periodic bulletins published by the Kuk in Chinese during this period. A few issues from the 1980s have been placed in the HKPRO, together with some of the notices placed in the English and Chinese language press on the occasion of “New Territories Day”: e.g. the illuminating “Messages on The New Territories Day 1982”, in the *Hongkong Standard*, 22 October 1982. This event, originated in 1961, had lapsed until revived in 1981, presumably with the intention of bringing the Kuk and its policies and aspirations to wider public notice. There is also the substantial commemorative volume, in Chinese only, issued on the 60th anniversary celebrations held on 28 October 1986, of which a copy is now also with the HKPRO.
34. In p. 86. He has also provided some interesting speculation on the future, as of 1988, at pp. 145–148.
35. Allen, p. 132.
36. As early as the 1960s, Baker 1968, p. 117, could point to a village councillor from Sheung Shui “who was away on a world cruise for most of my time in the village, and another is to do likewise in 1967”. The majority of the Village Council members were practising businessmen. “Wealth has become the dominant factor, its possession at once enabling a man to make his way in a highly materialistic society and proving to others his ability to do so.”
37. Whereas there had been 95 candidates for the first District Board elections in 1982, there were only 49 in 1988: see Ip, p. 113. Also indicative of the general decline was the gradual reduction in the invitations sent to Village Representatives to attend District Administration functions, consequent upon

- the larger numbers of invitees required after the introduction of district boards and the like. See Hayes 2001.2, p. 38 with notes 35–38 on p. 99.
38. See chapter 6, p. 80 *seq.*
 39. As explained by Dr. Po-king Choi in 1990, instead of being part of the Chinese mainstream cultural tradition as hitherto, Hong Kong had developed, and exported, its own distinctive genre. Hong Kong had become “the largest centre of Chinese popular music world-wide”, and also “the creative and production centre for popular songs, films, and TV programmes for Chinese communities worldwide”. See Hayes 1993, p. 181; also Baker 1983 and 1993.
 40. *Hansard* 1993–94, p. 240.
 41. Cannon, p. 206.
 42. Wang Gungwu 1980, p. 652. Also Wang 1991, p. 7.
 43. Elizabeth L. Johnson, in Hayes 1993, p. 206, n43.
 44. See Hayes 1993, pp. 179–182, and Baker 1983.
 45. As explained in Hayes 1993, chapter IX, and Hayes 1996, chapter 11.
 46. Clause 7 (2), 1984 edition, originally 13(1)–(3) of 1910.
 47. What the Hong Kong Annual Report had been pleased to describe as “Chinese customary marriages, so-called Chinese modern marriages, and the ancient Chinese custom of concubinage”. See HK 1966, p. 246, HK 1969, p. 217, and HK 1970, pp. 14 and 221. Also at note 67 below.
 48. See note 17 on p. 182, and p. 133 of Hayes 1977.1
 49. Ip, chapter 1, reflects the attitudes already prevalent by 1987–88, when it was written.
 50. See chapter 8, pp. 108–110.
 51. This change is described in chapter 8, p. 108, and came about mainly through the increasing shortage of land for exchange which dictated an immediate reduction in the exchange commitment.
 52. In 1993, one legislative councillor (Hon. Martin Lee) recalled that “when I was small, people were still talking about ‘country people’ with ‘feet covered with cow dung’ and ‘illiterate’. But today we see that the members of the Heung Yee Kuk are all tycoons in smart suits and travelling in Rolls Royces.” I owe this quotation from *Hansard* 1993, p. 240, to Sally Engel Merry.
 53. In the Privy Council. Record of Proceedings Winfat Enterprise (HK) Company Limited and the Attorney General, Appeal No. 76 of 1983. The issue at law was the use to which Old Schedule lots in agricultural status might be put.
 54. See Patricia Tse in *SCMP*, 1 September 1990, and Victoria Finlay in *SCMP*, 13 October 1993. The curbing legislation mentioned by Tse became the Town Planning (Amendment Ordinance, 1991).
 55. See e.g. the report of the prosecution of a village representative for taking “tea money” (actually \$10,000) from a film company: *SCMP*, 25 April 1990. Fairly representative of urban attitudes was the comment made by a female friend who, after recounting how her husband had paid exorbitantly for a favoured piece of Crown hillside for his father’s grave — yet another type of money-grubbing practised by some villagers and village representatives — had

