

*A “Constitutional Experiment”
Before and After the Shek Kip Mei Fire:
The Vesting of
Public Housing Responsibilities
in the Urban Council, 1948–1954*

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Abstract

This article investigates the decision-making process behind a part of the constitutional advancement in Hong Kong before the 1980s. I will answer one question: why did the colonial government, before and after the Shek Kip Mei Squatter Fire, entrust low-cost housing and squatter resettlement responsibilities to the Urban Council, the only institution with elected members in the then Crown Colony’s constitutional system? Housing affairs were proper municipal responsibilities: in Metropolitan Britain, public housing matters were under the municipal authorities’ control; in Hong Kong’s port colony counterpart, British Singapore, a municipal authority was indirectly involved in such functions. It was natural and logical that the Hong Kong Government followed Britain’s and Singapore’s practices when it had to commence a public housing program, which was completely new to the colony. Nevertheless, many colonial officers and business figures were skeptical to such partially elected institution and the politicians therein, and hence opposed the proposal of granting public housing functions to the Council. However, their oppositions were ignored, as Governor Alexander Grantham intended to implement a “minor constitutional change” after major plans such as the Young Plan had been shelved indefinitely. In addition, with public housing functions being added to the Council’s purview, the government could win the Councilors’ support and keep itself informed of public opinion regarding housing affairs. Through being heavily involved in public housing affairs, elected Councilors enjoyed a rise in popularity among the people. In this sense, the vesting of housing-related responsibilities in the Urban Council substantially enhanced the elected Councilors’ political influence in the colony.

Rather than meticulously reconstructing the history of early public housing in Hong Kong, this article studies an episode in the city’s constitutional advancement before the 1980s and the controversies surrounding it. After providing the historical background on Hong Kong as a quasi-municipality before 1941 and on official discussions on urban and housing improvement planning in the late 1930s, the major

component of the article will be on the decision-making process related to the post-war vesting of public housing functions in the Urban Council.

By 1952, the colonial government had withdrawn all major constitutional reform proposals, including the establishment of an elected municipal council with a wide range of functions (a.k.a. the so-called “Young Plan”) and the introduction of elected seats into the Legislative Council, both of which were shelved indefinitely. This meant that Hong Kong diverged from the usual track of obtaining self-governance or independence for other British colonies. In the eyes of political scientists and sociologists of the time, Hong Kong from the 1950s to the 1970s was like a backwater lagoon, untouched by the global wave of decolonization. All politics in Hong Kong was brought into “the administerization of politics” through the mechanism of “administrative absorption of politics,” that is, incorporating social elites into various consultative organs and governing the colony by consulting them. Within the constitutional system, the only institution with elected members, the Urban Council, was one that was engaged in “politics without power.”

Until the last two decades, researchers had generally viewed Hong Kong people as indifferent to politics (King 424–29; S. K. Lau 115–18; Hoadley 616), citing low voter turnout rates in Urban Council elections as evidence.¹ For these scholars, the colony enjoyed political stability unmatched by most Asian countries in the same period, despite occasional disruption by certain social unrests. In the last two decades, however, scholars have taken a more nuanced view of the political culture as well as the state–society relations in that period. Lam Wai-man’s work published in 2004 discussed the activist tradition of Hong Kong people by reconstructing and examining a series of social movements that took place from 1949 to 1979. The Hong Kong Reform Club and the Hong Kong Civic Association, which held the majority of elected seats in the then Urban Council, were usually involved in those movements. Edmond Tsang’s 2019 monograph, *The Earliest Political Parties in Hong Kong and Democracy Fighters* (in Chinese), depicted the roles and activities of these two organizations as some kind of embryonic party politics of Hong Kong. In this sense, the Urban Councilors, despite lacking real powers, had political influence.

The annals of democratization in Hong Kong will not be complete if the part pertaining to the pre-1980s era is not thoroughly studied (E. Tsang 27). Even though the idea of a drastic reform in the constitutional system was abandoned in 1952, the then existing Urban Council still underwent continuous modifications. “I am at all times ready to consider further proposals for constitutional changes, provided that they are not of a major character,” wrote Governor Alexander Grantham to the

¹ Between 1952 and 1973, the highest turnout rate for an Urban Council election was only 38.8% in 1967, and the lowest 13% in 1955. (Y. W. Lau 98–99; Miners 159; “Savingram”).

