The Blame Game:
How colonial legacies in Hong Kong shape street vendor and public space policies

By

Andrea Kyna Chiu-wai Cheng
A.B. Economics
Bryn Mawr College (1993)

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Author_____
Department of Urban Studies and Planning
May 24, 2012

Certified by _____
Associate Professor Annette Kim
Department of Urban Studies and Planning
Thesis Supervisor

Accepted by_____
Professor Alan Berger
Chair, MCP Committee
Department of Urban Studies and Planning

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Abstract

Hong Kong has seen several social movements emerge since 2003 that have focused on saving quotidian public spaces, such as traditional shopping streets and markets, from redevelopment. This thesis explores how the most important form of public space in Hong Kong, streets and sidewalks, has been shaped by the regulatory framework for street vendors and markets, which in turn bears the imprint of Hong Kong's colonial heritage. I seek to identify contradictions between the ways society currently uses space and the original intent of the regulations, and establish if these can explain current frictions over public space expressed as protests.

In turn, I also argue that locating the contradictions helps to identify alternative approaches to mediating conflicting claims on space, which thus far have been analyzed through a "right to the city" perspective. This paper utilizes informal economy analysis and studies of colonial urbanism as additional lenses through which to interpret past policy choices.
A case study applies this approach to analyze government responses to the deaths of nine people in fatal fire in a tenement building on Fa Yuen Street, which plays host to a lively street market in Mongkok, a bustling lower-income district in the heart of Hong Kong.

Narratives about the causes of the fire assign blame to the street vendors rather than building owners whose renovations left fire escapes blocked and inaccessible. This narrative fits a pattern of associating vendors with public health or safety risks. While this characterization is common world-wide, in Hong Kong it is exacerbated by its colonial legacy of combining laissez-faire governance and paternalism. The dialectic between laissez-faire and paternalism can be recognized as playing a role shaping street vendor policies.

Thesis supervisor: Annette Mae Kim
Title: Associate Professor of Urban Planning

Thesis reader: Tunney Lee
Title: Professor of Architecture and Urban Studies and Planning, Emeritus

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Introduction

In the years leading up to the transfer of sovereignty over Hong Kong from the United Kingdom to China in 1997, Western media painted a grim vision of Hong Kong's future: Fortune magazine memorably forecast "The Death of Hong Kong" on the cover of its June 29, 1995 edition. Although Hong Kong has still not transitioned to a fully representative democracy in the 15 years since the handover, participation in local politics has thrived nonetheless. In particular, social movements championing historic preservation, land use, and public space issues have gathered steam since 2003. While some of the protests have focused on obvious public landmarks, such as the iconic Star Ferry, far more are concerned with the loss of traditional streets to redevelopment and the resulting threat to identity. The critical role that these streets play in shaping neighborhoods and creating a sense of place and identity lies in their function as the most-used form of public space.

A number of urban studies scholars and geographers in Hong Kong have examined the protests through a Lefebvrian "right to the city" lens e.g., Ng et al (2006), Ng (2009), and Ku (2012). Pragmatic solutions that restore the "right to the city" to the population at large require and understanding of the scope of conflicting clams to space, and a comprehension of how the debate has already been circumscribed by factors such as culture, political economy, and governance structures. Peer cities, such as Singapore, Taipei, and Seoul share similar densities and tensions between traditional street life and modern, globalized spaces. Yet considerable variation in how the four city administrations approach the built environment and public space has emerged, which raises the question of what is different about Hong Kong; its prolonged status as a colony, in contrast to the mid-twentieth century decolonization experienced by its peers, suggests an obvious place to start. In turn this leads to the main question of this thesis: How has the colonial legacy of

Hong Kong shaped the institutions and regulations that produce public space? To what extent can the colonial legacy explain the current tensions over its use?

My hypothesis is that the existing institutional framework which creates public space embeds values of the early colonial administration; as such it reflects neither current practices nor priorities and thus is at the root of tensions. Although colonial legacies are normally most visible through city form (Spanish settlements in the Southwest US and Latin America), building styles (hybrid French-Moroccan typology), or monumental architecture (Greek temples in Sicily), they are written into the physical environment just as indelibly through regulations and institutional channels, such as attempts to control public health. Although the British colonial legacy includes the institutions that are the bedrock of Hong Kong's development, such as the predictable rule of law and clean government, at the same time there are institutions and regulations that no longer fit modern society. I seek to establish if public dissent has emerged where there is friction between the intent of regulations and current social (spatial) practices.

Methodology and aim

To narrow down the scope of the question, this paper focuses on a specific category of public space, the street and sidewalk, which function as the main public space in Hong Kong, as in most Asian cities.[1] It transpired over the course of research that the regulatory framework in Hong Kong for streets and sidewalks was primarily derived from street vendor control. In November 2011, a fire tore through Fa Yuen Street, one of Hong Kong's most popular street markets, leaving nine dead: the government response provides an unfortunate, but timely, case study to explore our hypothesis. The victims lived in a building on Fa Yuen Street, where the renovations to subdivide apartments had blocked fire escapes. Yet the predominant response appears to blame vendors for

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[1] The introduction to Miao (2001) provides a useful overview of how public spaces in Asian cities differ from the Western paradigm, notably due to the density of cities, more even distribution of commercial spaces throughout the city due to the prevalence of mixed-use forms, and a blurring of boundaries between public and private space. A study of major East Asian cities by Rowe (2005) also provides a useful overview of public and "in between" spaces (p.121-138) as well as an examination of the role of paternalistic governments.

the deaths, as to date most political and public debate has focused on changing regulations for the street vendors rather than on fire safety standards, or building codes. This suggests a very real risk that the decline of traditional street markets could be the result of the policy response.

The paper proposes that effective new policies or rules that actually address the intended goals of improving public safety, while respecting livelihoods, can only be achieved by examining the existing regulations, the circumstances and intentions of their origins, and comparing them with current society and its lifestyle patterns and demands. Prior attempts to control street vending in Hong Kong have failed repeatedly because of their contradictions. For example, attempts to move vendors off the street in the 1950s, proved entirely impractical in the face of 2 million refugees from China. The contradictions required a more tolerant regime. This process throws out a secondary question: what explains variations in how street vendors are treated by the government?

Lobbying for policy changes on the basis of a desire for increased participation is problematic in Hong Kong, as its status as a Special Administrative Region (SAR) of China, under the "one country, two systems" policy may ultimately rule out the demand for "'right to the city,' which is not about inclusion in a structurally unequal and exploitative system, but about democratizing cities and their decision-making process."[2] The colonial administration developed an elaborate network of public consultation in lieu of participatory democracy. To this end, the government has created District Urban Renewal Forums (DURFs) to bring "a "People First, District-based, Public Participatory" approach in urban renewal according to the DURF website. But it is an *advisory structure*: decision-making remains shrouded within the government, despite these improved channels to voice opinions, leaving the "right to the city" an elusive goal.

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[2] Mayer, "The 'Right to the City' in the Context of Shifting Mottos," 371.

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Figure 1: Ho Pui Street, Tsuen Wan

Source: Karl Chan

Figure 2: Chun Yeung Street, North Point

Source: Author

The second risk is that the privileging of the process of capital accumulation[3] is actually

enshrined in Hong Kong law: Article 5 of Hong Kong's mini-constitution, the Basic Law, states "the

previous capitalist system and way of life shall remain unchanged for 50 years."[4] In such a context,

and with the canard that street vendors pose unfair completion to formal stores embedded in the

government's policy statement on street vending (see Chapter 4), there is a very real possibility

that any proposals to shift the balance between property rights and rights to livelihood will struggle

on the basis that they violate the Basic Law.

Why does this question matter?

The prior page illustrates what I consider to be the epitome of the Hong Kong street. In

Figure 1, the traditional market street faces a 3-story mall topped by five 45-story apartment

buildings. In Figure 2, the street market coexists with the tram and delivery vehicles, on a street

with both luxury and down-at-heel apartment buildings. These examples give hope that large-scale

redevelopment does not necessarily displace small businesses and the communities that they

anchor, and that public transport, vehicles, and livelihoods can both coexist and even literally

occupy the same space without (major) conflict. But, in both cases, it seems that the balance has

been achieved not through design, but by implied negotiation of space. A heavy-handed reactive

shift in the regulation of streets could jeopardize this happy balance, which up to this point has

offered a valuable template in demonstrating that modernization can take place without massive

displacement.

Architect Rahul Mehrotra comments on the opposite approaches to public space between

Western cities and Asian cities: "In Asia, when someone reorganizes or tidies up the Kinetic City

they become urban heroes....It's the absolute reversal of the West, where a premium is put on

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[3] Soja, *Seeking Spatial Justice*, 100. Soja clarifies that this viewpoint of David Harvey, sees capital as deterministic, and diverges from Lefebvre's "dialectical balance of social and spatial causality."
[4] "The Basic Law." http://www.basiclaw.gov.hk/en/basiclawtext/chapter_1.html

creating or facilitating 'Everyday Urbanism'."[5] Hong Kong seems to be pursuing both strategies simultaneously. The urge to tidy away street vendors persists, even as the Planning Department sidewalk design guidelines are replete with references to enlivening the public realm with buskers and flea markets – but with a conspicuous absence of street vendors in its renderings of lively, pedestrian-friendly streetscapes.[6] Similarly, the HK2030 visioning report published by the Planning Department in 2007 makes reference to "respecting heritage and cultural characteristics" with nary a mention of markets or vendors in the 319 page document.[7]

Conceptual framework

Academic literature on street vendors can be roughly divided into two camps. The first is currently dominated by public space literature that looks at how conflicting rights over space are determined and negotiated. The "right to the city" school variously defines public space as a site of democratic expression (Mitchell 2003, Kohn 2004), under threat from heavy policing (Davis 1990), increasingly privatized against the threat of undesirables (Sorkin 1992), and reduced to a site of consumption and commodification (Low and Smith 2006, Harvey 2008.) In this context, street vendors are swept away by the edict of the monied classes as undesirables, along with the homeless, due to the discomfort their presence instills, which in turn is feared to decrease property values and even deter capital flows. Reponses to these conditions include "guerilla urbanism" where users actively challenge authority through their use (Hou 2010) and "everyday urbanism" (Crawford 2008), in which new forms of public space are created through everyday practices. The existing literature on public space in Hong Kong draws heavily on this viewpoint, analyzing the subaltern activities of foreign domestic workers who reclaim space through their Sunday gatherings (Law 2002, Ng 2009) and the privatization of public space (Cuthbert and McKinnell 1997.)

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[5] Crawford, Speaks, and Mehrotra, *Everyday Urbanism: Margaret Crawford vs. Michael Speaks.*
[6] Hong Kong. Planning Department, "Study on Planning for Pedestrians."
[7] Hong Kong. Planning Department, *HK2030*, sec. 13.4.15.

Sidewalk rights

Sidewalk-specific research has a more nuanced analysis of the actors who construct the rights and govern the context in which vendors operate. Loukaitou-Sideris and Ehrenfeucht (2009) examine the conflicts over competing, legitimate uses of urban sidewalks, pointing out "it is the agreements that they embody that should be examined" in terms of whose rights are privileged in their construction.[8] Legal geographer Nicholas Blomley (2011) defines a key approach employed by cities, which he labels "pedestrianism." Authorities privilege circulation in a manner that is ostensibly depoliticized, "effectively deactivating rights-based claims."[9] Unpacking the term safety, which is used as automatic justification for pedestrianism, Blomley suggest it is an ambiguous term (like nuisance) yet imbued with totemic qualities, noting that a civil liberties lawyer found her appeal to rights "trumped by an appeal to 'safety'"[10] – which makes "political pedestrianism hard to contest."

The public space literature contains relatively little examination of how or why government policies towards street vendors change, beyond the original observation that attributes a reduced tolerance for disorder to the commercialization of public space. Zukin (2009) holds up the example of a group of street vendors in Brooklyn who were able to push back against the government, but ultimately dismisses their success as the result of "urban middle-class taste for consuming authenticity."[11] In the first major study of hawkers in Hong Kong, McGee (1973) argues that a hardening of policy towards hawkers was due to the government's assessment that hawking was depriving the industrial sector of necessary labor. This observation runs counter to what classical economics would predict, and for a heavily Scottish colonial administration that displayed such fidelity to the ideals of their compatriot Adam Smith[12], it would have been perplexing. If there was a

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[8] Loukaitou-Sideris and Ehrenfeucht, *Sidewalks*, 10–11.
[9] Blomley, *Rights of Passage* , 12.
[10] Ibid., 104.
[11] Zukin, "Changing Landscapes of Power," 551.
[12] To the point where the Financial Secretary in the 1960s, John Cowperthwaite, refused to produce GDP data for Hong Kong, fearing others in the government might try to use it to plan economic growth (Rabushka 1979)

shortage of labor, why did rising wages not attract people away from hawking and into factory work? The study of informal economies helps to explain the apparent market failure.

Informal economies

A stronger grounding for analyzing street vendors is found in the second set of literature, which views them as a key sector in the study of informal economies. Understanding where street vendors fit into the economy or society, versus how their role is perceived by the government is essential to identifying both the motives behind policies and the reasons for their failure. Chen (2011) identifies four main schools of thought: *Structuralists* view the informal economy as the result of unregulated relationships of production and inherently linked to the formal economy, best illustrated by the extent to which large corporations leverage unregulated supply chains to reduce costs or use sub-contractors to avoid their welfare and benefit obligations[13]; *Dualists* see informal activities as a subsistence sphere separate from the modern economy, that provides a buffer during economic downturns, illustrated by the characterization of the colonial city identified by McGee in the following section (this definition, usually ascribed to Keith Hart (1973), is remarkably persistent, as evidenced by a quote from the mayor of Hanoi, who described street vending as "a characteristic of underdevelopment"[14]); *Voluntarists* argue that some entrepreneurs make a calculated choice to operate informally, whereas *legalists* make the distinction that unreasonable regulatory burdens force the hand of individuals and cause them to operate outside of the sphere of the law.[15] The legalist view is particularly relevant to the case study, where the paper will explore how the mismatch between current market demands and legacy regulations forces virtually all street vendors to operate in violation of the law.

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[13] Castells and Portes, "World Underneath."

[14] Lincoln, "Report from the Field."

[15] . The latter school of thought was popularized by Hernando de Soto (1989) who would probably be surprised that Hong Kong is afflicted by this problem, as the strong property rights, low taxes and light regulatory burden of the territory are held up as a solution to the dominance of the informal sector in developing countries.

Table 1: Street vendor policies

Approach	Characteristics
Persecution	Elimination through arrests
Regulation	Licensing, creation of off-street or dedicated on-street market locations, enforced by city authorities
Tolerance	Containment of vending activities in central locations, ignore vendors in peripheral or low-income locations
Promotion	Promote entrepreneurship by business education, public health and safety training, access to credit, marketing

Source: Bromley (2000)

The policies themselves can be classified into four categories: persecution, regulation, toleration, and promotion.[16] Policy in Hong Kong has swung between the first three but has never committed to the last category, as Chapter 4 will reveal. Caroline Skinner's study of street market regulation in Durban, South Africa, is the exception to the lack of research on institutional change. She tracks the evolution of a system where the city variously "expelled traders, allowed unmanaged trading, and actively incorporated traders into urban plans."[17] Her observation that there was a shift in stance in the early 1980s, when local government elections were won by the Progressive Federal Party, finds a parallel in Hong Kong. Chapter 2 will discuss how more liberal phases of hawker control policy coincided with expansion of local Chinese participation in locally-elected municipal institutions. Likewise, a less-accommodative stance that Skinner identifies emerging in 2004 is linked to South Africa hosting the 2010 World Cup for football (soccer), which is in line with the prior discussion of the relationship between concerns over attracting capital flows and decreased tolerance for street vendors. In her 2004 report, Skinner emphasizes the importance of appropriate institutions, identifying the institutional *location* of street vendor regulation as a key variable: she identifies Pretoria as having the least supportive policies for street vendors among South African cities, and concludes this is due to the responsibility for enforcement lying with the

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[16] Bromley, "Street Vending and Public Policy," 22.
[17] Skinner, "The Struggle for the Streets."

traffic department.[18] However, the moment of institutional change outside of critical events (such

as the ending of apartheid, the World Cup) remains elusive. "By bringing institutional change under

the rubric of social construction processes, which incorporate social cognition and dispersed and

discursive concepts of power we can better understand why some policies have more impact than

others,"[19] writes Kim (2008), which suggests where this inquiry must head in order to identify the

source of change.