- concluded with the observation, “Village people are like that!” Periodic ICAC arrests for alleged corruption continue, e.g. SCMP 23 November 2003.
56. Cf. the tone and wording of the preface to Ip.
 57. On the authority of a former colleague and friend, a Chief Land Executive, who served in the Lands Department for many years after the change-over.
 58. See Hayes 2001.2. p. 89.
 59. NT (Land) Amendment Ordinance 1994. Hon. Martin Lee, who regarded the exclusion of females from succession as belonging only to the past, had advised that “outdated customs are a cultural burden. We must discard them without the slightest hesitation”, and asked what reasons the members from the Heung Yee Kuk had for insisting on keeping them. *Hansard* 1993, p. 239–240.
 60. For citations and references to media and other coverage of this and later issues, see Lee and Distefano’s useful listing at pp. 83–96, 110–112.
 61. The outcome was notable in other ways. First, the Administration’s willingness to go along with legislators’ wishes suggests that it now felt less constrained to support NT attitudes than in the past, and especially when public opinion inside and outside Legco was so overwhelmingly in favour of a change. Secondly, even the Chinese Government’s Working Committee on the interim arrangements for governing Hong Kong after the hand-over (on which the Kuk was well represented) had decided to exclude it from its list of 25 new unacceptable laws to be repealed in 1997 — to the vexation of its leader, Lau Wong-fat, who had walked out of the meeting: Jamie Allen, pp. 132–133.
 62. See also chapter 7, at p. 95 for the havoc caused by city youths at Tai Long Wan New Village on Lantau.
 63. Visit Note, 29 September 1987. At Pui O, as mentioned in chapter 10, p. 141, Wan On and others were similarly frustrated.
 64. For illuminating asides on European society, see chapters VII and VIII of Lethbridge, and especially at p. 200. Even today, a 70-year-old Chinese herbalist, living and working always in Kowloon, has told me that Kowloon people (*sc*, Chinese) were rougher and not so law-abiding as Hong Kong folk.
 65. Chapter 8, p. 104.
 66. Ref. LO 4/1951/82 dated 15 December 1986.
 67. Presumably a review of the operation of the Intestates’ Estates Ordinance, Cap. 73 of 1971 which had followed the important Marriage Reform Ordinance, Cap. 78, enacted in 1970. For the impact of these changes on the customary law within the Hong Kong legal system, see D. J. Lewis, “A Requiem for Chinese Customary Law in Hong Kong”, *International and Comparative Law Quarterly*, Vol. 32 (1983) pp. 347–379. The article focused more on the urban area than the New Territories, and did not address the continuing role of customary law there in regard to succession and title in land-related matters.
 68. My reply to the Registrar General in CNTA/L/CON/26/16, dated 30 December 1986. Copies of this exchange of correspondence are now with HKPRO.
 69. Letter dated 25 June 1990, with copy to the two Hon. Members from the New Territories, now in HKPRO. There was no response as far as I can recall. In this