Secretary of State for the Colonies (“Inward Telegram”). The colonial government at the time still believed that a municipal council with a wide range of functions would be established in the future. More elected seats were introduced into the Council until 1965, at which point half of the unofficial councilors were elected (Miners 156). The franchise was widened in 1965, though still narrow and estimated at no more than 10% of the total population (Ko 20; Y. W. Lau 102). More and more responsibilities were entrusted to the Council, including low-cost housing and resettlement housing-related functions. However, the above progressions have yet to receive much scholarly attention.

It seems intriguing that the authoritarian colonial government decided to entrust such important and “urgent” (as the government viewed it) responsibilities to the only government institution with “politicians” (elected Councilors). Given such uniqueness, one can say that the government’s assignment of public housing responsibilities to the Council was not based on administrative convenience, but instead on political consideration. David Ronald Holmes, the first Commissioner for Resettlement, described such a move as a “constitutional experiment.” In this article, the decision-making process will be reconstructed based mainly on documents from the Colonial Office and the Government of Hong Kong.

The vesting of public housing functions in the Council within the context of the colony’s constitutional history and the administrative history of early public housing affairs merit scholarly examination. The only extant study focusing on the connection between the Urban Council and early public housing was published by Ip Iam-chong in 2002. Ip argued that the colonial government was extraordinarily anxious about public health, and that such anxiety was a characteristic of colonialism. The housing problem in the colony had been construed by the British colonials as a public health issue from the very beginning. To support the above argument, Ip pointed out that the Urban Council, with sanitation being its main function, played a key role in public housing matters in the 1930s as well as the 1950s, and it was consistent with “past colonial traditions of associating sanitation and building together” (Ip 200–07).

However, Ip seemed to have overlooked the historical fact that the practice of connecting public health with housing issues in a city was not unique to colonial regimes, and is quite common in modern governance. This is well illustrated by the early history of low-cost housing in Britain (Merrett 3–20). A municipal body in Britain also had authority on public housing. Therefore, it was logical that the quasi-municipal authority of British Hong Kong, the Urban Council, was granted the responsibilities concerning public housing. It is this history that I will now turn to in the following section, illustrating the special implication of the municipal power distribution in Hong Kong as a quasi-municipality before 1941.

The Special Meaning of Municipal Power in Pre-1941 Hong Kong

In many port colonies under the British Crown Colony system, the elections of municipal authorities were the first elections in each of their own constitutional history. In British Singapore, the Municipal Commission was established in 1888 and the first election, despite having a narrow electoral franchise, was held in the same year, 60 years earlier than the first election of the legislature (Yeoh 51, 60–61). In Gibraltar, a semi-elected City Council was established in 1921 and the Legislative Council with elected seats was founded in 1950 (Constantine 322–23, 389). In these two small colonies, as in Hong Kong, the majority of the population inhabited the urban area under the governance of a single municipality. In this situation, the fine line between proper municipal functions and the colonial government's responsibilities was not always clear.

As Ian Scott wrote, “[t]he notion that an elected Urban Council with extensive powers might provide a solution for the political development of Hong Kong runs like a thread through the colony’s history” (138). From the very beginning of the colony’s history, the European mercantile community of the colony had repeatedly called for the establishment of a municipal council to enhance local citizens’ participation in “local affairs” (Endacott 120). Yet, such requests were rejected (S. Tsang, *Government* 115–21). In 1894, Lord Ripon (i.e. George Robinson, 1st Marquess of Ripon), who was Secretary of States for the Colonies, doubted the suitability of a municipal council in Hong Kong, for the colony was too small for the clear division of functions between a municipality and the colonial government itself (Endacott 120–21; S. Tsang, *Government* 120–21).