Colonial urbanism

The context of Hong Kong as a colonial city is different than the major Western cities have

formed the basis of the "right to the city" literature, thus some understanding of colonial urbanism

is necessary to foreground the analysis of this paper. The relative balance of power between the

government and citizenry of Hong Kong is circumscribed by its colonial past. (Arguably, the current

relationship with the mainland Chinese government shares some dynamics with colonialism, as will

be discussed in Chapter 3.) Singaporean urban planning scholar Brenda Yeoh defines four main

schools of interpreting colonial urbanism. The first characterization is that colonial cities

represented an intermediate stop between "traditional" and "modern" urban forms, as expressed

by McGee (1973), who juxtaposes an "upper" circuit of the formal, colonial economy with a "lower"

circuit, comprising an indigenous population and informal economy.[20] The second is the view of

colonial urban space as the imposition of western forms and culture on colonial subjects, typified in

Anthony King's influential eponymous study *Colonial Urban Development*[21] which Yeoh criticizes for

characterizing the contact between the dominated population and colonizers as constructed

entirely on the terms of the latter.[22] The third is a political economy approach, which places colonial

urban development in the context of dependency theory, whereby colonial cities reproduced the

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[18] Skinner, "Getting Institutions Right?".
[19] Kim, *Learning to Be Capitalists*, 178.
[20] Yeoh, *Contesting Space*, 4.
[21] Ibid., 5.
[22] Ibid., 6.

global relationships of capitalism and "a new grid of productive forces, embedded in new social relations, reworks the spatial organization of society in such a way that it became subservient to capital."[23] Although Yeoh points out that this lens fails to address social or cultural uses of space in colonial cities, it should be recognized that the analysis finds strong parallels in the current day discussions of the spatial impact of territorial competition that build on the identification of entrepreneurial urban governance as the main driver of space e.g., Brenner and Theodore (2002), Harvey (1989), and Swyngedouw *et al* (2002). She proposes a fourth approach, instead, viewing the colonial city as a site of "contested terrain of discipline and resistance,"[24] a view which dovetails with "right to the city".

The discussion of control and surveillance is a common theme in colonial history – Mitchell (1988) bases his influential arguments on the relationships between colonialism, urban form and power on the process by which the population of Egypt were suddenly put under a program of confinement, regulation and supervision, reduced to inputs in the process of agricultural production under colonialism.[25] This type of control was less prevalent in port cities, where the population had greater autonomy, but was no less subject to surveillance, as Brenda Yeoh argues. Alan Smart, an anthropologist whose work has analyzed the genesis of the public housing program in Hong Kong, cautions against this Foucauldian approach, however, as assuming too much about the competence and power of the colonial government:

> It may be common that colonizers do attempt to gain such all-encompassing control, but whether or not they succeed in such ambitions is another matter altogether, and one that is too often neglected by those who apply Foucault to colonial governance……an analysis of colonial governance requires an examination not just of the techniques of control and surveillance, but also of the circumstances of their failure.[26]

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[23] Ibid., 8.
[24] Yeoh, *Contesting Space*, 10.
[25] Mitchell, *Colonising Egypt*.
[26] Smart, *The Shek Kip Mei Myth*, 9.

Smart makes a valuable point that "…. the British colonial service saw themselves as generalists employing common sense to develop practical solutions to particular challenges rather than dogmatically applying ideologies and theories."[27] Deciphering current regulations then requires knowing the context for initial "common sense" decisions. It also stands in stark contrast to the French colonial experience, where Gwendolyn Wright explores how architecture and planning were extensively leveraged in an interweaving of politics and culture "as a key element to curb resistance [in the colonies] and to win political and economic support at home"[28] which suggests a more legible agenda.

Anthony King's identifies "culture, technology, and the power structure of colonialism" as the three critical ways through which colonialism shaped the built environment.[29] Much of the analysis in chapter 2 will focus on power, which was expressed through segregation and persisted through legal institutions, and also in the governing structures, which are unaltered and continue to affect the built environment through the concentration of power with the Chief Executive. Education, however, may have been an equally important, if more subtle route through which colonial viewpoints have persisted.[30] Planners and architects were sent to the Hong Kong colonial administration from the UK and the older Anglophone territories (particularly Australia), suggesting colonial values would have been imbued in local staff through the training process.[31]

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[27] Ibid., 8.
[28] Wright, *The Politics of Design in French Colonial Urbanism*, 8.
[29] King, *Colonial Urban Development*, 26.
[30] Crinson, *Modern Architecture and the End of Empire*.
[31] The Anglophone University of Hong Kong was founded in1911, with the intent of being "the Oxford and Cambridge of the Far East" (Carroll 2007, 85) and housed the only architecture school in the territory, until Chinese University of Hong Kong founded its department in 1996; CUHK was founded in the 1950s and drew on the community of academics who fled China during the revolution, addressing the demands for higher education in the native tongue of Hong Kong.

Thesis outline:

In order to examine the mismatch between regulations and practice, in the second chapter I first examine the history of public space in Hong Kong and the agenda or ideals ascribed to public spaces by the colonial administration. A comparison is drawn with other Asian colonial cities and conclusions made about the nature of planned versus actual public space practices. I suggest that the street and sidewalk were the major form of public space for Hong Kong's Chinese population because of de facto segregation. This conclusion helps narrow the scope of analysis of this paper to the regulatory framework of the street, and in particular, mechanisms for controlling the activities of street vendors. In Chapter 3, I lay out the institutional framework that produces space in Hong Kong, in order to understand the social, political and economic factors that place pressure on the use of public space. I examine the interaction between land use, government finances, and the evolving structure of the Hong Kong economy to shed light on past and current priorities for uses of land.

The fourth chapter attempts to identify what kinds of regulations and philosophies persist from the colonial era. Key developments in the history of hawker control in Hong Kong are contextualized with findings in the prior two chapters, which then help to orient my examination of the current regulatory regime for contradictions between intentions, policy, and practice. I conclude that the abolition of the Urban Council and management by the Food and Environmental Hygiene Department has framed hawkers as a public health problem.

In Chapter 5 I attempt to identify mismatches between the colonial legacy regulations/institutions and contemporary space and society through a case study. In this I examine the hawker policy review announced in February 2012 in response to a fire in a street market. Official attitudes are summarized from a combination of legislative debates and announcements by the regulatory authorities. I conclude that the focus on tighter regulation of the

street market, rather than of fire safety enforcement, illustrates a scapegoating of vendors that

stands at odds with both current lifestyles and even with the official government tourism agenda.

In the conclusion, I propose an alternative regulatory framework. In its current form, the

regulatory framework is inherently biased against street vending as a vocation because it is framed

as a public health and safety issue rather than one of livelihoods. This results in an absolutist

approach that does not leave room for negotiation with the communicated desire of Hong Kong

people to find ways to preserve vernacular cultural heritage. I suggest approaches that solve the

actual risk rather than perceived risks, which include consideration of the role of design and

management of markets in helping street vendors and markets to evolve into the 21st century.

Finally, I raise the question of how my analysis of the hawker control framework can be applied

more broadly to public space issues.

Notes on timeline and nomenclature

I have divided the colonial period into the early and modern. Historian Steve Tsang writes

"in British Hong Kong's first one hundred years its Chinese and non-Chinese communities lived

separate lives generally, with minimal contacts between the two,"[32] adding that "the British

administration was happy to leave the Chinese to manage their own affairs."[33] The early colonial

period is 1841-1945, and the modern colonial period is defined as 1946-1997 to reflect how the

British administration engaged in more active governance after World War 2, a change in stance

that is discussed in further detail in Chapter 2.

The terms street vendor and hawker are used interchangeably in this thesis. Official policy

in Hong Kong is still couched in this terminology, making it difficult to consistently use the more

neutral term of street vendors. Issues of nomenclature raise the valid question of whether adverse

policies are reinforced by the terminology used in Hong Kong. But Singapore's hawker centers

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[32] Tsang, *Government and Politics*, 2.
[33] ibid

suggest that a negative connotation with the word hawker is not inherent: they are a point of national pride and placed high on the official tourist agenda. This concern may be moot to the extent that the Cantonese term for hawker *siu faan* (小販) is best translated as "small trader", which like "street vendor" does not convey a negative image.

Finally, Hong Kong, for most part, functions as an independent city-state; as a Special Administrative Region (SAR) of China it retains autonomy for all but military and foreign policy matters. In this paper the term "territory" or "the SAR" is used for most part in places where "country" would be used, as "city" could be misconstrued to mean only the urban core.

Figure 1 Hong Kong's position within Asia   **Figure 2: Hong Kong's location within China**
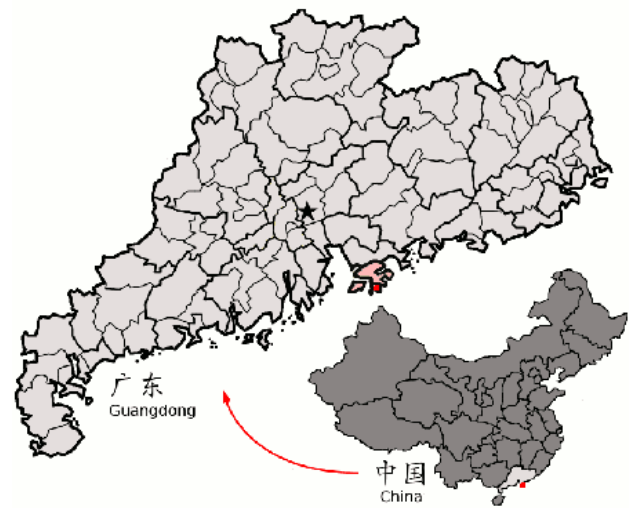

Figure 3: Hong Kong – phases of colonization and reclamation
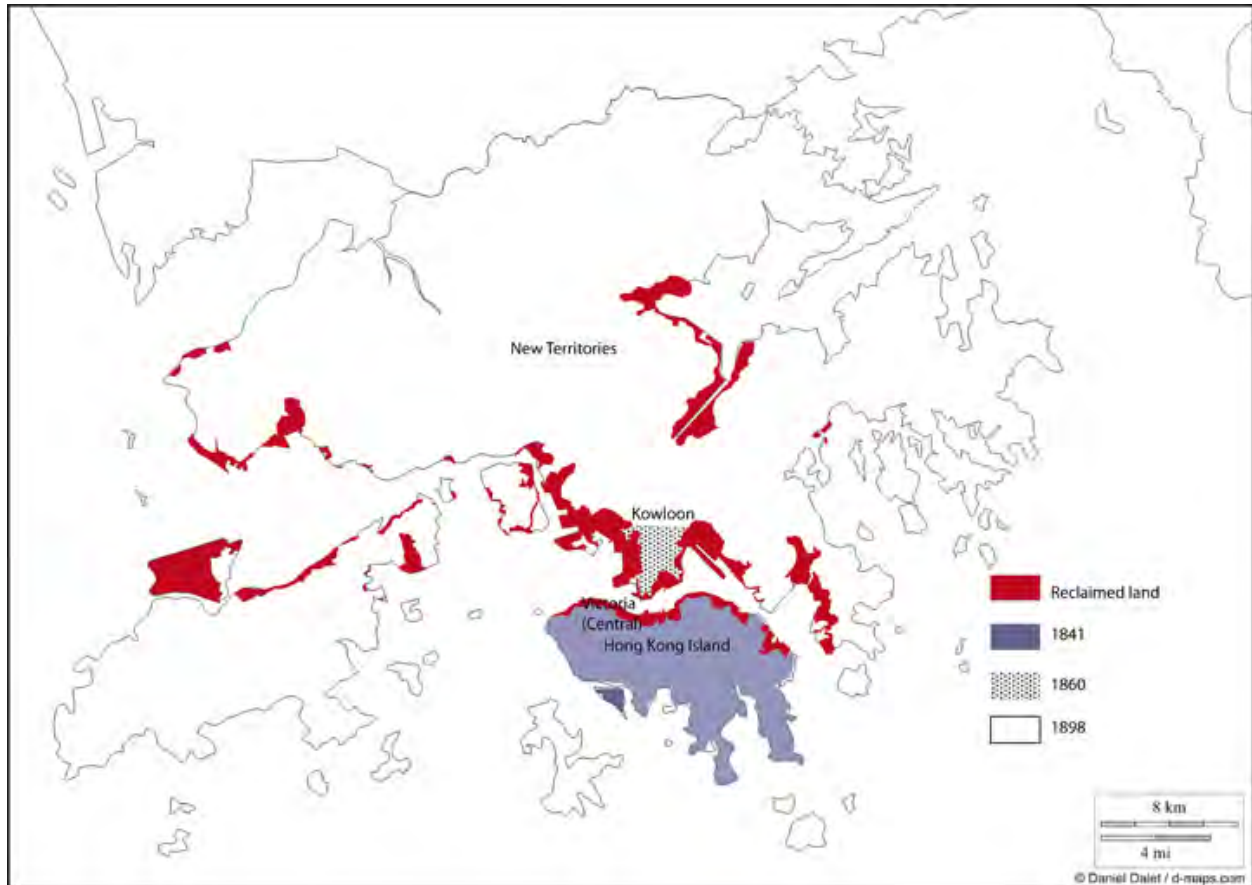

Figure 1: Based on http://www.techworksasia.com/wp-control/wp-content/uploads/top_map_of_asia.gif;
Figure 2: http://mapsof.net/map/location-of-hongkong-by-guangdong-china#.T4sFs3hhJ44
Figure 3 Adapted from from d-map.com

Chapter 2: History of public space in Hong Kong

This chapter focuses on the role ascribed to public space in the core urban areas of Hong Kong Island and Kowloon, with a view to understanding how conflicting goals that emerged in the colonial era continue to inform current day tensions over management of public space, in the form of hawker control. Hong Kong shared more than just its physical form with other British colonies. In terms of appearance, the similarities during the early colonial years were obvious, not least because building types that suited its semi-tropical climate were liberally borrowed from older tropical colonies, particularly Bombay and Singapore.[1] Hong Kong was also impacted by spatial issues that were common to all colonial cities, notably fears of racial mixing that drove segregation. These fears were also conflated with the dominant views on health in the Victorian era, when dirt, disease, immorality and congestion were assumed to be inherently intertwined. Attempts to address congestion were manifested not only in the Buildings Ordinance but also in attempts to police public space in the name of health, and this heritage can be seen in modern public space regulations.

British rule of Hong Kong began on January 26, 1841, although the island off the south coast of China (see Figures 1 and 2 for location) was not formally granted to Great Britain until the Treaty of Nanking was signed on August 29, 1842 following the First Opium War. The island of Hong Kong was ceded in perpetuity and the peninsula of Kowloon was added in 1860 under the Convention of Peking, following the Second Opium War. The combined area comprised less than 30 square miles (80km²). Eventually, rapid growth of the city and demands for a buffer zone – not against China, historian John Carroll argues, but to position Britain against other Western nations jostling for power in a weakened China[2] – led to the transfer of a further 365 square miles (950 km²) of land now known as the New Territories under a 99-year lease in June 1898. (Figure 3.) This lease on the

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[1] Carroll, *A Concise History of Hong Kong*, 4.
[2] Ibid., 68.

majority of Hong Kong's land ultimately led to the handover of the rule of Hong Kong back to China by Great Britain on July 1, 1997.

The characterization of the island as a "barren rock"[3] has been discredited by modern archaeology, with evidence of long-established settlements in Hong Kong, but it is fair to say the physical form of the city articulates the outcome of the "colonial encounter." There is some disagreement among academics whether Hong Kong fits the same mold as other colonies because it was a trading port, eventually populated by willing migrants, rather than being forcibly occupied by the British.[4] But whether Chinese migration to colonial Hong Kong was willing or not, rapid population growth (Table 1) and limited buildable land (Figure 4) brought the spatial practices of different cultures into direct conflict early in the history of the territory. Attempts to mediate these conflicts through segregation and a system of laws and controls, which Singapore urban planning scholar Brenda Yeoh dubbed "sanitary surveillance," were similar to those found throughout the British empire, where there was a more explicit agenda to control and "civilize" the conquered populations.[5]

Figure 4: Painting of Hong Kong c.1860 illustrates the challenging topography for building

Fig 5: MIT Visualizing Cultures: http://ocw.mit.edu/ans7870/21f/21f.027/rise_fall_canton_04/cw_gal_01_thumb.html

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[3] Political scientist Ngo Tak-Wing argues that the narrative of 'barren-rock-turned-capitalist-paradise' accords all the credit for Hong Kong's development to the British; this is the dominant trope in English. Carroll (2005) and Chui and Lui (2009) argue that Hong Kong played a much larger role than just transshipment and finance for British trade, with the result that much of the Hong Kong's growth was not related to British trade of any sort.

[4] Bremner and Lung, "Spaces of Exclusion," 225.

[5] Tsang, *A Modern History of Hong Kong*, 23.

A history of urban form

The lack of buildable land (Figure 4) and status as a port city dictated the form of Hong Kong**.** Port cities were run by colonists for merchants, neither of whom expected to stay long term, and thus had little incentive to plan their cities, in contrast to the settlement colonies of North America and Australasia.[6] Land was one of the few sources of revenue for the nascent administration of Hong Kong: the British held their first land auction on June 14, 1841, even before the colony was formally recognized[7]. Port colonies were intended to be self-funding – historian Steve Tsang highlights that the Treasury "required the colonial government to keep expenses to a bare minimum."[8] Hong Kong was not even the gateway to British territories, as was the case for peer port cities such as Bombay, Rangoon, and Singapore, further reducing the impetus to build grand architectural statements of colonial power that typically anchor formal civic spaces. Land literally meant money in Hong Kong, and there was little of either to be wasted in the early colonial years: buildable space was literally shaped through reclamation of land from the sea (Figure 1.)

What did public space mean to the British colonists?