- connection, see pp. 76–79 of Hayes 2001.2, in which I described the increasing difficulties besetting village representatives and other managers, after the transfer of the land authority to the new Lands Department and the establishment and development of the District Boards.
70. Kuan Hsin-chi and Lau Siu-kai 1981 suggested that rural leadership was in decline, and would have decayed completely without development and the government's manipulation of leadership to achieve its desired programmes. However, my field experience of leadership during development and in routine administration (plus my observation of the social, economic, religious and political aspects of their work inside the villages) is that it was generally effective, until the changing times and conditions of the later 1980s rendered their duties much more difficult to carry out. As with Allen Chun's projection of state manipulation and control through the village representative and re-ordered Heung Yee Kuk system of rural representation and liaison (see n92 on p. 223), I have to reserve my agreement until archival material becomes available and is closely scrutinized.
 71. See the Annex to Hayes 1991. Also, Hayes 1989, pp. 461–462, for the part played by village leaders in customary law case work.
 72. Disputes of this kind were less easy to resolve in major lineages, whose trust holdings were much larger, and therefore more valuable. See Palmer's illuminating summary of an important case in Sheung Shui, long drawn out, which (as he notes) brought up the more fundamental question of the place and organization of the trust itself in modern times, and of the many others like it in the northern NT, as discussed in an article in Baker and Feuchtwang, notably between pp. 93–103.
 73. Custom apart, it must not be forgotten that the Chinese tradition was to esteem sons over daughters: as the old saying had it, *chung nam heng nui* (Cantonese), by no means dead even at present.
 74. Selina Chan 1997. This interesting study is diminished to a degree by not being sufficiently clear on land details (family or trust property, sale to government, through resumption, or to other parties) but is otherwise useful and stimulating. It should be read in combination with the companion paper by Eliza Chan on Female Inheritance and Affection in the same publication, pp. 174–199.
 75. See Skinner (ed.), Introduction, and the reference to Freedman's work in note 5 on p. 181.
 76. See chapter 6, pp. 83–84 for background.
 77. This was the general situation. There may have been some variations, as in the old market towns and coastal market centres, as on Cheung Chau where the franchise was wider.
 78. Information received through my colleague John Telford in January 1994.
 79. For a convenient account, with citations and references to media and other coverage, see Lee and Distefano, pp. 83–96, 110–112.

80. For the Kuk's initial objection, see their p. 95, and for its formal approval, see Ambrose Leung, SCMP 9 October 2002.
81. The Village Representative Election Ordinance (Cap. 576) of 2003. The first elections for the two sets of VRs were held in late 2004. As with the electoral changes of the 1980s, they have favoured the indigenous population initially. In Tsuen Wan District, I am informed, many of the non-indigenous VR positions are filled by villagers (they are eligible to stand). In South Lantau, the same is generally the case, but there a Westerner has been elected to the non-indigenous post at Shan Shek Wan village, and an "outsider" at Cheung Sha Lower Village.
82. When Lee and Distefano were enquiring into the population of Shui Tau Tsuen at Kam Tin, "the village elder who quoted us the men-only figure grinned apologetically as he explained that it was customary only to consider men as village members while women born or married into the village were not counted": *Ibid.*, p. 110. Kam Tin, of course, has always been conservative.
83. At the first elections, there were 693 recognized villages, with 1,291 posts for the two types of VR. Of these, 930 seats were uncontested, and 189 lacked nominations, of which 100 had insufficient registered voters to make any: Klaudia Lee, SCMP 12 July 2003.
84. As mentioned in chapter 2, note 53, the grave of (or to) those killed in the 1898 uprising has been reported as an important element in the patriotic ("Chinese") and anti-colonial scenario projected by the Heung Yee Kuk in those years, though ignored previously.
85. Through the increasingly lavish ten yearly protective *jiao* rituals, emphasizing the male elements in ancestral worship in the ancestral halls and at the graves, and through perpetuating the "basin feast" culinary tradition: see Chan 1998.
86. *Ibid.*, pp. 90–91.
87. Chapter 9, especially at pp. 119–123.
88. Baker 1993, pp. 873–874. The flowering of a large middle class and the growth of a new breed of local entrepreneur between 1976–82 are the subject of chapter 5 of Felix Patrikeeff's *Mouldering Pearl: Hong Kong at the Crossroads* (London, Hodder and Stoughton, Coronet Books, 1988), a book whose lasting worth is belied by its title. Jan Morris in *Hong Kong* (London, Viking, 1985), p. 331, drew particular attention to the coming into being "only in the previous few years, [of] that well-educated young middle class which was the true pride of the Crown Colony, and which would be a credit to any country". Such persons could hardly be expected to empathize with the indigenous population at large, though it provided its quota to the new group.
89. According to a private property consultant cited in SCMP 11 December 2002, "At present, more than 80 per cent of the small houses were constructed for sale rather than for villagers to use": and officials had estimated that 240,000 villagers were eligible, but that the government had handled only 27,957

cases, with at least 13,493 more awaiting processing: Jimmy Cheung, SCMP 8 February 2003.