Even though the Government had refused to create a municipal council, it established the Sanitary Board in 1883 to tackle the terrifying hygiene problem in the main urban area (Y. W. Lau 14–19). Over the next year, the Public Health Bill was drafted to regulate housing design in order to prevent the outbreak of infectious diseases. However, property owners fiercely opposed the bill, causing it to be shelved (Endacott 149–50). In 1887, the Government altered the composition of the Board, such that there were six unofficial members, of which four were appointed and two were elected by ratepayers on the jury list. The first election of the Board was held in the following year (Y. W. Lau 22–23). It was obvious that the Government intended to, by way of election, incorporate those property owners’ opinions into the decision-making process regarding sanitation, with a view to preventing them from protesting from outside the institution.

The Sanitary Board was reorganized and renamed the Urban Council in 1935, centralizing all public hygiene-related functions originally scattered over various departments (Y. W. Lau 73–75). The number of elected members did not change. Despite the new title, the Urban Council

was not a genuine municipality. The Government articulated this clearly in 1936: Hong Kong had “no Municipality in the accepted sense of the term,” despite the Urban Council exercising some municipal functions (*Administrative Report for the year of 1936*, Appendix M, 11). Nevertheless, the Urban Council could be seen as a quasi-municipal council because its responsibilities were indeed proper municipal functions, and it was partly elected by citizens.

The Urban Council and the Planning for Housing Improvement in the 1930s

Before moving on to the Urban Council’s role in public housing in the 1950s, I will first provide a small elaboration on preceeding deliberations on the role of the Urban Council in urban and housing improvement planning in the late 1930s.

The history of Hong Kong public housing can be traced back to 1935 when the Government appointed the Housing Commission, which subsequently issued a report in 1938. It articulated the vision that the provision of private housing was not the answer to the severe housing shortage in the colony, and direct actions from the Government including city planning were necessary (*Report of Housing Commission* 259–62). In 1939, with reference to the Housing Commission’s report, the Government convened the Town Planning Board, an organization with executive functions.

The planning for housing improvement and town development in Hong Kong was inevitably influenced by the experience in metropolitan Britain, where an organization for housing and town planning was normally part of a municipal council. In Hong Kong, the Urban Council chairman was appointed the chairman of the Town Planning Board for building up an “effective liaison” between the Board and the Council (“From Northcote to Malcolm MacDonald”). This means that the British municipal council’s counterpart in Hong Kong, namely the Urban Council, was to play a major role in city improvement planning.

Nevertheless, the Town Planning Board was a separate committee. Gerald Edward Gent, then head of Eastern Department, Colonial Office, had doubts on such an arrangement at first, because he thought that Hong Kong should follow the normal practice in Britain and place the Town Planning Board under the Urban Council. He changed his mind later as he became aware of the special circumstances in Hong Kong (“Minute by Gent”).

No project of city and housing improvement had been implemented before the Japanese invasion in 1941 (Ho 105–06). The commencement of a public housing program had to wait until after the Second World War.

The Urban Council and a Newly-formed Body for Low-Cost Housing, 1950–1953

Experience from the Metropole and Singapore

In the immediate years after the war, the Colonial Office pressed the Hong Kong Government to tackle the colony's desperate housing problem (Smart 110–11). In December 1950, the Secretary of State for the Colonies and Labour Party politician, James Griffiths, told Governor Grantham that a "government or semi-government body" should take on the responsibility of building houses for "the artisan and lower middle classes" because "speculative builders" could not do it well. Griffiths's idea was that the Hong Kong Government should found a permanent corporate body similar to the Singapore Improvement Trust. Such a body should be comprised of the people's representatives and its work should be "comparable with a municipal housing and town planning committee in England" ("From James Griffiths to Sir Alexander Grantham").

The Singapore Improvement Trust was founded in 1920 to carry out urban planning and city improvement schemes which concerned public health, housing, land leveling and transportation. The Trust was originally a part of the Singapore Municipality and became a separate institution in 1927, but two members of the Board of Trustees were still appointed by the Municipal Commissioners. Singapore's public housing development began in 1932. Since then, the Improvement Trust had been the body in charge of public housing, until the City Council of Singapore was abolished by the newly-formed People's Action Party government in 1959 (Quah 111–18, 135–36, 161–63).