What did public space mean in a context where space was valued according to its potential to facilitate trade and attract investment? (These values foreshadowed the emergence of entrepreneurial urban governance in the late 20th century. [9]) The built environment of Hong Kong was a victim of the struggle between the parsimonious Colonial Office and the pioneering group of British merchants, for whom "even the basic concept that the government ought to be responsible for the supply of fresh water was seen…as undue interference in the free market"[10] and who petitioned the Secretary of State against the imposition of taxes to build basic port infrastructure.[11]

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[6] Home, *Of Planting and Planning*, 62.
[7] Bristow, *Land-use Planning in Hong Kong*, 23.
[8] Tsang, *A Modern History of Hong Kong*, 23.
[9] Harvey, "From Managerialism to Entrepreneurialism" 3.
[10] Owen and Roberts, *The Heritage of Hong Kong*, 11.
[11] Chiu, *The Politics of Laissez-faire*, 25.

Sir Patrick Abercrombie – the creator of the 1944 Greater London Plan – commented in his 1948 masterplan for Hong Kong that the colony was "more deficient in public buildings than any other town of comparable size in the world: there is no Town Hall, Civic Hall, Art Gallery, Museum, Public Library, Theatre or Opera," in contrast to India where there was "perhaps an excess of public buildings."[12] The combination of fiscal parsimony and transient residents – for initially most Chinese merchants did not settle in Hong Kong - did not encourage attempts by either community to leave a legacy in built form.

Abercrombie's criticism was not entirely accurate during the late 19th century. A grand City Hall was built in 1869 in the Beaux Arts style, which contained a theatre, library, museum and assembly rooms, all of which served as public space for expatriates (Figure 5.) And in a rare instance of the government managing to prevail over the merchant community, between 1859-1869 a public waterfront roadway called the Praya was built, creating an attractive waterfront impression of Hong Kong (Figure 8). This roadway involved "persuading…marine lot holders to give up their exclusive rights to the harbour front and to their own piers."[13] But the more conventional colonial civic spaces of Statue Square and Queens Pier, shown in Figures 6-7, were not created until Queen Victoria's Diamond Jubilee in 1897, more than 50 years after Hong Kong was founded. Statue Square was made possible only by a large reclamation project, and ironically was located on land that was owned by the Hong Kong Shanghai Banking Corporation (HSBC), in what is probably the first instance of privately-owned public space in Hong Kong.

[12] Abercrombie, *Hong Kong; Preliminary Planning Report.*, para. 81.
[13] Le Pichon, "In the Heart of Victoria," para. 15.

Figure 5: Victoria, 1895 – City Hall highlighted in yellow

Figure 6: Distinct colonial civic space was not created until 1897 reclamation

Figure 7: Colonial power relations
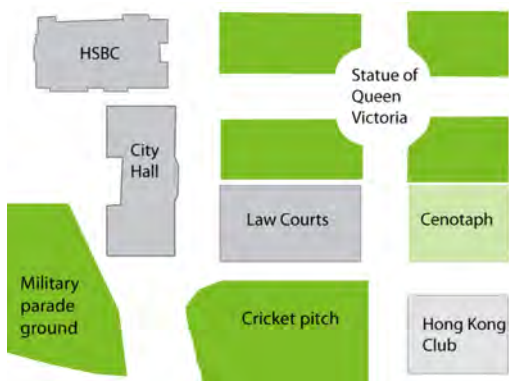
Figure 8: The Praya was a short-lived public space

Figure 5: http://upload.wikimedia.org/wikipedia/commons/e/e0/Central1895.jpg
Figure 6: http://upload.wikimedia.org/wikipedia/commons/3/34/HK_Statue_Square_1910.jpg
Figure 7: Based on map from Chan, *Antiquities and Monuments Office Survey*, p. 20
Figure 8: Trea Wiltshire in Le Pichon (2009) http://lisa.revues.org/docannexe/image/151/img-6.jpg

Figure 9: Colonial Mid-levels looked over the Chinese district of Tai Ping Shan

Source: Antiquities and Monuments Office Hong Kong http://www.amo.gov.hk/graphics/trails/S_folder/s26a.jpg

Public health and segregation

Where Hong Kong followed the typical patterns of colonial urbanism was in attempts to segregate European and Chinese populations. The public realm for expatriates meant sporting clubs, the racecourse, and the military parade ground, where promenades were held twice a week.[14] Such recreation spaces avoided the problem of potentially mixing with the Chinese population. Hong Kong had little room to use landscaping as a buffer between the expatriate and Chinese populations, as was attempted by Sir Stamford Raffles in his plan for Singapore[15]. The establishment of the Botanical Gardens in 1860 (criticized by the Colonial Office, which recommended the funds be used for sanitation improvements[16]) appeared to be the only effort on this front.

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[14] Butow, "A Notable Passage to China."

[15] Hee and Ooi, "The Politics of Public Space Planning," 84.

[16] Endacott, *A History of Hong Kong*, 101.

Table 1: Hong Kong saw rapid population growth

thousands	1841	1851	1862	1872	1881	1891	1901	1911	1921	1931
Total	7	32	124	122	160	221	301	457	625	840
Non-Chinese	Na	na	3	6	10	10	20	19	*19*	26

Source: 1841-1851: Lee; 1861-1891 Sayer, 1911 onwards, Census & Statistics department. Non-Chinese population in 1921-31 estimated from Lo (1992) Table 2.2

Instead, the first urban planning mechanism that developed was zoning to enforce segregation. Hong Kong was not explicitly segregated upon its founding,[17] but pressure for formal segregation rose in the 1870s as more prosperous Chinese began to move into areas considered European.[18] While Figure 9 shows that the homes of the European population, which were set higher up on the slopes of the Peak were handsome and spacious, they were still in fairly close proximity to the rapidly expanding Chinese population (Table 1). Fears over safety were used to justify an infrastructure of racial segregation, including "pass laws" that required Chinese residents to carry a registration pass from the police—and a lantern—when on the streets at night.[19]

In addition, racism was cloaked in health concerns, much as sanitary reform in Victorian London or nineteenth-century New York conflated issues of poverty with those causing disease, attributing the causes to filth, congestion, a lack of sunlight and fresh air.[20] Home writes, "the new breed of sanitary experts still chose to attribute the high death rates from disease in the colonial port cities to insanitary living practices and racial characteristics, rather than….poverty and economic privation." [21] This dynamic was common across all colonies, dubbed the "sanitation syndrome" by Maynard Swanson in his landmark study linking outbreaks of the bubonic plague to the establishment of apartheid in South Africa. [22]

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[17] Tsang, *A Modern History of Hong Kong*, 66.

[18] Also Bremner and Lung, "Space of Exclusion" 236.

[19] Lee, *City Between Worlds*, 29. The laws were in place from 1857-1897.

[20] Peterson, "The Impact of Sanitary Reform" 83. Peterson points out that sanitary reform ebbed as bacteriologically-based concepts of public health took hold in the 1890s

[21] Home, *Of Planting and Planning*, 77. Bremner adds that malaria, which was the most prevalent disease, was attributed to Chinese farming practices until its causes were identified in the 1890s.

[22] Swanson, "The Sanitation Syndrome," 387.

One critical difference between the public hygiene drive in Hong Kong and its parallels in Western cities was the feared impact on property prices. Undesirables in Western cities were feared for the potential damage to property prices their presence might wreak; conversely in Hong Kong, it was feared that Chinese would price Europeans out of their homes, given their willingness to live in tighter quarters and subdivided spaces. The 1888 "European District Preservation Ordinance" was introduced by the Governor, Sir William Des Voeux as a preventive for a time when "all but the richer European who can afford land of exceptionally high value will be driven altogether out of the town of Victoria or compelled to live there under conditions far more prejudicial to their health than those already presented by the tropical climate."[23] (Although the claim that Europeans could not tolerate crowded conditions reads as imperialist, a related view that Hong Kong Chinese tolerate, and thrive in, dense urban conditions is explored in Chapter 3.)

Segregation, rather than any material improvements to urban infrastructure, thus was the key vehicle through which the government attempted to improve public health. The conditions in the Chinese district, Tai Ping Shan, were undeniably squalid due to overcrowding (in 1903, densities reached 990 persons per *acre*)[24] but the response was to create sanitation committees and appoint a Colonial Surgeon to oversee public hygiene, which had little impact on public health. Eventually demands from the military to address high mortality rates among troops led to the 1881 *Report on Sanitary Conditions in Hong Kong*, written by Osbert Chadwick.[25] Unlike the influential report penned by his father, Sir Edwin Chadwick, whose *Survey into the Sanitary Conditions of the Labouring Classes in Great Britain* spurred investment in urban infrastructure of British cities, Chadwick's conclusions were initially ignored. He recommended extensive public investment in water supply, sewerage, and a system of public latrines and baths, and called for the government to underwrite improvements to existing dwellings. He also warned the colonial administration not to

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[23] Hong Kong. Legislative Council, "Hong Kong Hansard," Tuesday 27 March 1888.
[24] Blake, *Bubonic Plague in Hongkong*
[25] Yip, *Disease, Colonialism, and the State*, 17.

shirk this responsibility in the name of fiscal prudence.[26] The only parts of Chadwick's report implemented were the introduction of a Sanitary Board and changes to the Buildings Ordinance,[27] as the government and colonial community eschewed public spending and looked to the law to solve their problems. An outbreak of the bubonic plague in 1894 seemed to prove Chadwick's prediction that failure to address municipal hygiene would lead to even graver health problems. To the Europeans, however, the outbreak reinforced notions that the Chinese embodied grave danger to Europeans, eventually leading to the 1904 Hill District , which explicitly banned Chinese residents – except for servants – from the Peak (of Hong Kong Island, which was as exclusive as its name suggests.[28])

Colonial governance: Neglect, indifference or liberal tolerance?

Some of Chadwick's key recommendations were doomed to failure, as they involved far more investment in the Chinese population than the overall mode of governance provided. Tsang writes, "the British had little interest in governing the local Chinese beyond maintaining the stability and good order deemed conducive to trade and prosperity,"[29] which created conflict between the goals of public health, non-interference, and fiscal prudence. Efforts to improve living conditions through the Buildings Ordinance were compromised by protests from Chinese landlords, who "defended their rights to construct sub-standard buildings, because, they claimed, this form of living was a 'deep-rooted cultural custom.' "[30]

For example, Chadwick recognized that the state of streets in Hong Kong was deplorable because food vendors had no other place to operate. He hence recommended the provision of more markets, providing guidelines for their design that would facilitate cleaning and reduce health

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[26] Chadwick, *Sanitation of Hong Kong*, 4.

[27] Yip, *Disease, Colonialism, and the State*, 17.

[28] Bremner and Lung, "Spaces of Exclusion," 245.

[29] Tsang, *A Modern History of Hong Kong*, 67.

[30] Rooney, *At Home with Density*, 14. We also infer that Hong Kong's colonial administrators could be appealed to, and concerns about public health over-ridden, because of their belief that property rights were inviolate.

risks.[31] In contrast, the colonial government preferred to rely on administrative orders and laws as a means of addressing public health issues. Given the association that Victorians made between congestion and disease, much effort was put into keeping public space clear of congestion, including punitive fines for hawkers selling goods in European neighborhoods:[32] Hawker control both addressed perceived health risks of the congestion created by street vendors and enhanced segregation efforts.

A more dramatic illustration of the tension between the three governance goals is illustrated by the response of the colonial administration to the bubonic plague. The response to the plague outbreak in 1894 required military intervention to implement administrative orders, with a troop of soldiers assigned to disinfect houses and belongings of plague victims. Not only was this ineffective but it provoked up to 100,000 people to leave Hong Kong for China.[33] The plague reoccurred each summer: only in 1901 did the governor accept that "endemic plague could in the end destroy Hong Kong's reputation a major port of call"[34] and invested in commissioning a bacteriologist to conclusively research both the cause and the vector of the plague. The investment in eradicating the plague included demolishing 400 houses to build Blake Garden[35], in line with the belief that the plague was "a disease of dirt, overcrowding and rats"[36], illustrating how formal public space was seen as a solution to medical problems. The government had to invest in compensating building owners and rebuilding a proportion of the homes to meet new building standards,[37] which represented a significant shift in government stance. Echenberg argues that the "walkout" forced the British government to take a more responsible stance regarding the Chinese population, whereas Yeoh argues that the plague and other diseases formed the basis of more

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[31] Chadwick and Great Britain. Colonial Office. *Sanitation of Hong Kong*, para. 270–2.
[32] An ordinance introduced in 1872 levied fines for vendors who "use or utter cries for the purpose of buying or selling any article" that were 50 times the quarterly licensing fee.
[33] Echenberg, *Plague Ports*, 38.
[34] Ibid., 44.
[35] Ingham, *Hong Kong*, 111.
[36] Echenberg, *Plague Ports*, 44.
[37] Starling and Society, *Plague, SARS, And the Story of Medicine*, 155–6.

intensive form of control and surveillance. In practice, de facto self-governance through *kai fong* (neighborhood associations) and the Tung Wah hospital board came to an end. [38]

Public space for the Chinese population

Determining what public space represented to Chinese residents of early colonial Hong Kong poses some challenge, due to a lack of written records that reflect the Chinese perspective. Most of the description are rural in context, such as "mostly….open village grounds, located in front of or inside ancestral halls, temples, and Confucian schools. These spaces were used for gathering, drying crops, or ceremonial activities."[39] A study of urban life in 19th century Chengdu adds considerable detail to the picture of the street as the main public realm in Chinese cities. It was the main locus of social activities, which included street entertainers, theatre and opera performances, religious parades and ceremonies – none of which required authorization.[40] There were no restrictions for either merchants or vendors to sell goods on the street, while artisans used the street as their workshop; Wang emphasizes the importance of trades carried out on the street, such as roving repair services and water carriers, in connecting communities.[41] Meanwhile, teahouses served as another type of public space for "public leisure, recreation, and entertainment but also as a work site and arenas for local politics"[42] – similar to coffeehouses in 17th century London.

Beyond a culture of street life, the living conditions in the Chinese districts of early colonial Hong Kong necessitated using the street as living space. The 1881 census reported 83,750 men to 22,587 women, and only 9,724 families, as many migrants, including prosperous merchants, left their families behind in Canton.[43] Chadwick's survey reported one house on a prosperous street with four families on the ground floor and a further 24 people living on the two higher floors, all on

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[38] Tsang, *A Modern History of Hong Kong*, 69–71. Tsang writes the Tung Wah Hospital served as the main informal governing body for the Chinese community and was tacitly sanctioned by the colonial government.
[39] Xue and Manuel, "The Quest for Better Public Space"
[40] Wang, *Street Culture in Chengdu*, 2–3.
[41] Ibid., 38–9, 74-5.
[42] Ibid., 45.
[43] Chadwick and Great Britain. Colonial Office. *Sanitation of Hong Kong*, para. 12–14.

a 15 ft by 50 ft site.[44] Little wonder that residents relied on meals from street stalls and hawkers,

yet "many Chinese were treated as criminals because some of their normal pursuits had been

criminalized."[45]

Figure 10+11 Main streets were lined with colonnades and used for a wide range of activities
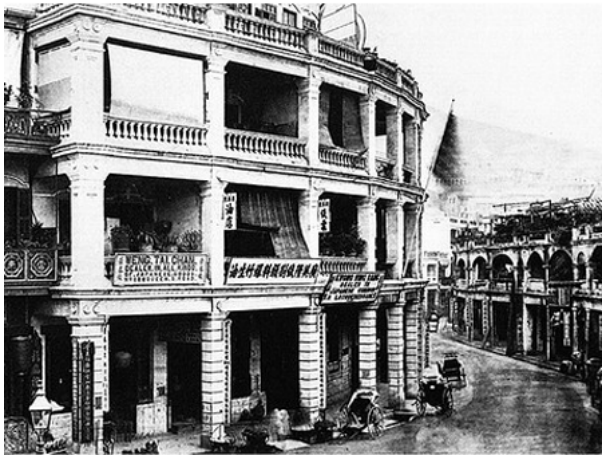
Source: Figure 9 Lee Chi-man via http://www.flickr.com/photos/old-hk/4130923924/;
Figure 10: Prints and Photographs Division, Library of Congress, via http://gwulo.com/node/8728

A further conflict emerges between the intention of a hands-off treatment of the Chinese

population and public health concerns, as congestion was not just defined in terms of crowded

residences. Yeoh writes that a greater differentiation of public and private space emerged in British

cities in the mid-19th century, due to industrialization, and with it, new standards for "decent

public behaviour."[46] The resulting expectations for the colonial era sidewalks were similar to those

embodied in the "pedestrianism" approach discussed in the introduction to this paper: "public

circulation space to be strictly and continually kept open for free-flowing pedestrian traffic."[47] Hong

Kong copied the style of colonnaded walkways, also called verandahs, from Singapore, where Hee

and Ooi write such "activities such as hawking, sleeping, begging, socializing and trading [were]

expressly forbidden."[48] Yet these practices represented precisely how the crowded population used

these spaces, thus the "municipal definition as planned circulation space [was] constantly

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[44] Ibid., para. 39.
[45] Tsang, *Governing Hong Kong*, 7.
[46] Yeoh, *Contesting Space*, 244.
[47] Ibid., 19.
[48] Hee and Ooi, "The Politics of Public Space Planning" 82.

frustrated by business, communal and social activities."[49] Similar dynamics were in evidence in Hong Kong, where the 1903 Public Health Ordinance capitulated on previous attempts to limit food sales to markets and instead authorized a range of foods considered safe to sell on the street.