90. See e.g. Hase 2001, 137–138. Indubitably, this weakening owed something to the transfer of the numerous land staff (land executives and land inspectors) to the new Lands Department: for, in performing their specialist duties, they had become well known to, and well informed about, rural leaders and their fellow villagers, providing the District Officers with reliable information and valuable contacts thereby. Yet more crucial, in the remodelled District Administration, rural affairs would now take a poor second or third place to the intense preoccupation with the District Boards and with providing and monitoring services for the populations of the fast-developing New Towns. Intended or not, the 1982 changes had represented a turning away from the indigenous population in favour of establishing much closer links with the new population and a full-time engagement with the new political forces unleashed in the staged moves towards more representative government, especially in the districts.

Pondering the changes at the time they were announced, and seeking ways to maintain the Administration's status and authority, and the influence that went with them, I had thought it timely to extend the Town Manager concept to all the new towns, and to remodel its staffing at both the district and headquarters levels by the inclusion of officers from the "service" departments to work more directly with, and to a degree under, the town managers and the regional secretary, the better to accommodate the new political arrangements and the anticipated greater pressure for improved services of all kinds, and to maintain the balance between old and new. However, this simply could not be, since the usual and time-honoured Hong Kong bureaucratic path was, as on this occasion, the issue of Secretariat directives enjoining branch secretaries and heads of department to give the new arrangements "their fullest cooperation and support": see Hayes 1996, pp. 288–289, with n27 on p. 303. Stripped of much of their authority, and with lessened "clout" and status, the work of the DOs was rendered much more difficult. More recently, a general weakening of the Government's executive authority emanating from the various levels of more representative (but not yet responsible) government has not helped the situation.

91. Taking into account the view from each side, and including an investigative history of the Heung Yee Kuk is part of this requirement.
92. Such as the lack of proper layouts and ancillary services in those villages with road access in which many new homes have been constructed in the past twenty years, with many more to come. After a recent visit, Denis Bray deplored the situation he found in so many villages, and advocated a new initiative. A copy of his paper has now been placed in HKPRO.

Lisa Hopkinson presented a paper entitled "Problems with the Small House Policy" to the Land Policy and People's Lives Forum at the Centre of Asian Studies, University of Hong Kong, on 21 February 2003. For ease of

reference, the background to the accumulated clutch of dilemmas attaching to the Small House Policy today is provided herein at pages 109–110, together with pp. 168–169 with note 55 on p. 254, and notes 89–90 to this chapter at pp. 257–258 above.

93. A view shared by two of my long-serving Chief Land Executive friends. As they saw it, the hallmark of the NTA had been its concern for people, especially those affected by development projects, whereas the new Lands Department was headed in the districts by professionals who invariably took little interest in the indigenous population and its concerns; resulting, they said, in a deteriorating relationship between government and NT people. This confirms what was surely predictable, and to be expected: though from my wider perspective, I would prefer to say that it had contributed to the present situation rather than created it, the root cause being (as they themselves have said) the administrative decisions taken in 1981–82. See also Hayes 1996, p. 294.
94. The topics mentioned in the Epilogue have been explored in more depth in my article, “The Great Difference, The Great Rift, and the Great Need: The New Territories of Hong Kong and its People, Past and present”: in *The Asia Pacific Journal of Public Administration*, Vol. 30. Number 2, December 2008, pp.139-164. Meantime, archived articles in the daily press and other published items on the Small House Policy retrieved by “online” search since the first edition of this book was published in 2006, make it clear that abuses of its provisions by native villagers and developers have continued apace: and with no resolution yet in sight. For useful background on these and related issues in NT land administration, see Roger Nissim’s *Land Administration and Practice in Hong Kong* (Hong Kong University Press, third edition, 2011).

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