Following James Griffiths's suggestion, the Government appointed the Chief Resettlement Officer of the Urban Council, J. T. Wakefield, to visit Singapore to study the Improvement Trust ("From B.I. Barlow to J.T. Wakefield"). As a result of the trip, Wakefield presented the Government with a report in which he proposed the establishment of the "Housing Council" with a certain amount of representatives from the public as, in most cities of the world, an elected municipal council was responsible for public housing affairs ("Study the Constitution and methods of the Singapore Trust").

Nurturing an "Embryo Municipal Authority"

By 1952, the Government had drawn up two plans for a competent body for low-cost housing programs. One was the establishment of a Housing Council chaired by the head of the Urban Council, with four ex-officio members and six unofficial members. Three of those would be nominated by the Governor and the rest would be selected by the Urban Council. The other plan was the Urban Council's constitution as the government body for low-cost housing ("Notes of discusses at Government house"). The chairman of the Urban Council, K. M. A.

Barnett, vigorously advocated the latter plan, arguing that the existing Urban Council was an “embryo municipal authority.” It would gradually be entrusted with other municipal responsibilities and its “representative character” would be broadened incrementally, with the Government’s intention to develop the Urban Council into a genuine municipality. In addition, housing was unquestionably a municipal function and, thus, should be delegated to the Urban Council. If such function were to be granted to any institution other than the Urban Council, the Government would be seen as betraying its promise to establish a full-fledged municipal council in the colony. As a result, an “official worth his salt” would be reluctant to be appointed as the Urban Councillor, and the Council would only attract “trouble-making” politicians such as Brook A. Bernacchi (“Memorandum: Competent Authority for Housing Schemes”).²

On May 13, 1952, the Governor-in-Council decided that the chairman of the Urban Council or the entire Urban Council should be incorporated into the future housing authority, and this authority “might eventually become a department of the Municipal Council, if formed.” At that moment, the Governor had not yet endorsed the constitution of the Urban Council as the housing authority, and ordered the Colonial Secretary to seek the advice of land businessmen on this issue (“Extract of Executive Council Minutes No 18 of 1952”).

Opposition from Tycoons

The Colonial Secretary set up and chaired the Ad Hoc Committee on Housing soon afterward, of which the Urban Council Chairman and three prominent business figures in the colony were members. They were Richard Charles Lee, the chairman of Lee Hysan Estate Company, B. C. Field, a senior manager of Hongkong Land Co. Ltd,³ and Lawrence Kadoorie, the chairman of China Light and Power Co Ltd. All of them opposed both proposals, especially the one in which the Urban Council would become the Housing Authority. Field, for example, strongly opposed the Urban Council’s position as a competent housing authority:

[B. C. Field] did not wish to see housing become a political issue or be used as a means of catching votes. Interference by elected members with the management of the Housing Council’s

² Brook A. Bernacchi (1922–1996) was the founder of the aforementioned Hong Kong Reform Club, and was first elected as an Urban Councillor on May 30, 1952. He subsequently became the most vocal councillor in the Council and was therefore not welcomed by the officials (S. Tsang, *Democracy* 143–44, 164).

³ This information was provided by Dr Hu Hung-lick Henry (胡鴻烈) in a telephone conversation with me on July 20, 2006. Both Dr Hu and B. C. Field were members of the Housing Authority between 1965 and 1973 (see the annual reports of the Hong Kong Housing Authority for the years concerned). Biographical information of B. C. Field could not be found in *Who’s Who* kept in libraries in Hong Kong.

property and the manipulation of rents for political ends were possible dangers. (“Draft Report of An Ad Hoc Committee on Housing”)

Field stressed that if the housing authority was “political” by nature, the low-cost housing programs under its auspices would become a considerable burden for the colony. To avoid that, Field suggested forming an independent public corporation which “would not be subject to political pressure,” of which its chairman should be a member of the Executive Council or the Legislature and all its corporation members appointed by the Governor. Field’s proposal was supported by R. C. Lee. Lawrence Kadoorie also expressed that the early stage of low-cost housing programs should not involve the Urban Council; instead, a small committee with three or four officials should be formed to handle low-cost housing affairs, at least in the following few years (*ibid.*).