The modernist era

Hong Kong diverges from the colonial experience in terms of timeframe – it remained as Britain's last significant colony long after the rest of the Empire had gained independence. Nonetheless, Hong Kong underwent a process that in many aspects paralleled decolonization, as Britain had to demonstrate to the world, and more importantly to China, that it was showing responsible stewardship of Hong Kong in order to justify its ongoing status as a colony.[50] The entire stance had to change towards one of active governance for the actual benefit of the majority Chinese population, rather than sufferance of their presence as a necessary support for British trading interests.

In some sense, *all* public spaces created through public investment in the modern colonial era can be read as an expression of increasing degree of self-governance: One of the most critical moves under Governor Murray Maclehose (1971-82) was to reverse "the colonial policy of sending major revenues to London and instead using taxes to fund local construction projects."[51] Moreover, this spending on public housing, education[52], infrastructure and public amenities also represented active efforts to create a sense of belonging and Hong Kong identity, in response to the 1966-67 riots. These took place against the backdrop of the Cultural Revolution in China, and represented possibly an even greater threat to British rule of Hong Kong than the bubonic plague outbreaks that

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[49] Ibid., 86.
[50] Tsang, *A Modern History of Hong Kong*, 145.; Smart, *The Shek Kip Mei Myth*, 3.
[51] Lee, *City Between Worlds*, 154. This dynamic suggests Hong Kong prior to 1971 had more in common with colonies run for extractive or agricultural purposes than might otherwise be assumed.
[52] Compulsory primary education was not introduced until 1972 and requirements for 3 years of secondary education were only introduced in 1978. Cheung (2009) notes that in 1966, only 13% of 10-14 year olds were enrolled in secondary education (4).

spanned the turn of the 20th century.[53] In the early colonial period, the worst-case scenario was the economic loss in the event that mishandling the Chinese population caused a mass return to China, as happened not only in response to the invasive sanitary measures instigated in 1894, but also during a city-wide strike in 1922. In contrast in the 1960s, the political calculus became far more fraught, with the need to weigh effective domestic policing against the risk of confrontation escalating into a potentially destabilizing political event; while these conditions faded over time, the dynamic may have influenced how later public space policies were implemented.

Admission of Chinese to the governing classes

The reformist post-war governor, Sir Mark Young, proposed extensive suffrage for the colony, but fears that a locally-elected body would be susceptible to manipulation by either Nationalist or Communist interests initially ruled out the creation of a directly-elected municipal government.[54] Even so, Governor Young moved quickly to increase participation of the Chinese population in the governance of the colony "in order to take some of the wind out of the sails of the Chinese and American critics" who believed Hong Kong should be returned to China.[55] Mao Zedong had gone on record, however, as saying that so long as Chinese subjects in Hong Kong were not treated as inferior or maltreated, the matter of returning Hong Kong to China was not a pressing one.[56] To this end, measures included opening the elite civil service cadet program to Chinese recruits and a reorganization of the two branches of the government, the Legislative Council (LegCo hereafter) and Executive Council to give equal weight to British and Chinese interests.[57]

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[53] Rooney, *At Home with Density*, 35. A study of the riots by Cheung (2009) shows, however, that the riots were not sanctioned by Beijing.
[54] Louis, *Ends of British Imperialism*, 355.
[55] Tsang, *A Modern History of Hong Kong*, 153.
[56] Louis, *Ends of British Imperialism*, 343.
[57] Ibid., 146.

Impact on the built environment

In his eponymous study *End of Empire*, Mark Crinson explores the relationship between modernist architecture and the processes of the "end of empire." Whereas modernism found favor in newly-independent countries for its apparently neutral visual vocabulary, its promise of new beginnings and hope in technology, Crinson argues that patterns of colonialism were reconstituted through what might be dubbed "architecture for development and welfare"[58], a form of benevolent late colonialism that attempted to prepare Britain's charges with "the outline of a new civil society."[59] By extending technical assistance, a "utopian vision of colonial modernization" was hoped to be realized by the British, much in the vein of what "the French had already named *la mission civilasatrice.*"[60]

In this spirit, public space became a way for the colonial government to signal an inclusionary new society. The symbolism of the new City Hall, which opened in 1962, was unmistakable: Sinologist Leo Ou-fan Lee claims the unadorned International Style building "matches perfectly the public mission of the building" and the "startlingly light and open building" made a pointed contrast to the heavy Edwardian colonnaded buildings that surrounded the rest of the formal civic space at the heart of Central.[61] This formal civic space included the original Queens Pier, which was used only for ceremonial occasions such as royal visits. In their analysis of the protests over the 2007 demolition of Queens Pier, Ng *et al* argue that the easy public access to the new Queens Pier, relocated in 1953 due to harbor reclamation, represented a critical change in opening up a genuinely public space to "sit and watch, wait and talk, in the economic and political heart" of the European part of the city.[62]

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[58] Crinson, *Modern Architecture*, 16.
[59] Ibid., 16.
[60] Ibid., 17.
[61] Lee, *City Between Worlds*, 62–3.
[62] Ng et al., "Spatial Practice, Conceived Space and Lived Space," 422.

Modernist architecture was also the natural stylistic choice for the public housing program, which would eventually house over half the population of the city. Its origins have taken on mythic qualities, as the first development was built in response to a fire in a squatter settlement on Christmas Day, 1953, which left 50,000 people homeless. "The colonial government made the utilitarian calculation that it was cheaper to build a six story resettlement block than pay relief to 50,000 people for two weeks" is how Home summarizes the decision, noting that the design of the simple structures drew on the *chawls*, or low cost housing, developed for the working poor in India.[63]

Figure 12: Public housing estates saw markets spring up in interstitial spaces

Source: Hong Kong Public Library via flickriver.com user eatsee10.

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[63] Home, *Of Planting and Planning*, 204.

Contrary to what CIAM (Congrès International d'Architecture Moderne) might have expected, industry, commerce, and housing ended up co-mingled in the minimalist resettlement estates, in a categorical illustration of the ability of people to shape their environment in contradiction to the formal intentions of space. The first generation of resettlement blocks were H-shaped; the courtyards formed by the arms of the H filled up with hawkers (Figure 12). Dwyer recounts that at one resettlement estate, 210 hawker stalls appeared within three days of clearance, and that the Housing Authority had been hesitant to provide markets until hawker control was better established. [64] Ground floor spaces intended for shops were also used as small factory workshops.[65] Much of the literature on Hong Kong public housing form dwells on the disruption to social structure, as units were allocated on the basis of nuclear families and broke up the multi-generational norm that was facilitated both by shophouses and by informal squatter dwellings.[66] But equally, long and open corridors that were freely used as living space, much as streets and covered walkways had functioned in earlier years, and repurposing of open space for hawker markets, all point to the ability to recreate many aspects of prior neighborhoods, providing some continuity.[67] Even rooftops were pressed into use as open air classrooms.

The same relationship between progress and architectural style was eventually expressed at a territorial scale through the creation of New Towns in the previously rural New Territories. The explosive growth in population (Table 2) presented an enormous challenge for the colonial administration. Abercrombie's report in 1948 assumed a maximum population of 2 million and his recommendation that population from overcrowded areas should be transferred to New Towns was only realized in the late 1970s.[68] The literal meaning of public space in these planned

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[64] Dwyer, *Asian Urbanization*, 192.
[65] Shelton, *The Making of Hong Kong*, 92.
[66] Crisman, "Transcultural Hybrid," 5. Hee and Ooi also make this point regarding the first generation of public housing in Singapore, arguing it "created a whole new housing type which was superimposed onto the social and psychological landscape of the population in the relocation to public housing within one generation of Singaporeans." (90)
[67] Lee, *City Between Worlds*, 156.
[68] Bristow, *Land-use Planning in Hong Kong*, 69.

developments was an amenity parceled out on a scientific basis to provide a better quality of life for residents. The higher densities required to house all the new residents (Dwyer noted that density in Tsuen Wan district reached 5,000 per acre in the late 1960s) was considered acceptable in the context of comprehensive design in New Towns that could be deployed to ensure the environment did not worsen, but could actually be improved through better siting and layout for public space and light.[69] The strictly modernist style of the New Towns, with their carefully planned and segregated land uses represents a clear break from historic urban form and spatial practices discussed above.

Table 2: Hong Kong post-war population growth

millions	1936	1941	1946	1951	1956	1961	1966	1971	1976	1981
Total	1.0	1.6	*1.6*	2.0	2.6	3.2	3.6	4.0	4.4	5.1

Source: 1936-46: Lo (1992); 1951 onwards: Census & Statistics department. Note: Lo lists the population in 1945 as 650,000

Invoking a broader sense of public space to mean the whole range of municipal facilities intended to serve the public, public space also represents the first arena where the Chinese population could directly participate in the political system. A form of municipal level self-governance resulted from the creation of the Urban Council in 1952. This municipal body was responsible for all public works and facilities – libraries, sports and recreation grounds, parks, museums, and beaches, plus management of municipal facilities such as public markets and setting policies for hawkers. This level of government brought decision-making power over local public spaces into the Chinese population through direct elections, introduced in 1963.

Space as creator of modern society – and policy making

Although it is unquestionable that the public housing program played a critical role in Hong Kong's economic development, debate remains over its initial motivations, with one argument worth reviewing for its implications for public space. Ip makes an intriguing argument that the

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[69] Dwyer, *Asian Urbanization*, 191.. Also based on commentary for plates 1-8.

squatter resettlement policy represented a continuation of the earlier sanitary regime, arguing that squatter resettlement was not being labeled as a welfare operation, but framed as a means of reducing fire risk "and the threat to public health and order."[70] This tactic, however, is probably more indicative of political dynamics under conditions of colonialism – Ip acknowledges that the government had to avoid the appearance of favoring one group: The vast majority of Hong Kong was living in terrible housing conditions (in 1961, density in the oldest parts of Hong Kong, Sheung Wan, had reached 2,380 persons per hectare – that is, 963 persons per acre or 616,680 per square mile[71]) and any sector of the population could have made a claim for assistance.

Appealing to public safety risks was arguably a politically palatable way to frame intervention. As with arguments based on public health or even pedestrianism, it appears neutral and of equal benefit to all - and there is evidence of this approach to this day. Certainly at the time, the government recognized that it had little legitimacy to push through drastic changes, outside of responding to disasters. This is illustrated by Roger Bristow's account of the development of Tseun Wan in the late 1950s as one of the first New Towns. The government was looking at an existing industrial district, with a population of 80,000 who lived in informal settlements or in the existing village core, who would be displaced and require resettlement. A report by the District Commissioner stated "the political opposition would…be great enough to pose a real threat to the security of the Colony."[72]

Conclusion

In this chapter I have argued that public space in the early colonial era differed from other colonial cities to the extent that it was not extensively utilized as a symbol of imperial rule. Instead, it was shaped by the fiscal needs of the government in part, but mostly through the desire of the

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[70] Ip, "Welfare Good or Colonial Citizenship?" 46.
[71] Hong Kong. Census and Statistics Dept., *Hong Kong Statistics, 1947-1967.*, fig. 2.5.
[72] Bristow, *Hong Kong's New Towns*, 80.

expatriate population to segregate themselves from the Chinese population, a pattern common throughout colonial cities. This was felt directly through legal segregation, but more extensively through the indirect measures of control for public health purposes, given that the Chinese population was perceived to pose a health risk to Europeans. Laws rather than costly direct intervention in the built environment were the preferred instrument, resulting in interference in even seemingly mundane everyday activities. These laws clashed with the everyday practices of use of public space by the Chinese community, for whom the street represented both the main space of social interaction and identity, but also as a necessary extension of living space given incredibly crowded living conditions. The outcome was both contestation and negotiation between British and Chinese notions of public space. This took place both through formal channels; LegCo records, known as the *Hansard*, show the Chinese members of LegCo put up a spirited defense of the everyday practices of the Chinese working class in debates over hawker control, for example, and landlords pushed back on the tighter building codes) and through informal, everyday activities whereby space was negotiated by use rather than by law.

The modern colonial era attempted to address the problem of crowded living spaces by applying modernist solutions, in the form of building public housing and creating New Towns, applying the British garden city model to Hong Kong. Public space in the broadest sense of the word also became a tool to demonstrate the legitimacy of the British colonial government – by addressing housing needs and creating New Towns, where recreational public spaces could be programmed, the colonial government was able to demonstrate responsibility and care for the population of Hong Kong. The implications of this form of development are discussed in the next chapter, where we examine the modern political economy of space in Hong Kong.

Chapter 3: The political economy of public space

Many of the elements that determined the production and use of public space in Hong Kong in the early colonial era foreshadowed the current age. The role of land sales in public finance remains unchanged. Investments in public space are made with an eye to the international image of Hong Kong, much as Statue Square was created in 1897 as the site for appropriate public pomp and circumstance for Queen Victoria's Diamond Jubilee. At the same time, continued overcrowding means the street remains an important site for everyday activities and congestion and public health remain priorities for the policing of public space. How, then, has public space changed in current day Hong Kong?

This chapter foregrounds the analysis of the *regulation* of public space in Chapter 4 by looking at the current factors that drive the *production, use and control* of public spaces. A description of the urban form of Hong Kong and its extremes of density is necessary for perspective on the degree of conflicts of over public space. Understanding how the structural shift in the economy has impacted both commuting patters and how neighborhoods are shaped contextualizes the pressure on public space. Meanwhile, analyzing how the government has responded to the economic shift through the built environment highlights how public space is viewed by the government in terms of marketing the territory. While real estate developers are a powerful lobby in any city in the world, an examination of the current political structure illustrates the aptness of the critique by Taipei's Culture Minister, Yung Li-tai: "In Hong Kong, economic benefit is the core value for all decision-making, and development is the sole ideology."[1]

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[1] Quoted in Pankaj Mishra. "The Money Pit." *New York Times*, September 20, 2008.

Figure 1: Hong Kong: Urban core versus New Towns
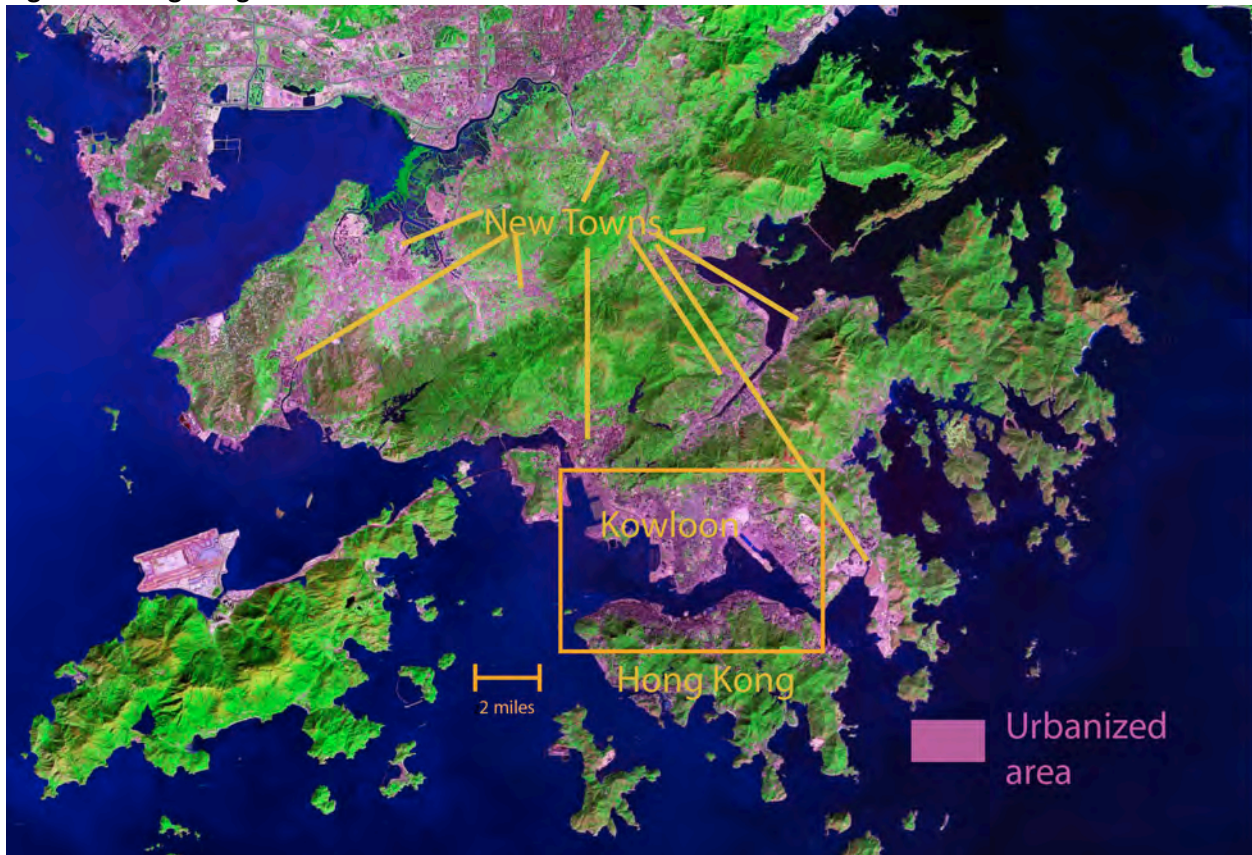
Source: Geology.com