The chairman of the Urban Council, Barnett, still insisted that public housing, a proper municipal function, must be in the hands of the Urban Council, a point on which some unofficial Urban Councilors were unwilling to compromise. Barnett also pointed out that, as the chairman of the Urban Council and hence the ex-officio chairman of the proposed Housing Council, “his position” would be “extremely difficult” given that the membership of the two councils was not identical. Then, the Colonial Secretary reminded Field that the future housing authority could be operated along commercial lines, and that its accounting system could be entirely separated from that of the Government. In spite of such a guarantee from the Government, Field and R. C. Lee still upheld their idea of forming an independent public corporation, while the rest of the Committee accepted the formation of a housing authority with the Urban Council chairman as its head. Finally, the Committee recommended that a housing authority consisting of Urban Councilors be set up, and that such authority’s executive limb be a sub-department of the Urban Services Department, the executive organ of the Urban Council (“Draft Report of An Ad Hoc Committee on Housing”).

Vesting Housing Powers in the Urban Council

On May 19, 1952, the Governor-in-Council approved most of the committee’s recommendations and decided that:

These powers (of the Housing Authority) ought to be vested directly in the Urban Council and that the Central Government should retain a measure of control by the reservation of powers to approve or veto individual housing schemes. (“Extract of Executive Council, Minutes No. 31 of 1952 Aug 19”)

Acceding to requests from the Financial Secretary and some members of the Ad Hoc Committee, the Governor also reserved the power to appoint

non-Urban Councilors as members of the Housing Authority (“From F.S to Hon C.S”). According to the then Financial Secretary in 1959, it was Governor Grantham’s political consideration that eventually granted the Urban Council public housing functions. Grantham believed that the elected Urban Councilors could keep the Government informed of public opinion, which the Government must take into account when handling the housing problem, a very critical and pressing issue for the colony (ibid.).

Nevertheless, R. C. Lee still insisted on forming a public corporation instead of entrusting public housing responsibilities to the Urban Council. His idea was supported by the Financial Secretary. The Financial Secretary accepted Lee’s proposal in general, as he believed that if the public housing programs were “directed by a semi-elected body,” the cost of public housing could not be controlled properly and the scale of the housing programs would become enormous. The Government would have to “resign” themselves “to the prospect of subsidized housing forever” (“Memorandum by the Financial Secretary, Enclosure 2, Memorandum for Executive Council”). However, Barnett strongly opposed the Financial Secretary’s viewpoint, and emphasized that only the Government was capable of building enough low-cost housing for the lower class (“Summary of the comments of the Chairman of the Urban Council, Enclosure 3, Memorandum for Executive Council”). Considering all of the above opinions, the Governor-in-Council maintained its original decision made on May 19, 1952 (“Extract of Executive Council, Minutes No. 14 of 1953 Apr 28”).

As Hong Kong in the 1950s was entirely new to public housing programs, the Hong Kong Government imitated the public housing administrative system of Britain and its colonies. In the metropole, public housing responsibilities were in the hands of a municipal council. In British Singapore, public housing affairs were partially and indirectly administered by a municipal authority. Thus, the Urban Council, just like its counterpart in England, was constituted as the body for low-cost housing. However, some senior officials and local tycoons loathed the institution, even though it was only partially elected and still dominated by appointed unofficial councilors as well as official councilors.⁴ They tried to stop the Governor from entrusting public housing responsibilities to the Urban Council, but their endeavors were in vain. The Government saw the addition of the housing function to the Council as part of the promised “minor constitutional change,” a measure that would keep itself informed of the people’s voice on housing matters.

⁴ The Urban Council election was resumed in 1952. From 1952 to 1953, two of the thirteen councilors were elected members (five were official councilors and six were appointed unofficial councilors). Between 1953 and 1956, four of the fifteen were elected councilors and the amount of official and appointed unofficial members remained unchanged (Miners 156).

Before 1973, Hong Kong public housing consisted of low-cost housing for people who originally lived in slums, and resettlement estates mainly for squatters. The latter attracted more attention because of its enormous scale. In such a vast housing scheme, the Urban Council was also heavily involved.

The Urban Council's Squatter Resettlement Responsibilities, 1948–1954

The explosive growth of squatter areas due to the influx of refugees from China was one of the greatest challenges the Hong Kong Government faced in the immediate post-war years.

Multi-departmental Management on Squatter-related Issues

The Urban Council was also heavily involved in squatter affairs since the beginning of the post-war period. In early 1948, the military authorities in Hong Kong complained to the Colonial Secretary that law and order in squatter areas was poor (“From Major General G.W.E.J Erskine, C.B., D.S.D to Colonial Secretary D.M. MacDougall”). Soon afterward, Dr Joseph Patrick Fehily, the Urban Council chairman, told the Colonial Secretary that he had created a committee consisting of representatives from concerned departments (Ure 165). It was named the Interdepartmental Committee on the Squatter Problem.

Following the Committee's recommendations, the Urban Council was authorized to establish “approved sites” in certain areas allocated by the Superintendent of Crown Lands and Surveys, and the chairman of the Urban Council was responsible for issuing temporary permits to approved squatters to build cottages in those sites. Basic sanitary facilities were provided by the Sanitary Department, the Urban Council's executive arm, which was later renamed the Urban Services Department (“Report of Interdepartmental Committee on the Squatter Problem”). The responsibility for squatter clearance was *de facto* in the hands of the Urban Council as well as health staff from the Medical Department (“Memorandum: Reduction of Fire Risk in the Squatter Settlement, From Chairman of Urban Council to Deputy Colonial Secretary”; “Memo: From Acting Director of Public Works to Deputy of Colonial Secretary 1948”), although according to the Public Health (Sanitary Provisions) Regulations of 1948, it was *de jure* operated by a public officer delegated by the Commissioner of Police, the Director of Public Works or the Deputy Director of Health Services, and a Health Officer. In 1952, the management of resettlement areas was formally added to the functions of the Urban Council, according to the Emergency (Resettlement Areas) Regulations of 1952. Between 1948 and 1952, nearly all squatter-related functions, including squatter clearance, squatter resettlement and resettlement area management, were performed by the Urban Council (see Appendix 1), with the exception of screening squatters' eligibility for

resettlement undertaken by the Social Welfare Office (“Note of a meeting at Government House on 19th February, 1953”; “Squatter Clearance-Suggestions for Acceleration of (No.1) From C.U.C to C.S”; “Memorandum For Executive Council, the Squatter Problem”).⁵

Diminished Role of the Urban Council in Squatter Clearance

Some senior officials of the colonial government doubted the appropriateness of the Urban Council’s role in squatter clearance. In December 1952, K. M. A. Barnett, the chairman of the Urban Council, suggested to the Colonial Secretary that the Public Works Department should be the sole authority for squatter clearance, since the Council was not a suitable institution to undertake such an “emergency affair”:

The operation of squatter clearance is essentially an emergency one, and emergency powers will never be satisfactorily exercised by a committee, especially a committee that meets in public and has politicians on it. (“Squatter Clearance—Suggestions for Acceleration of (No. 1) From C.U.C to C.S”)

Apparently, the abovementioned “politicians” were two elected members of the Council, especially the most vocal one, Brook Bernacchi. This clearly reflected how some senior officials were strongly skeptical of elected councilors.

In early 1953, accepting the conclusion made at the interdepartmental meeting chaired by the Colonial Secretary, the Governor decided that the Public Works Department, instead of the Urban Council, would carry out squatter clearances (see Appendix 1). Nevertheless, the Chief Resettlement Officer of the Urban Council would continue to scrutinize clearance proposals formulated by the Director of Public Works before they were submitted to the Colonial Secretary for approval, and the Urban Council Select Committee on Resettlement would be informed of sanctioned clearance programs and “the reasons for any amendment” to such programs (“Note of a meeting at Government House on 19th February, 1953”; “D.R. Holmes: Notes: Reorganization of Resettlement Arrangements”).