Figure 2: Metropolitan density
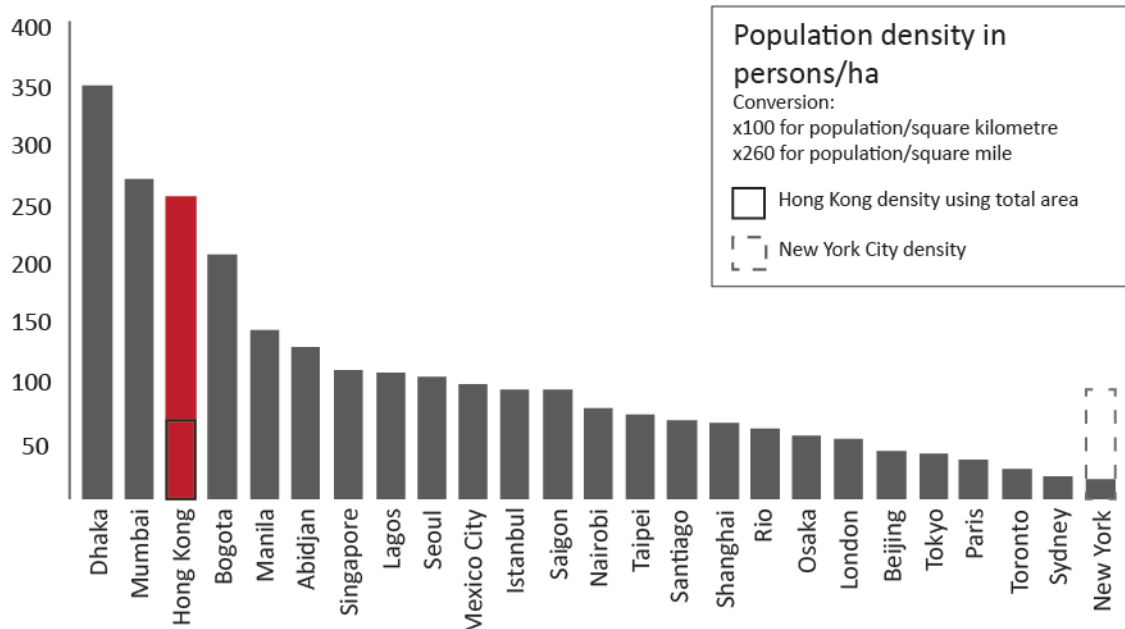
Source: Demographia. Cities by "urbanized area" – including suburbs. Note: New York City itself is 783km^2 but its urbanized area is given by Demographia as 11,264km^2. The outline shows New York City density calculated using US Census data (CO-EST2011) and county land mass (2010 Gazetteer).

Physical form of Hong Kong

Hong Kong is unquestionably the densest city in the developed world (Figure 2). Although Hong Kong is renowned for its density, it has an abundance of *open space* (Figure 3) as opposed to *public space* within the urban area (Figure 4). Development has been limited to a narrow strip along the north shore of Hong Kong Island, the Kowloon peninsula, and to strictly planned New Town areas, for most part. The British green belt concept was put into practice in the form of country parks, which account for 40% of Hong Kong's 1,108km^2 (428 square miles) of land—much of this is too steep to develop readily. Of the balance, 265 km^2 is the urbanized area, or 24% of the landmass, according to land use data from the Lands Department, where the population density is 268 persons per hectare (26,822 per km^2 or almost 70,000 per square mile). In comparison, the density in New York City is 104 persons per hectare. Density by district across Hong Kong ranges from 552 per hectare in Kwun Tong, an old industrial neighborhood in Kowloon, to 72 per hectare in the beach-fringed, expatriate-heavy Southern district of Hong Kong; the figures for the New Territories districts are much lower (13-75 per hectare) because the boundaries include agricultural land and country parks.

Figure 3: Hong Kong is not short of open space

Source: http://www.hkoutdoors.com

Figure 4: But it is scarce in the urban core

Source: Karl Chan

Housing and transport

The population of 7.1 million is evenly split between the urban core of Hong Kong and Kowloon and the New Territories; the population in the New Territories is concentrated in nine New Towns whose population ranges in size from 142,000-845,000. But income distribution is far from even, as suggested by median monthly household income on Hong Kong Island of HK$28,040 (US$3,594) compared with HK$18,020 (US$2,310) in Kowloon and $20,500 (US$2,628) in the New Territories. Furthermore, while half of the territory's population lives in either public rental housing or in subsidized home ownership developments, a disproportionate amount of public housing is located in the New Territories, where the availability of greenfield sites avoided the difficulty of displacement and redevelopment that would have been necessary to build more public housing in the urban core. Census data shows that 32% of households in Hong Kong Island live in public housing, as opposed to 49% in Kowloon and 54% in the New Territories.[2] Homes are small: the average household in public rental housing is a family of three occupying a 37m^2 (400ft^2) flat[3] and the private sector homes are not significantly larger—81% of total private housing stock is under 70m^2 (750ft^2) with a mean size of 58m^2 (627ft^2.)[4]

The rising political discontent referenced in the introduction is often attributed to increasing inequality. The proportion of the population in public housing, however, makes it difficult to interpret the standard measures of income inequality: In 2006 the government estimated the Gini coefficient at 0.533, up from 0.451 in 1981 – which put Hong Kong in the same bracket as Brazil or Chile - but adjusted for social benefits and tax it stands at 0.427.[5] Public housing

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[2] The concentration of public housing in the most recent New Towns, notably Tin Shui Wai where the share is 80% of the population, has gained attention for the social problems resulting from the relative isolation and underprovision of social welfare facilities relative to the needs of the population, who are disproportionately newer and less-educated migrants from mainland China.

[3] Hong Kong Housing Authority, "Housing in Figures." Calculated using average household size of 2.9 persons and average living space per occupant of 12.8m^2.

[4] Hong Kong. Rating and Valuation Dept., "Hong Kong Property Review 2011," Table 1. Average size calculated using modal count and mid-category size of classes tallied by the Ratings Dept.

[5] Hong Kong. Census and Statistics Dept., *Household Income Distribution in Hong Kong*. Preface.

has been interpreted as collective consumption for the purpose of holding down the cost of labor[6] - average rent on public housing is roughly one-quarter of market rent. To this point, the value of public housing is such that World Bank puts Hong Kong's GDP per capita, adjusted for purchasing power parity, at US$46,502, or the seventh highest in the world, against notional GDP per capital of US$31,757, or 23rd in the world. [7]

Commuting patterns have shifted in line with the rapid evolution of the economy. The oldest New Towns were contiguous to Kowloon and were either based on existing industrial clusters or large industrial estates were included in their overall plans. By the mid-1980s, it was evident that the original intention for self-contained communities had "become obsolete and in fact were probably never even particularly viable."[8] New Town populations have become commuters, instead of the scenario envisioned in the 1960s when "it was firmly resolved that adequate housing land must be provided to live within walking distance of their work, thereby removing their need to commute."[9] This impetus faded as Hong Kong shifted to a service-based economy in the 1980s, with the opening of China to foreign investment. Service industries are more heavily concentrated in the urban core, further concentrating travel patterns. As a result, only 15% of New Town residents work in their home district, as opposed to 26% of those resident on Hong Kong Island,[10] which in conjunction with the 4 billion passenger trips made on public transport each year[11] gives some indication of the volume of pedestrian traffic around the major transport interchanges.

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[6] Castells *et al* (1989), Smart (2006)
[7] http://data.worldbank.org.
[8] Bristow, *Hong Kong's New Towns*, 103.
[9] Ibid., 82.
[10] Census and Statistics Department, *2011 Population Census: Summary Results*, Table 42.
[11] Hong Kong. Transport Dept., "The Annual Traffic Census: 2010," fig. 4.1.

Table 1: Employment composition 1961-2011

% total employment	1961	1981	1991	1996	2001	2006	2011
Manufacturing	43.1	41.3	26.0	15.9	10.0	6.3	4.8 (4.0)
Construction	9.1	7.7	8.2	8.9	9.0	7.9	7.8 (7.8)
Wholesale, retail + hotels/restaurants	10.4	19.2	26.6	29.5	30.2	32.5	30.1 (30.6)
Finance, real estate + business services	1.5	4.8	8.3	11.8	14.7	15.5	17.5 (19.2)
Transportation, storage + communications	6.9	7.8	9.9	10.9	10.9	10.8	10.6 (12.2)
Education, community, social + personal services	n/a	15.6	19.5	21.7	24.6	26.3	28.6 (25.5)
Unemployment rate	*n/a*	*3.6*	*1.8*	*2.8*	*5.1*	*4.8*	*3.4*

Source: Department of Census and Statistics, Hong Kong. Figures in brackets according to new industry classifications introduced in 2009.

Figure 5: Shatin City One development – an archetypal podium development

Source: Author

The paradigmatic building form of Hong Kong, the podium development, finds its most complete expression in the New Territories. In these developments, the boundaries between private and public space are completely blurred: they typically locate a transport terminus or interchange underneath a shopping mall, on top of which is a housing complex for anywhere from 2,000 to 20,000 people. Figure 5 shows City One in Shatin, one of the older New Towns. The above-grade walkways separate pedestrians from traffic and are privately-owned, yet function well as

public space by recreating most aspects of streetscapes. It is a highly efficient use of land, and by connecting the development of public transport to that of housing, Hong Kong's subway/rail operator is one of the few in the world that run at a profit.[12] But while public transit can be considered as form of public space (Durso 2011), in Hong Kong the concourses of the subway have been turned into shopping arcades, which are associated with private spaces.

Enter the dragonhead: Economic integration with the Pearl River Delta

The rate of change in the skyline of Hong Kong is matched only by satellite photos showing the explosive pace of urbanization in the adjacent Pearl River Delta (PRD); the two phenomenon are inextricably linked. While a loss of manufacturing jobs to China is a phenomenon witnessed across the world, Hong Kong has seen the most radical shift because of the ease of transfer of manufacturing operations to China. In the past thirty years, there has been a complete reorganization of the production process such that the PRD can be considered a single extended metropolitan area, where production takes place in China, while management, marketing, design, and finance occurs in Hong Kong.[13] The impact is shown in Table 1: Manufacturing fell from 26% of employment in 1991 to 4.8% in 2011 - for reference, U.S. manufacturing employment fell from 15.7% to 8.9% over the same period.[14] The offsetting gains in employment were in the retail and tourism sector, in finance/real estate, and in health, education and social services. The implications for the use of space is far more complex, however, than the balance of land use shifting from industrial space to office space, with the two clearest drivers being the impact of globalization and the growing role of tourism.

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[12] Cervero and Murakami, "Rail and Property Development in Hong Kong."
[13] Ibid.
[14] U.S. Bureau of Labor Statistics, Establishment Data Historical Employment Table B-1.

Table 2: Industry contribution to GDP 1981-2010

% total GDP	1981	1991	1996	2001	2006	2010
Manufacturing	21.1	13.7	6.5	4.6	3.1	1.8
Construction	7.1	4.9	5.2	4.4	2.6	3.3
Wholesale, retail, hotels + restaurants	17.6	22.7	23.9	23.9	26.9	27.3
Finance, real estate + business services	21.3	19.8	22.4	19.4	24.2	26.4
Transportation, storage & communications	6.7	8.5	8.8	9.0	9.3	11.3
Education, community, social + personal services	12.3	13.6	16.1	19.8	17.4	16.8
Urban utilities	1.5	2.2	2.4	2.9	2.7	2.0
Ownership of premises	8.3	8.9	10.4	10.8	10.2	11.1

Source: Department of Census and Statistics, Hong Kong.

Feeling the effects of globalization

The first way the evolution of the economy has affected public space production and use is through its "global city" role. TIME magazine's coinage of Nylonkong to summarize globalization in 2008 reflects Hong Kong's role articulating flows of both goods and finance between China and the rest of the world.[15] This role manifests itself in the high share of GDP from finance and real estate shown in Table 2, but it is equally reflected spatially. Anthony King (1990) has claimed that colonial cities can be interpreted as precursors to world cities[16] while David Harvey (2000) also argues that globalization has a long history within capitalism, which "constructs a distinctive geographical landscape, a produced space of transport and communications, of infrastructures…that facilitates capital accumulation."[17]

Nowhere are the dynamics expressed by Harvey seen more clearly in and around the International Financial Centre (IFC) in Hong Kong's Central District. It also illustrates the bifurcated society symptomatic of world cities which was identified by both Friedmann (1986) and Sassen (2001), where the globalized elite co-exist with informal or low-skilled service workers who facilitate their existence, but the middle–class are scarce. The lower levels of IFC house the Airport

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[15] During 2009-11, Hong Kong overtook New York and London in one critical financial benchmark: funds raised from new company listings on the stock market. The two largest deals in 2011 were from Glencore, an Australian mining company, and Prada, the Italian luxury fashion house, which give an indication of the multi-directionality of Hong Kong's role as a financial node. (Hong Kong Exchange January 2012 Newsletter)

[16] King, *Urbanism, Colonialism, and the World-economy*.

[17] Harvey, *Spaces of Hope*, 54.

Express train station, while an extensive shopping mall serves as a concourse connecting buses, mini-buses, and ferry piers. Zoning bonuses for public space allowed one of the two IFC office towers to be built to 88 stories despite a plot ratio (i.e. FAR) capped at 15. The towers are predictably popular with international financial firms and multinationals requiring prestigious Asian headquarters, as well as making a distinctive addition to Hong Kong's skyline. The public spaces, notably the roof garden and its adjacent chic restaurants overlooking the harbor, are seemingly tailor-made for InvestHK, the city promotion agency. On weekends the interior atrium—which is zoned as public space—acts much like a town common for the families of the expatriate and Anglophone Chinese upper middle class, helped by consistent music and art programming (Figure 5a).

Figure 5:
Catering to the globalized elites

Figure 6:
- and those who cater to them:

Source: a) author b) Sing Tao Daily

Source: Author

Outside on Sundays, the roof garden acts as church, living room, and beauty parlor for the foreign domestic worker (FDW) community. The surrounding walkways are also repurposed as socializing spaces.[18] Meanwhile, adjacent pedestrian passages also serve as sites to support this community of approximately 300,000 (mostly) women from the Philippines and Indonesia, such as the shipping services shown in Figure 6b. The major landlord in Central district, Hong Kong Land, tried to oust FDWs from their habitual gathering spots in 1992; Constable (1997) suggests most Hong Kong residents saw the Sunday gathering as an "invasion" of public space, with such characterizations of the FDWs as "a public nuisance" who engage in "undesirable activities" and cause "environmental problems" with their "crowds and noise."[19] These parallel the portrayal of street vendor activities discussed in Chapters 4 and 5.

There is a tendency by public space scholars to frame the use of space as subaltern (Ng 2009) or an act of resistance (Law 2002), but their shared conclusion that the act of conducting private activities in public reclaims the "right to the city" does not highlight either the irony that this all takes place on privately-owned public space, or that space is *negotiated*, whether formally or informally, as can suggested by the fact that exactly half the walkway is occupied, allowing circulation to proceed. More recent research by Constable (2009) explores the highly visible role the FDW community has played in mass protests in Hong Kong since 1997,[20] concluding it is related to the degree that their presence is essential to the upper classes of Hong Kong: "Their labor is essential to and their protests are defining of the Hong Kong SAR's particular brand of postcolonial neoliberalism."

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[18] See Ng (2009), also Hou (2010), Law (2002), Tillu (2011) and Koh (2009), who parallels Constable (2009) with an argument that Hong Kong shows this pattern of use of space because of a conscious attempt to appear cosmopolitan and tolerant in line with the "Asia's World City" image, in contrast to more rigid regimes in Kuala Lumpur and Singapore. It also needs to be pointed out that when the gatherings started in the 1980s, there were fewer FDWs than street vendors, and that they took place in Central on Sundays when the business district was moribund and hence harder to identify the gatherings as "obstruction" —the rise in complaints discussed by Constable paralleled the growth of the community in tandem with globalization.

[19] Constable, *Maid to Order in Hong Kong*, 5.

[20] Constable, "Migrant Workers." She points out that Hong Kong is the only city with a sizable FDW community that allows mass protests – ie the absence of protests in Singapore or Dubai is not to be read as the lack of problems to protest about, as many observers mistakenly assume.