The Formation of the Resettlement Department

On Christmas Day 1953, a disastrous fire devastated the squatter area of Shek Kip Mei, rendering over 50,000 people homeless. It was the biggest

⁵ Based on *South China Morning Post* reports at the time with accounts of the Urban Council meetings, Gavin Ure pointed out that, at least until March 1953, “the statutory powers concerning squatter resettlement had been conferred not on the Urban Council but on the Urban Council Select Committee on Resettlement. This remained separate from the main Council to which it was not accountable” (Ure 173; see also 175 and 268).

fire disaster in the history of Hong Kong, according to Governor Grantham (“Inward Telegram, From Hong Kong (Grantham) to the Secretary of State for the colonies”). This disaster triggered the commencement of a new squatter resettlement policy. In response to such an unprecedented squatter fire, the Urban Council created the Emergency Resettlement Sub-Committee on January 5, 1954, to review the squatter resettlement policy. Douglas Clague, a nominated unofficial Urban Councillor, was appointed the chairman. In the same month, top-level officials in the Government also began to re-examine the resettlement policy (Ure 178–79). The Colonial Secretary, the Director of the Public Works, the Social Welfare Officer, and the Chairman of the Urban Council had a meeting on February 2, 1954, and concluded that multi-story resettlement blocks must be built for those squatter fire victims, and a new department would be formed to take over all squatter clearance and resettlement-related functions, which had until then been dispersed into the hands of different authorities (“We spoke in discussion with Hon C.S, C U C...Notes”). The Emergency Resettlement Sub-Committee of the Urban Council supported the above conclusions, which were soon approved by the Governor (“Interim report of the Emergency Resettlement Areas Sub-committee”). Nevertheless, the position of the Urban Council in this new administrative framework for squatter issues was still controversial.

Failed Challenge to Strip the Urban Council of Squatter-related Responsibilities

D. R. Holmes, the first director of the Resettlement Department, suggested relieving the Urban Council of all its responsibilities for resettlement. In March 1954, he completed a proposal for a new department, pointing out that the resettlement of squatters was “a specialized, once-for-all, emergency operation” and hence should be isolated from “the routine and continuing functions and responsibilities” of the Government (“D.R. Holmes: Notes: Reorganization of Resettlement Arrangements”). Thus, all functions related to the resettlement operation should be concentrated in the hands of an independent and provisional department. While Holmes was writing the proposal, he was informed that the Government already had a plan to set up a new department to replace the Urban Services Department as an executive organization for resettlement operation, but under the plan, the new department would still act under the direction of the Urban Council as an executive arm responsible for resettlement-related duties. Holmes thought that such a plan would be “a grave error” for the following reasons:

1. The resettlement operation, with its emergency and complexity, should not be “the subject of a constitutional experiment,” even

if it was the right time to implement constitutional reform by extending the Urban Council's functions.

2. The matter of resettlement should not be left to the Urban Council because the Council was "a ponderous public forum of which at least the elected members cannot be blamed for wishing to justify their actions step by step in public debate."
3. The Government would "certainly be wise to seek the advice and support of the public in general and of those un-officials in particular who have already displayed energy and interest" in resettlement affairs. The Government did not need to rely on the Urban Council to be informed of public opinion about squatter resettlement.
4. The director of the Resettlement Department would be "greatly hampered by extraneous work" if he were to become an ex-officio member of the Urban Council. (ibid.)

Although Holmes was strongly opposed to the Urban Council's controlling, or even having advisory functions on, squatter clearances and resettlement operations, he admitted that the support of the unofficial Urban Councilors was necessary. Therefore, he proposed creating a separate and informal Resettlement Board with four or five unofficial Urban Councilors, all of whom would be appointed by the Governor (ibid.).