Figure 7: Annual growth in tourist arrivals has been driven by mainland Chinese travellers
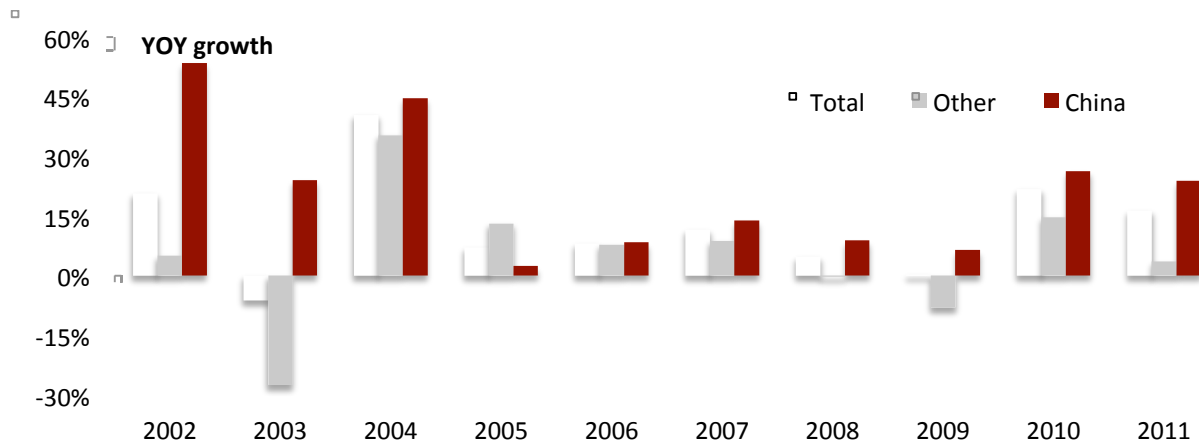
Figure 8: Chinese tourist arrivals have quadrupled in a decade
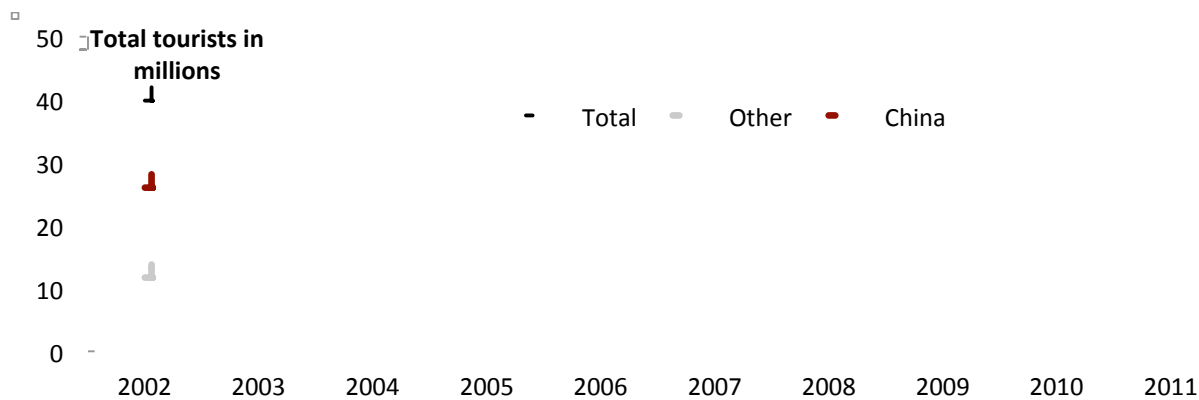
Source: Hong Kong Tourism Board

The tourist tide and public space

The rise in importance of the tourism-related sectors (retail, restaurants, and hotels) points to another very direct pressure on public spaces in Hong Kong. In 2011, 42 million tourists came to Hong Kong, of which 28 million were from mainland China—and half of these were day-trips. This figure has tripled from 2001, when 14 million tourists visited the territory. (For comparison, tourist arrivals in New York City were 51 million in 2011 and 35 million in 2001.) The boost was initially due to a relaxation on outbound travel restrictions on Chinese citizens, as a measure to help Hong Kong's economy from a recession induced by the Severe Acute Respiratory Syndrome (SARS) outbreak, and otherwise reflects the growth in consumer spending in China. The reason for the popularity of daytrips to Hong Kong reflects the rapid convergence of incomes in the PRD, the lack

of tax on luxury goods in Hong Kong, and growing mistrust over food safety in China - cans of

Japanese and Western-manufactured baby formula are eagerly sought after.[21]

The magnitude of tourism from China has turned neighborhood shopping districts into

globalized spaces. This has materially altered the quality of public space for Hong Kong residents, as

the ability of neighborhood shopping streets to play this role has been diminished by their

transformation into luxury shopping hubs. This diminishment is analogous to gentrification at warp

speed – if a corner store or bodega in an immigrant area in London or New York is replaced by a bar

catering to 20-something hipsters, it can still function as social anchor for its block, albeit for a

different set of residents. Change typically is more gradual when driven by domestic factors, rather

than coming as an exogenous shock to the economy, as in Hong Kong. The dynamic and degree of

displacement is best captured by a report in the *South China Morning Post* dated February 9, 2011,

describing how one street in Causeway Bay was about to lose a prominent traditional food retailer,

as rent on its 300 sq ft location was about to be raised to US$960,000 per year; unsurprisingly, the

new tenant is a luxury watch store[22] as these presumably only need to sell a single US$100,000

watch per week to cover overheads. As a result "people have become accustomed to seeing their

local noodle shop or plumbing supplies store subsumed into yet another franchised outlet selling

yards of gold chains."[23]

At the same time, rents even in domestic-focused areas are accelerating. Domestic retail

chains are being displaced by global chains looking to use their first Hong Kong location as

beachhead for eventual expansion in China, and thus willing to treat it as a loss-leader. The

Financial Times noted "as displaced [Hong Kong chain stores] search out alternate locations, they're

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[21] Pomfret, "China Milk Powder Demand Leaves Hong Kong Shelves Bare."
[22] Nip. "High rent squeezes out a colourful old-timer." *SCMP,* February 9, 2011.
[23] Carl Berrisford. "Sting in the retail." *SCMP,* May 21, 2012.

gentrifying and driving up rents on heretofore less glamorous addresses."[24]. Hong Kong's Causeway

Bay retail rents are the second most expensive market in the world at US$1,943/ft^2 annual rent, just

behind New York's Fifth Avenue.[25] However, average rents in Hong Kong are higher for even

domestic-oriented shopping districts, with average annual rents in Mongkok at US$946/ft^2

according to Cushman & Wakefield.[26] This gritty but colorful neighborhood forms the focus of the

case study in Chapter 5. In contrast, New York has a much wider spread of rents, with average

annual rents of less than US$300/ft^2 in areas popular with regional residents, but less so with

international visitors, such as the Flatiron and SoHo.[27] This type of discrepancy points to a

diminishment of the ability for new businesses to gain a toehold, and a tendency for the position of

large businesses to be reinforced by their superior negotiating position. .

The economics of land in "Asia's World City"

The impact on property prices from the Mainland tourism boom has heightened concerns

about Hong Kong's competitiveness in services – and is a good starting point for a discussion of the

political economy of land in Hong Kong. As economist Andy Xie summarized in the *South China*

Morning Post on April 23, 2012:

> After the 1998 [property] collapse, the Hong Kong government took to setting a
> minimum price for land auctions. As the government is the only land supplier, it
> caused the economy to restructure around the government-mandated land price.
> Economic activities that compete globally couldn't survive in such an environment
> and decamped as a result.

Accelerated tourist flows from China have acted as an extra shock on real estate prices in Hong

Kong, rendering other businesses even less competitive and displacing investment to favor real

estate. The response has been to focus the production of space towards efforts to cement Hong

Kong's aspiration to become "Asia's World City" – the official marketing slogan adopted in 2000.

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[24] Sarah Mishkin. "Chinese tourists fuel Hong Kong retail."
[25] Real Estate Board of New York, *Retail Report Fall 2011*.
[26] Cushman & Wakefield, *Fashion Retail Snapshot: Hong Kong Q4 2011*.
[27] Real Estate Board of New York, *Retail Report Fall 2011*.

This entails "ensuring that Hong Kong becomes the most attractive major city in Asia in which to live and work"[28] and aside from its impact on the public spaces that are being created, also have important implications for how existing public space is managed with an eye towards Hong Kong's image in the eye of international investors.

Figure 9: Central waterfront

Figure 10: Kai Tak redevelopment

Figure 11: West Kowloon Cultural District

Figure 12: WKCD streetscape

Source: Fig9: Planning Department; Figure 10: Development Bureau; Figure 11 + 12 : Foster + Partners

Building "Asia's World City"

Hong Kong's role as a node connecting flows in the global economy is one that is not highly space-specific, thus heightening the sense of territorial competition, yet the response has been almost entirely in the form of the built environment. Jessop and Sum (2000) highlight that "the scope for urban entrepreneurialism has grown in tandem with the expansion in discourses about

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[28] Commission on Strategic Development, *Bringing the Vision to Life*, vi.

competitiveness and potential means of enhancing it."[29] . Their point is well-illustrated by the

extent to which major East Asian cities, plus the Gulf State cities such as Dubai, have all invested

heavily in airports, convention centers, transport infrastructure, and more recently, in arts-led

development initiatives.

Hong Kong's strategy has differed very little from this agenda, and the palpable sense of

anxiety is probably heightened by the fact that several of the key competencies of Hong Kong are

easy to quantify, such as shipping tonnage or airport passenger arrivals. Moreover, its primary

"creative industries" showcase, the West Kowloon Cultural District (WKCD) has been stalled for 15

years; during this time, China's cities have taken to the creative industries concept with alacrity.[30]

The key government-led projects currently under construction are:

- New civic space in the heart of Hong Kong, centered on new government headquarters at Tamar the former British navy site, adjacent to the Central business district (completed in late 2011.) An extensive park planned for the waterfront (Figure 9)

- Redevelopment of the former airport site at Kai Tak to create a cruise ship terminal, a new business district, a new sports stadium and housing for 83,000 (Figure 10.)

- West Kowloon Cultural District: 15 performing arts venues, a museum, hotel and apartments – and the entry point to China's high-speed rail network (Figure 11 + 12.)

- Central Police Station: arts-led redevelopment of a Victorian prison on the edge of Central, with an addition designed by Herzog + de Mueron (not shown)

The common thread between these projects is the prominence given to image-enhancing public

spaces: the first three all include large parks and waterfront promenades, while the last features a

large courtyard in a heritage site that would be one of the only open air sites in Central. The

winning plan by Foster + Partners for WKCD incorporated both a naturalistic park and stylized re-

interpretations of traditional Hong Kong streets - neatly encapsulating the dichotomy between

formal, planned public spaces, and what is most heavily utilized public space in practice – the street.

The placemaking aspect cannot be underestimated: A local thinktank proposed an alternative rail

gateway in the New Territories with a projected cost of HK$25 billion (versus HK$67 billion to

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[29] Jessop and Sum, "An Entrepreneurial City in Action," 2292.
[30] Keane, "Great Adaptations," 221.

locate the station at WKCD) and a design with significantly more efficient transfers for travelers.

Despite the prospect for saving HK$42 billion (US$5.4 billion) and the logic of trying to disperse

economic activity to an economically deprived part of Hong Kong, it appears that a less prominent

site meant that the suggestion was never considered by the government.[31]

The WKCD has been delayed by public concerns over management. It is less than clear how

the software of arts education will be managed, suggesting a risk that it becomes a place to

consume, rather than produce, culture – and there are fears that it is just another property

development in the guise of an arts center.[32] This is partly premised on the last major government

attempt to re-tool the economy: During the dot-com era, Hong Kong's response to Singapore's

investments in Science Hub and Intelligent Island and Malaysia's Multi-media Super Corridor was

an idea floated by Richard Li, the son of Hong Kong's richest tycoon, to build a development called

Cyberport, a 64-acre reclamation site on the affluent south side of Hong Kong Island. According to a

summary of the plan by Jessop and Sum (2000), two-thirds of the space was to be allocated to

"cyber facilities" and the balance to a hotel, retail facilities and residences. The project was allocated

to Richard Li's company, Pacific Century Cyberworks, without tender, and the result was a

sprawling luxury housing development but with little to show in the form of new technology firm

development. The public criticism, and charges from lawmakers in the Democratic Party of

collusion, was of such magnitude that the government felt compelled to place press statements

from the Secretary for Commerce, John Tsang, in newspapers in an attempt to explain its position[33]

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[31] Professional Commons, "Hong Kong Interchange: Faster Better Cheaper." The presentation argues the design of the station at WKCD is less practical for travelers as it is not well integrated with existing rail, resulting in a 20 minute walk between the airport train and the high speed rail stations through multiple level changes. It is worth noting that Guangzhou's highspeed rail station is 45 minutes outside the existing urban core, thus the siting would be similar.
[32] Ku and Tsui, "Cultural Project" 345.
[33] Tang. "Tsang's commentary not convincing, say academics."

One property to rule them all: one property to bind them

The discussion above about the extent of urban entrepreneurialism in Hong Kong is seemingly at odds with the territory's reputation as a bastion of laissez-faire. However, property remains the one clear tool the government can leverage to facilitate economic growth through its control of over land supply. In line with the British leasehold system, the government retains all *ownership* of land in Hong Kong (other than the site of St. John's Cathedral) and sells r*ights of use* through 50- and 75-year leases. The current policy is commonly labeled a "high land price policy" as the government stopped holding its regular auctions, which had occurred four to six times a year prior to 2004, instead instituting a complex bidding process which has had the effect of "artificially reducing the regular supply of land" and driving up land and property prices.[34]

Any change in use, such as when farmland is bought to build housing, also results in a premium paid to the government, allowing it to capture a significant share of the value in land that would otherwise accrue to only to either speculators or developers.[35] There is some evidence, however, of collusion between property developers at the government auctions.[36] Furthermore, the system has become vulnerable to manipulation: In *Land and the Ruling Class in Hong Kong* (2010), Alice Poon details mechanisms used by property developers to amass landbanks, despite the governments' efforts to ration land supply, resulting in a larger share capital gains accruing to the developers than the system intends.[37]

The institutional structure of public finance has led to a bias towards property development and infrastructure projects. Land premiums and property taxes have accounted for 13-27% of total

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[34] Nissim, *Land Administration*, 43–44.
[35] Hong (1999) estimated that between 1970-1991, the government recaptured 39% of increased land values, which covered 55% of the cost of infrastructure investment over the same period
[36] Liu and Wang. "Site goes for HK$4b after sale warning." The chairman of Sino Land was seen holding discussions mid-auction with a smaller rival, who then dropped out of the bidding.
[37] Poon, *Land and the Ruling Class*, 112–116.

government revenues between 2000-2010.[38] Proceeds from land premiums are allocated to the

Capital Works Reserve Fund (CWRF), however, and are not automatically available to fund other

forms of government spending as they are designated for public works spending.[39] On occasion, a

lump sum transfer has been authorized, but the implied tax paid by Hong Kong's residents in the

form of highly rationed space is not necessarily repaid in the form of higher social spending. Instead,

there is a reinforcing tendency to focus on large property development-led strategies that require

infrastructure investments.

Property hegemony

The influence of the property sector over government decisions flows through two channels.

The first is the nature of Hong Kong's political structure, where decision-making is concentrated in

the hands of the SAR chief executive and the bureau secretaries.[40] There has been little incentive

Meanwhile, the legislature is not likely to oppose property-led economic plans due to its structure.

Only half of the 60-strong legislature is directly elected, with the other half chosen though

"functional constituencies" based on sectors of the economy – and of these, only the professions

(education, medicine, and law) chose their representative by individual votes; in finance, for

example, each *bank* has one vote, rather than bank employees.[41] With business sectors rather than

social interests represented, and within these, mostly the types of industries that would benefit

from large placemaking developments, there is little wonder that Hong Kong's economic

development strategies remain heavily focused on property.

The second is the dominance of the economy by a narrow set of large conglomerates.

Conservative thinktanks routinely place Hong Kong at the top of their rankings because of low tax

rates and light regulatory burden. Yet a closer examination shows this reputation can only apply to

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[38] Hong Kong. Treasury Department., "Accounts of the Government for the Year Ended 31 March 2011-2"
[39] Hong Kong. Treasury Department., "Capital Work Reserve Fund: Memorandum Note."
[40] Ma, *Political Development in Hong Kong*, 58.
[41] Electoral Affairs Commission website.

Hong Kong's sectors that must compete in international markets, whereas domestic oligopolies have left Hong Kong anything but a textbook example of free market operation.[42] Economic geographer Victor Sit highlights that during the industrialization period, small firms were charged "monopolistic rents [by incumbent British-owned firms] due to their long-term monopoly in the property market, shipping business, wharves and warehousing, as well as nearly all urban utilities."[43] Poon (2010) and Chui and Lui (2009) describe how Hong Kong real estate companies were able to buy out the British owners over time, turning the oligopoly into a domestic one. As a result, property-based conglomerates run Hong Kong's ports, control all utility companies, own the bus and ferry services, the internet and mobile telecom providers, and supermarket and drugstore chains that function as duopolies.

The phrase "property hegemony" has become a popular protest term in Hong Kong since late 2010.[44] As the *Economist* noted on November 18, 2010 "Hong Kong's tycoons were once hailed as entrepreneurs underpinning the territory's vitality. Now they are derided as property sharks, profiting from crushing rents on land got on favourable terms from the government." Fears of a collusion between the government and the conglomerates seem to have some justification: the controlling shareholders of Sung Hung Kai, the largest property developer in Hong Kong were arrested along with the former Chief Secretary of Hong Kong, the second most senior government official, in a corruption investigation in late March 2012.[45]

Regardless of whether any collusion actually exists, the population believes it does, in a way that materially impacts the governance of public space. When the Transport Department embarked on a promising initiative to improve public spaces through pedestrianizing streets in key districts

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[42] Goodstadt, *Uneasy Partners*, 5.
[43] Sit, "Dynamic Hong Kong-Pearl River Delta Relationship," 7.
[44] The first use of the phrase in reference to Hong Kong was written by Chris Yeung, in an editorial for the *Hong Kong Economic Journal* on November 1, 2010
[45] Tsui, "Kwok Brothers Arrested by HK Watchdog."