Unofficial Urban Councilors and the Government at large did not accept Holmes' recommendation of removing the Urban Council's resettlement functions. Douglas Clague, though a nominated Urban Councilor, insisted that the Urban Council must be engaged in resettlement affairs (Ure 182). The Deputy Colonial Secretary thought that Holmes' proposal could enhance administrative efficiency, but doubted its feasibility, believing that it would not be "politically acceptable" to the Urban Council's unofficial members that the Council be stripped of its responsibilities in resettlement affairs (Smart 113). On this last point the Colonial Secretary also agreed; to maintain the Urban Council's control over squatter resettlement, the director of the Resettlement Department must be an ex-officio Urban Councilor. Furthermore, the Colonial Secretary proposed that the director of the Resettlement Department take over the management of resettlement areas and estates, and become the chairman of the Urban Council's Select Committee on Resettlement Areas. Finally, the Governor decided to set up the Resettlement Department and place it under the direction of the Urban Council's Select Committee, which handled squatter and resettlement affairs (see Appendix 1). The director of this Resettlement Department, i.e. the Commissioner for Resettlement, would be an ex-officio member of the Urban Council with a renewable one-year tenure ("D.R. Holmes: Notes: Reorganization of Resettlement Arrangements 1954 March 11"). In the end, the Resettlement Department survived

under the control of the Urban Council until 1973, when the government centralized all public housing-related functions into a new Housing Authority separated from the Urban Council and dissolved the Resettlement Department as well as the old Housing Authority.

The above history must be explained within the historical context of the development of the Urban Council in the late 1930s, as well as the Government's intention of making a "minor constitutional change" in the early 1950s. As Ip Iam-chong pointed out, departmental reports and declassified files verified that "the Government perceived the squatter problem as a sanitary problem" (204). Nevertheless, it is also a fact that both sanitation and housing have been proper municipal functions in modern cities all over the globe since the Industrial Revolution. As early as 1939, the Urban Council, the quasi-municipality of Hong Kong, began to be involved in housing and urban improvement affairs; hence, to some degree, it was a logical consequence that it became a competent authority for resettlement after the war. Even though the Government created a new department to carry out squatter clearance and resettlement in 1954, the Urban Council's control of such affairs was maintained due to pressure from unofficial Urban Councilors. Why did the authoritarian colonial government subject itself to such pressure, despite strong opposition from D. R. Holmes, a senior official, and despite the claim that the involvement of a partially elected institution would lower efficiency? It was obvious that the Government wanted to show its determination in undertaking minor constitutional reforms. In addition, aware that the issue of resettlement was related to people's very basic needs and could easily breed social unrest, the Government wanted to resolve the conflict between civil servants and the people by empowering the institution with representation, however limited. Also, it should not be forgotten that, as the elected members were the minority, the Urban Council, chaired by a senior civil servant (the head of the Urban Services Department), was still generally under the control of the Government. The Council did not have any financial autonomy before 1973, and its executive limbs were governmental departments of which the Colonial Secretary had ultimate control.

The Significance of this Episode in the Constitutional History of Hong Kong

Although granting the Urban Council public housing responsibilities was no major constitutional advance, it still bears significance in the political history of the colony to a certain degree, for it offered elected Urban Councilors a golden opportunity to serve the underprivileged and uphold social justice. Three members of the Urban Council elected during the mid-1960s and early 1970s told me that of all requests for assistance they

had processed, those regarding resettlement ranked highest in number.⁶ Housing was an essential part of livelihood. Hence, the elected Urban Councilors' involvement in housing issues helped boost their popularity among the people, most of whom did not have the right to vote in the Urban Council elections. It contributed to the formation of an "embryonic representative system" in this Crown Colony before the 1980s. Such a prototype of democracy, stemming from a "minor constitutional change" of adding more functions and elected members into the Urban Council, exemplified the fact that Hong Kong was not completely insulated from the trend of democratization in the British Empire even before the 1980s.

This episode also illustrates how some senior officers in the colonial government, as well as some prominent business figures regardless of ethnicity (such as the aforementioned Richard Charles Lee, who is local Chinese, and Lawrence Kadoorie, a Hong Kong-born Jew), disliked democratization in Hong Kong, however limited in form. They feared that even the most limited involvement of elected politicians in public housing affairs would disturb the governance—one that had run on low tax, minimal social welfare and high administrative efficiency. But if the governor decided to conduct a "constitutional experiment" that was not blocked by officials in London, all local opposition could be ignored. This was perfectly demonstrated again in the constitutional reform during Chris Patten's governorship between 1992 and 1997.

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Appendix 1. Distribution of Squatter-related Responsibilities, 1948–1973