(notably Causeway Bay and Mongkok), it is doubtful that it envisioned streets lined with

representatives from the internet and mobile phone companies. Yet licensed street vendors are

banned from using the same locations. Chan Kam-lam argued during a LegCo session while

introducing a bill to control marketing:

> "In such busy districts as Mong Kok and Causeway Bay, on-street promotional
> stands can be seen everywhere, and the main passageways in housing estates, the
> entrances/exits of MTR stations and footbridges have also become the anchoring
> points of these promotional activities. Promotional stands, big and small, and also
> salespersons are found everywhere at the access roads, occupying most of the space
> and causing obstructions on the street and sometimes compelling pedestrians to
> walk on the road[46]"

On-street marketers arguably cause as much disturbance as street vendors, which are the focus of

our case study, and may be more numerous. Yet in 2009, there were only 824 obstruction cases

convicted for on-street marketers,[47] as opposed to 35,622 convictions for street vendors.[48] Hawker

control laws were amended in 2010 include the sale of services as well as goods, but the *Hansard*

records show it took the best part of a decade of complaints and discussions in LegCo for the

amendments to take place. And yet the photos below, shot in July 2011 suggests use of public space

for commercial gain by large firms is still rife.

Figure 13:
The intended use of pedestrianized streets….

Figure 14:
….and the actual result in Mongkok

Source: Chris DeWolf; author

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[46] Hong Kong. Legislative Council., "Hong Kong Hansard," 2005. page 9230.
[47] Food and Environmental Hygiene Department, "FHB(FE)023."
[48] FEHD website, "Pleasant Environment" statistics.
http://www.fehd.gov.hk/english/statistics/pleasant_environment/statistienh_2007_2010.html

The practice of public space

So what does public space mean for the typical Hong Kong resident of 2012? Will they use all this park space being planned? As the average home size of 400 - 600 sq ft might suggest, one way to characterize Hong Kong lifestyles is that people sleep at home, but live outside of it. This pattern is explored by Hikaru Kinoshita in his study of a street market in Yau Ma Tei district Kowloon and its relationship with the surrounding buildings. He writes: "From six o'clock to midnight some of the streets are used for night markets and open air dining. Residents of the houses next to the streets will also place tables and chairs on the street to have dinner outside."[49] Lau *et al* dub this lifestyle pattern "the 'borrowed' space concept, [which] becomes a link between residential and commercial land use. As an extension of living spaces, the restaurant becomes the dining room and the living room is the Karaoke Lounge across the street."[50]

More generally, a succinct summary of the importance of the street in Chinese culture was given by Patrick Lau, the LegCo representative for the architecture constituency as the introduction to a speech: "The first words that a baby in Hong Kong learns, apart from "Mama", is "go out" so it can be seen that the culture and tradition of having a walk in the street in Hong Kong is very important."[51] Where one walks is not particularly important and the major shopping malls across the territory are put to good use in this respect. While the privatization of public space is subject of much critical analysis in a Western context, the blurring of public and private spaces in Hong Kong means that the objection to the privatization of public space is confined mostly to academic circles in Hong Kong – notwithstanding the more recent swell of resentment against the property tycoons. As Nuala Rooney writes "many of the mechanisms for coping with density are unconsciously part of Hong Kong life….[including] the idea of leisure as a "stroll" in a crowded shopping mall."[52] For most

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[49] Kinoshita, "The Street Market as Urban Facility" 78.
[50] Lau, Giridharan, and Ganesan, "Multiple and Intensive Land Use," 533.
[51] The phrase for an outing for enjoyment is *hahng gai* or literally "to walk the street."
[52] Rooney, *At Home with Density*, 5.

part, people accept of the tradeoff between air conditioning and some restrictions on behavior, and the sheer volume of traffic through Hong Kong's shopping malls restores a high degree of publicness to the space, not least because most malls serve as transit interchanges, as well as connecting above-grade walkways as described earlier.

Figure 15:
Tightly controlled public spaces

Source: Author

Figure 16:
Formal parks promote passive enjoyment

Source: Flickr, user bencito_traveller

The oft-quoted William Whyte statement "what attracts people most, it would appear, is other people"[53] seems exponentially true in Hong Kong. Rooney claims "Hong Kong people appear to be aroused by noise and crowds in a way that Westerners cannot comprehend and often shun places with low level lighting. Chinese restaurants…reflect a pre-disposition to a particular environmental quality where large groups of people can meet in a busy, casual and lively atmosphere."[54] This description ties historical public spaces in Chinese urbanism (teahouses, the street) to what is still valued in the present, and helps in part to explain the under-utilization of many formally planned public spaces. Not only are these spaces tightly controlled (see Figure 15), but many parks built since the 1990s are modeled after classical Chinese *Jiangnan*-style gardens (Figure 16). Jackie Kwok Yan-Chi and Ng Chit-Hang point out that these gardens were respites to genteel owners in the center of the city, designed to enhance private activities such as reciting

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[53] Whyte, *The Essential William H. Whyte*, 256.
[54] Rooney, *At Home with Density*, 4.

poems and listening to music, and as such, not necessarily well-suited as public space for a crowded working class district.[55]

The newest park in Hong Kong, shown in Figure 17, neatly encapsulates the main points of this chapter. It is the first phase of the ambitious harborfront civic space discussed above. It thus captures the forces of globalization and the tendency for government spending on space to be in the form of grand, place-making projects that require infrastructure – the overall park will occupy 20 hectares of the last land legally reclaimed from the harbor. The park has excellent views of the habour and offers the rare experience of being able to walk or sit on grass—which is normally fenced off in Hong Kong and used decoratively, given high foot traffic. Yet while the park is directly linked to nine different 40-story office buildings, it was virtually empty when I shot the photos in the middle of lunchtime on a Friday when the weather was pleasant (21C or 72F, and not humid). The park has attractive shaded seating areas and an open-air café, in acknowledgement that Hong Kongers do not like sitting in full sunlight. Hong Kong's density suggests every scrap of open space should be sought after—and it may work very well, once the rest of the harbourfront civic area is completed and there is more natural foot traffic. However, the emptiness implies that the park needs even more programming to activate the area, which in turn suggests this is not the kind of public space Hong Kongers naturally seek. In contrast, small neighborhood parks are well utilized, particularly by the elderly and those with small children; if the real priority of the government were to better meet the need for public spaces, these should be the focus of greater government attention. But for the majority of the population, it is the street that forms the primary public space – and thus we turn our attention to it in the next chapter.

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[55] Kwok and Ng, "Tsuen Wan Tak Wah Park," 162.

Figure 17: A lawn with a view is apparently not the kind of public space HK wants:

Source: Author

Figure 18: Proving William Whyte right about crowds attracting crowds

Figure 19: Successful forms of privately-owned public space in Causeway Bay

Source: Author

Chapter 4: Evolution of public space regulations

This chapter synthesizes the colonial history and philosophies explored in chapter 2 with the analysis of the current political economy of Hong Kong in chapter 3 to identify the legacy institutions and approaches to general planning and land use as they apply to production of public space in general. Given that space is shaped as much by practice as it is by design, I turn my attention to the policing of public space, which I argue is largely dictated by the culture of hawker control. I then provide the groundwork for the case studies by identifying how and where the current hawker control framework shows the imprint of the colonial-era rules or principles.

Institutional legacies

The colonial legacy first impacts the shaping of public space through the institutions that shape planning culture in Hong Kong. If this conduit is not recognized, analysis stalls at the contrast between the vision that Victorian-era colonialists had for public space and the actual practice of how public space was used in nineteenth century China, which suggests a hostile environment for street vending. Yet history shows that at different phases the government shifted between adversarial and accommodative stances, and neither of the separate bodies of literature on public space and on street vending alone can explain these shifts.

The first critical legacy is fiscal stringency, a belief which demands that public investments must yield visible financial benefits. Fiscal stringency, in conjunction with the segregation of revenues for public infrastructure, makes it clear why public investment is channeled towards high-profile placemaking projects, such as the West Kowloon Cultural District (WKCD), rather than to quotidian projects such as upgrading street markets. This tendency is exacerbated by the concentration of political decision-making in the hands of representatives of a narrow range of professions discussed in Chapter 3, which further limits how investment in space is conceptualized.

Another legacy is the emphasis on engineering solutions to urban problems, reflecting the prominent role that civil engineers played in land reclamation that was so critical to government financing, discussed in Chapter 3. A third is limiting planning to land use, as opposed to broader economic development planning. The role of the Planning Department is narrowly defined, due to the self-induced limitations on state capacity discussed in Chapter 2, and a preference to utilize the private sector to execute plans, both of which reflect the overarching legacy of laissez-faire, as discussed Chapter 3.

In practice the Planning Department engages in top-down planning that represents the interests of the state, rather than the public – a legacy of its origins in a colonial system, where the government was accountable to Whitehall rather than to the public. While the planning process in Hong Kong has increasingly included public consultation efforts, the process still remains on the lower rungs of the "ladder of citizen participation."[1] Indeed, geographer Ng Mee Kam has argued the government has "substantial discretionary power vested in law to manipulate the strategic growth directions of the city"[2] through the institutional structure of planning, where only the one of three layers of planning, the statutory outline zoning plans has public input; the "higher level strategic and the lower level detailed plans are arrived at administratively."[3] I build on this argument to show how even the legal framework, in the form of policing of streets, is also pressed into support of the government's agenda regarding the use and creation of space.

Colonial philosophies of space and vending

The current government has succeeded in carrying out the colonial administration's clear preference for separation of land uses, thanks to the forces of redevelopment. Hong Kong developed a distinct pattern of intensely and finely-grained mixed land uses due to the non-

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[1] Arnstein, "A Ladder Of Citizen Participation."
[2] Ng, "From Government to Governance?" 170.
[3] Ibid.

interventionist attitude of the colonial government. The colonial administration accepted, however, that it could not take aggressive steps to untangle what it deemed to be urban chaos, at least not without triggering potentially destabilizing civil unrest (see Chapter 2). Instead, they looked to the creation of New Towns and redevelopment for the opportunities to create their longed-for order. The result is seen not only in the New Towns discussed in Chapter 3 but also in recent changes in the statutory land-use plans that attempt to end extensive mixing of land uses in Hong Kong.[4] These changes look distinctly at odds with global trends encouraging mixed use in order to enliven neighborhoods and reduce the environmental footprint of cities. Furthermore, the moves stands in contrast to behavioral preferences that have become ingrained in Hong Kong society—notably the "borrowed space" lifestyles discussed in Chapter 3, which requires intense mixing of uses to function well.

Within the goal of separation of spaces for different uses, arguably the highest priority is placed on using space to support key entrepreneurial activities. Past manifestations in the forms of reclamation and public housing were discussed in prior chapters; the current expression is in the form of infrastructure and policing to ensure smooth and efficient circulation of traffic, which forms the basis of marketing the city as cost-effective and desirable location for regional headquarters of global businesses. The government's InvestHK website boasts that the airport has been ranked best in the world by Skytrax and it is a mere 23 minutes from the business district by train. It also trumpets: "Hong Kong has been judged top of the world's 10 Best Commutes by Forbes magazine. Hong Kong's public transport service…is run by commercial operators without any direct subsidy,

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[4] For example, the Outline Zoning Plan for Tsim Sha Tsui issued on May 6, 2011 has removed residential zoning in this popular tourist district, with the apparent goal of concentrating commercial and retail activity. At present, 40,435 residents live in this area according to the District Council website.
http://www.elections.gov.hk/dc2011/eng/summarye.html

offering commuters a variety of choices and catering for more than 90% of the 11.5 million commuter trips every day."[5]

The current system relies heavily on separation of land uses to solve traffic problems, but these could equally be addressed by different strategies, such as congestion charges (per London) or road pricing (per Singapore). In 2005, the government issued a study on how to improve road safety on Nathan Road, the main north-south corridor in Kowloon. One of four proposed plans for public comment included one scheme to turn Nathan Road into a bus-only corridor and widen sidewalks, which was estimated to result in a 40% drop in accident rates, but no changes were ultimately implemented.[6] Another illustration is the baffling labyrinth of pedestrian tunnels at tip of Tsim Sha Tsui, the heart of tourism in Hong Kong. Tunnels link the Peninsula Hotel, the waterfront promenade with its iconic view of the skyline, the Star Ferry and the tourist-heavy section of Nathan Road. Anywhere else in the world, traffic calming measures might have been created to optimize the tourist experience. Instead, pedestrians are routed underground, and as journalist June Ng points out, exit through a previously underutilized underground mall built by a major developer.[7]

The implication of state capture by property interests is consistent with an argument put forward by sociologist Stephen Chiu, who posits that Hong Kong's choice to pursue a laissez-faire strategy in the 1950s-70s was due to the dominance of British mercantile and financial interests in governance circles, whose interests were facilitated at the expense of small Chinese-owned industrial enterprises.[8] If small factories could not win the government's attention, it is little wonder that small-scale informal enterprises, such as street vending, were viewed by the colonial government as strictly subsistence activities, and treated as a form of self-help that was preferable

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[5] http://www.investhk.gov.hk/static/whyhk/hong-kong-world-class-infrastructure-international-airport-telecommunications-hong-kong-logistics-shipping-transportation-en.html
[6] Ip. "Safety put on hold for 'deadly' Nathan Rd."
[7] Ng. "Crossing Salisbury."
[8] Chiu, *The Politics of Laissez-faire*, 43.

to seeking (non-existent) forms of social welfare. This attitude helps to explain the degree of underinvestment in public wet markets that otherwise form a good vehicle to apply the promotion strategy, which would involve both moving street vendors into off-street locations and aiding them to establish their operations on a more formal basis; the existing policy involves containing the operations of vendors to specific locations and tolerating their presence.

The policing of public space

Public space is not explicitly addressed in the current Hong Kong Planning Standards and Guidelines.[9] It is defined in section 2(1) of the Summary Offences Ordinance (Chapter 228 of the Laws of Hong Kong), "Summary Offences" section 2 as including "all piers, thoroughfares, streets, roads, lanes, alleys, courts, squares, archways, waterways, passages, paths, ways and places to which the public have access either continuously or periodically, whether the same are the property of the Government or of private persons." [10] Planning guidelines instead speak of "Recreation, Open Space and Greening" – the influence of the colonial legacy can be seen in the organization of these spaces into "active" and "passive" uses[11]. Markets are included in the list of "government, institutional, or community facilities" which also includes schools and transport interchanges.

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[9] Hong Kong, *Hong Kong Planning Standards and Guidelines*, chap. 5.
[10] A large proportion of sidewalks, and other pedestrian circulation space such as the extensive elevated walkways in the Central district, are in the form of privately-owned public space created through redevelopment.
[11] Hong Kong, *Hong Kong Planning Standards and Guidelines*, chap. 4.

Table 1: Legislative framework associated with managing sidewalk spaces:

Key offences identified by Home Affairs Office:	Comments	Enforcement
Cap 228 Summary Offences Ordinance		
Obstruction of public places (Sec.4A): Any person who without lawful authority or excuse sets out or leaves, or causes to be set out or left, any matter or thing which obstructs, inconveniences or endangers, or may obstruct, inconvenience or endanger, any person or vehicle in a public place shall be liable to a fine of $5000 or to imprisonment for 3 months.	Largely used for prosecuting hawkers but language has also been used for prosecuting protestors.	FEHD + Police
Cap 132 Public Health and Municipal Services Ordinance:		
Obstruction to scavenging operations (Sec. 22(1)): (1) If any person obstructs, or causes or permits any article or thing to be so placed as to obstruct or to be likely to obstruct, any scavenging or conservancy operation or any street sweeper acting in the performance of his duty- (a) such person shall be guilty of an offence; and (b) the court may, in addition to any other penalty imposed, order the forfeiture of such article or thing.	Language unchanged from 19th century: critical concept is that hawker activities were seen both as a source of dirt and congestion and as an obstacle, preventing street cleaning from being carried out.	FEHD
Illegal hawking (Sec.83B) (1) No person shall hawk in any street except in accordance with a licence issued under regulations made under section 83A.	Critical factor is the lack of new licenses, which have not been issued since 1970 and are difficult to transfer to new vendors	FEHD
Cap 132X Food Business Regulation:		
Carrying on a food business beyond the confines approved under the license (Sec 34c): No licensee shall, save with the permission in writing of the Director, carry on or cause, permit or suffer to be carried on a food business at or from any place beyond the confines of the food premises as delineated on the plan approved under section 32 in respect of his licence.	Notably difficult to obtain licenses for outdoor dining in Hong Kong due to this language intended to curb hawker food stalls, which were seen as a major health risk and source of obstruction	FEHD
Cap 28 Land (Miscellaneous Provision) Ordinance: **Unlawful occupation of unleased Government land (Sec 6)**	This language is aimed at curbing the formation of unauthorized markets in undeveloped government land	Lands Dept
Cap 123 Building Ordinance: Illegal structures		Buildings Dept

Source: Home Affairs Department, Hong Kong Legal Information Institute

Table 2: Other legislation governing use of sidewalks and public spaces

Offence – other rules governing sidewalk or public space	Comments
Street cries for buying or selling (Cap 228 sec 6): Any person who uses or utters cries for the purpose of buying or selling any article whatsoever, or who makes any noise whatsoever with the object of disposing of or attracting attention to his goods, wares or trade shall be liable to a fine of $50 (emphasis added)	This language is unchanged from 1872 – and fines have only doubled in 140 years. Applies to all locations, no longer a way of delineating districts or discriminating
Nuisances committed in public places (Cap 228 sec.4): (2) throws…rubbish or noisesome or offensive matter…into any drain or sewers; (5) Causes annoyance or obstruction in any a public place – i) by exposing anything for sale in or upon, or so as to hang over, any street, road or footway, or on the outside of any house, shop or building; or ii) by setting up or continuing any pole, blind, awning, line or other projection from any window, parapet or other part of any house, shop or building; (32) rakes or picks over any refuse deposited in or upon any public place, vacant land or refuse depot, or in any dust bin, dust box, dust basket or dust cart standing in or upon any public place, vacant land or refuse depot, or removes any portion of any refuse so deposited	The language of Cap.228 sec 4 part 5 is almost entirely **unchanged from 1845** but in practice is not enforced strictly, as the proliferation of awnings indicates. Similarly, subsection (32) is not enforced: elderly wastepickers are a common sight in Hong Kong and traffic gives way as a matter of practice. **This forebearance links to the view of hawking as better alternative to welfare** The key phrase is *annoyance or obstruction*
Punishment of person begging alms (Cap 228 sec 26A)	Enforced only to the standard of "causing obstruction"
Table 3: Definition of "hawker" (小販) (section 2(1) of the Public Health and Muncipal Services Ordinance (Cap.132, Laws of Hong Kong): **(a)** any person who trades in any public place- (i) by selling or exposing for sale any goods, wares or merchandise; or (ii) by exposing samples or patterns of goods, wares or merchandise to be afterwards delivered; or (iii) by hiring or offering for hire his skill in handicraft or his personal services; and (b) any person who itinerates for the purpose- (i) of selling or exposing for sale any goods, wares or merchandise; or (ii) of hiring or offering for hire his skill in handicraft or his personal services: Provided that nothing in this definition shall be taken to include- (i) any person who sells to or seeks orders from any person who is a dealer in any such goods, wares or merchandise and who buys to sell again; or (ii) any person who on request visits in any place the person making such request for the purpose of selling or offering for sale or delivering to him or taking from him orders for any goods, wares or merchandise or of hiring to the person making such request his skill in handicraft or his personal services; or (iii) any representative of the press or any photographer	

Source: Hong Kong Legal Information Institute

Hong Kong's main public space, streets and sidewalks, is instead shaped by a system of regulation that effectively frames street vendors both as a public health problem and an impediment to economic growth. Tables 1 and 2 summarize the ordinances that govern the use of public space and sidewalks. Responsibility for sidewalks falls under the Transportation Department yet the agency with the primary responsibility for enforcing their use is the Food and Environmental Hygiene Department (FEHD). The name of the department problematizes street vending in a manner which spells out a view that street vendors pose a health risk to the city, a view that has its roots in the sanitary reform origins of urban planning in Hong Kong explored in Chapter 2.

Hawker specific governance:

The government reorganization in 1999 that moved the regulation of street vendors from the Urban Council, which provided community-driven oversight, to the FEHD, an administrative unit of the central government, has made the nature of streets more vulnerable to the property-centered economic agenda discussed in Chapter 3. The reorganization was ostensibly to address the mishandling of the avian flu crisis in 1998 by the directly-elected Urban and Regional Councils, which resulted in the slaughter of 1.2 million chickens.[12] ([13]). The government "claimed strong public support for an enhanced [government] role in food and hygiene matters,"[14] with the result that decisions pertaining to hawkers are now being taken at a higher level of government than in the past, by authorities that have less accountability to the public than before.

Although the regulations have not changed, the FEHD has very different incentives and structures from the former Urban Council and has created an environment that is inherently

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[12] Scott, *The Public Sector in Hong Kong*, 50.
[13] Chan and So, *Crisis and Transformation*, 90. Hong Kong historian Ming Chan argues that the reorganization was politically motivated and was intended to undermine the pro-democracy camp by narrowing the range of directly elected offices - public health was not the actual priority in the reorganization.
[14] Scott, *The Public Sector in Hong Kong*, 50.

adversarial to street vendors. The FEHD defines its mission: "To ensure that food is fit for human consumption and to maintain a clean and hygienic living environment for the people of Hong Kong".[15] It is judged on its ability to prevent further outbreaks of communicable diseases, and is therefore prone to an inherent bias for restricting street vending; there is little upside for the FEHD to take a tolerant approach but a large downside if lax enforcement can be blamed for an epidemic, as in the case of avian flu in the late 1990s. In contrast, the Urban Council had a remit to enhance public life in Hong Kong[16] and was run by directly elected community officials. Such differences in priorities suggest that even unchanged regulations will be prone to be implemented or interpreted in a very different manner.

Official policy shifting in response to public opinion?

The importance of governance structures and institutional heritage is underscored by the persistence of tensions over hawking, despite apparent support from the current administration. On January 17, 2007, a motion was passed in LegCo that called for an overhaul of the planning system to facilitate preservation of street markets.[17] The resulting official policy statement in March 2012 stands as:

> Street hawking...provides job opportunities for the grassroots, and offers a cheaper source of goods for the public at large. However, hawking activities may give rise to environmental hygiene and noise problems as well as obstruction to public passageways, causing nuisance to nearby residents and pedestrians. In addition, there are complaints from business operators trading on rented premises concerning the obstruction caused by street hawking to their operation.[18]

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[15] FEHD website, http://www.fehd.gov.hk/english/department/mission.html
[16] The Urban Council ran public libraries, sports and recreation facilities, museums, and directly funded and managed performing arts groups.
[17] Hong Kong. Legislative Council., "Hong Kong Hansard," 2007, 172.
[18] Food and Environmental Hygiene Department, *Public Consultation on the Management of Fixed Pitch Hawker Areas*, chap. 1.1.

This represents a subtle shift from the prior position, as stated in a 2006 policy briefing:

> Street hawking in Hong Kong has a long history. Members of the public generally regard that hawking provides a means of making a living for some people and a cheap supply of goods to customers. At the same time, it also gives rise to health, noise, sanitation and street obstruction problems. There are, furthermore, complaints that street hawking poses unfair competition to shopkeepers, retailers and market stall lessees who pay full rent for their trading premises/stalls.[19]

In both instances, the phrasing allows the government to distance itself from the views of the public and position itself as the guardian of public safety. It also suggests the government is *playing its traditional role* in protecting free markets, as both versions of the policy statements portray street vending as an impediment to fair trading, usurping the rights of those who pay more for formalized properties. In the next section of this chapter, we explore how these sentiments (including "hawking as a nuisance") are rooted in colonial-era regulations and approaches to regulating street vending.

Thus, despite the more supportive tone of policy statements since a policy review in 2009, little of substance has changed. The FEHD lists its operating goals as:

- To reduce illegal hawking activities in streets by taking enforcement action;
- To reduce on-street licensed hawking activities by re-siting eligible hawkers into new public markets and implementing the guideline of not issuing new hawker licences under normal circumstances;
- To minimize through enforcement action, the nuisances created by street trading either by hawkers or by illegal extensions of shops onto the street area.[20]

To clarify: this paper is concerned with the whole spectrum of vending activities that are regulated by the FEHD, as it is the combination of all three spaces mentioned in the goals (hawkers, markets, and traditional shops that engage in "illegal extensions") that animates Hong Kong's streets and creates a sense of community. Although the 2006 policy statement pits market stallholders against street vendors, in practice they are complimentary activities. The three types of spaces policed by the FEHD are illustrated by photographs of Wanchai market (Figure 1), where shoppers do not

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[19] Food and Environmental Hygiene Department, "LC Paper No. CB(2)2663/05-06(04)," 2006.
[20] FEHD website http://www.fehd.gov.hk/english/pleasant_environment/hawker/overview.html

make a differentiation between the three types of vendors. "Shopfront extension" refers to practice of traditional stores, who conduct the majority of their activity on the sidewalk (Figure 2); this practice is also policed by the FEHD's Hawker Control team.

Figure 1: Market stalls, street vendors and traditional stores all viewed as one street market

Source: Author

Figure 2: "Shopfront extension" – another form of sidewalk obstruction

Source: Author

Table 4: The ranks of stret vendors are diminishing rapidly:

Year	Hawkers	Of which: Itinerant hawkers	Hong Kong Population	Ratio of population to hawkers	Indoor market stalls
1872	2,431[a]	n/a	121,985[a]	50	n/a
1876	3,230[a]	n/a	139,144[a]	43	n/a
1881	2,118[a]	n/a	160,403[a]	76	n/a
1891	5,661[a]	n/a	221,441[a]	39	n/a
1921	9,222[a]	n/a	625,166[a]	68	n/a
1931	16,285[a]	n/a	849,751[a]	52	n/a
1936	16,087[b]	n/a	988,160[c]	61	n/a
1946	40-70,000[b]	n/a	1,550,000[c]	~26	n/a
1956	~100,000[b]	n/a	2,614,600[d]	~24	n/a
1966	55,000[b]	n/a	3,679,400[d]	67	n/a
1976	80,000[b]	n/a	4,551,000[d]	57	n/a
1986	37,000[b]	n/a	5,565,700[d]	150	n/a
1996	16,079[e]	1,728[e]	6,466,600[d]	402	15,942[e]
2006	9,732[e]	673[e]	6,857,100[d]	705	14,951[e]
2011	8,905[e]	505[e]	7,071,600[d]	780	14,581[e]

Source: a) McGee; b) Leung, c) Lo; d) HK Census Dept' e) Food & Environmental Hygiene Dept.[e]

Administration of street vending in Hong Kong:

There are currently two main categories of hawker licenses in Hong Kong: (1) Fixed Pitch Hawkers, which include newspaper and shoeshine stands, and (2) Itinerant Hawkers, which are rapidly diminishing in number (see Table 4). The legal areas where street vending can take place include:

- Hawker Bazaars, which are off-street open air locations;
- Hawker Permitted Places, which include streets with fixed pitch permanent stalls, large street markets with temporary booths that are dismantled every day, and designated spots for mobile hawkers.

Licenses for fixed pitch hawker stalls can only be transferred to family members and until the 2009 policy review, itinerant hawker and food stall licenses could not be transferred at all, due to policies implemented in1969 designed to phase out street vending over time. (See Table 4 for a further discussion.) The licensing regime allows conditions on each type of vendor, including location and times that vending can be permitted, and which goods can be sold. Activities are divided into sales of "wet goods", i.e. food and produce, and "dry goods." The approach to policing the two groups varies:

> If the hawking activity does not involve the selling of prohibited or restricted food or cooked food and is not conducted in major thoroughfares or areas of high pedestrian flow, Hawker Control Team (HCT) officers will give warning first before taking enforcement action and prosecution action will be taken only if the verbal warning is not heeded. Furthermore, if elderly or disabled hawkers are involved, HCT officers will exercise their powers in a reasonable manner in light of the actual circumstances[21]

In practice the Hawker Control Team treats "dry goods" vendors more leniently than those selling food, continuing a philosophy established in the colonial era that is explored further in the last section of this chapter.

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[21] Leung, "LCQ11 Hawker Control Policy."

Table 5: Evolution of hawker control in Hong Kong

Key developments	Key principles	Context + commentary
1844-5: "Good order" ordinances define obstruction of public roads as an offence and establishes licensing requirement for sale of foods, decreeing it an offense to "expose anything for sale in or upon…any carriage-way or footpath or outside any house….so as to cause any annoyance or obstruction in any thoroughfare"[22]	Intention to ban hawking outright Introduced licensing regime for sale of goods, concept that obstruction of roads or sidewalks must be prevented, concept that goods should be sold from fixed locations	If read literally, this was a highly impractical attempt to stop hawking from developing as a common practice at a point when no market facilities had yet been established, and few shops existed.
1847: Markets ordinance introduced[23] 1858: Updated to restrict sales to stalls within market and to limit sale of food to within market, with limited exceptions (congee, soup, tofu, fresh produce). Ownership limited to one stall per person[24] 1872: Ban on street cries, with punitive fines of 50 times the licensing fee[25]	Establish ability of authorities to regulate for food safety and public health Created concept of foods that needed a higher degree of oversight versus those that are generally safe The zones where hawkers were restricted was the European residential zone	Levine argues that medical issues were annexed as "an insignia of the modern"[26] – and modernization a justification for colonization efforts. Legislation needs to be understood in context of Victorian beliefs that disease was spread by filth, not just proximity[27] hence segregation. Also, tied to attempts to address high mortality rates of colonialists.
1903 Ordinance expands range of foods sold outside market to included cooked food and dry groceries[28]	Hawkers recognized as necessary part of retail distribution system	Capitulation that a large city (>600,000 residents) needed hawkers for catering to the daily needs of the majority of the population
1920s Legco debate: hawkers accused of being front for criminals and described as a "medieval" use of public thoroughfares[29]	Recognition of role of hawking as key livelihood by sympathetic parties versus nuisance and obstruction by authorities	Increasing participation by western-educated Chinese in HK administrative politics

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[22] "Good order and cleanliness" Ordinance No.5 of 1844. http://www.legco.gov.hk/index.html

[23] An ordinance for Licensing Markets and for preventing Disorders therein." Ordinance 4 of 1847. August 12, 1847. http://www.legco.gov.hk/index.html

[24] "The Markets Ordinance, 1858." May 31, 1858

[25] An Ordinance to prevent certain Nuisances." No.5 of 1872. September 5, 1872

[26] Levine, "Modernity, Medicine, and Colonialism : the Contagious Diseases Ordinances in Hong Kong and the Straits Settlements," 677.

[27] Peterson, "The Impact of Sanitary Reform Upon American Urban Planning, 1840-1890."

[28] Public Health and Buildings Ordinance." No. 1 of 1903. February 21, 1903.

[29] Hong Kong. Legislative Council., "Hong Kong Hansard," 1920, 76.

Table 5 (part 2): Evolution of hawker control in Hong Kong

Key developments	Key principles	Context + commentary
1935 Todd memorandum establishes modern licensing system[30] and sets long term goal of abolishing hawking in Hong Kong	Recognized role that hawkers play in holding down food costs and as a buffer for employment Hawking as unfair competition to shopowners who pay higher rents	Great Depression swelled number of hawkers. Continued link of hawking with health problems, but Chinese legislators rebutted, identifying housing conditions as the key risk
1947 Megarry report established framework still in place, but advocated long term goal of abolishing hawking[31]	Fixed locations and schedules for street markets, enabling street cleaning to address hygiene issues System of hawker permitted places and hawker blackspots still in place today	Daunting influx of refugees from China; hawking seen as a problem by offering attraction for refugees
1957 Responsibility transferred to Urban Council. First policy report ended goal of eventual ban on hawking Allow hawking anywhere not defined as "blackspot[32]	Specific conditions on different licenses to give greater control over space Emphasized mobile hawkers over fixed stalls in the hope this would reduce congestion Unified hawker control staff in each street market for on-going monitoring/enforcement	Public housing program initiated in 1953 with no provision of services on site; hawker stalls mushroomed on the new housing estates to meet demand Practice of sub-letting food stalls condemned as hawking still seen as welfare alternative
1969 Urban Council revised hawker policy, resulting in new set of bye-laws in 1972 that in effect are still in place today[33]	Phase out hawking through attrition: banned sale or transfer of licenses Limit street trading to small scale businesses Confine areas of hawking to avoid impeding traffic or pedestrians	Hawking had not diminished with economic growth and was seen as depriving formal industry of necessary labour Funding limited hawker control force to 25% of requested size, failed to curb hawking
1987 Urban Council policy review[34]	Recognition that hawking an inherent part of modern economy, hawkers have right to the street, appropriate spaces should be included in town planning. Different treatment for wet vs dry goods	Urban Council recommended regulation of food hawkers via hygiene standards but public pushback due to perception of risk

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[30] McGee, *Hawkers in Hong Kong, : a Study of Planning and Policy in a Third World City*,

[31] Megarry, *Report of Committee on Hawking.*

[32] Hong Kong. Urban Council., *Hawkers : a Report with Policy Recommendations.*

[33] Choi, *Hawker Policies in Hong Kong.* Also, Urban Council *Hansard*, various years.

[34] Hong Kong. Urban Council., *The Report and Recommendations of the Urban Council's Working Party to Review Hawker and Related Policies.*

Table 5 summarizes the key points in the evolution of hawker control regulations over the history of Hong Kong, which can be compared with the framework outlined above. (The details of the Hawker Regulation Ordinance, Cap 132AI of the Laws of Hong Kong, are listed in Appendix 2, with annotations to explain the intent of specific provisions where the title is not self-explanatory.) Using this summary, it is possible to identify where and how the colonial legacy persists in current regulations. Some of these are universal in scope, and consistent with the early 20th century debates about the "pushcart evil" in New York City[35], for instance, particularly the priority placed on keeping streets clear for circulation, and the framing of street vendors as unfair competition for retail stores. Others such as the health risk ascribed to street food and the positioning of street vending as the lower circuit of a two-tier economy are specific to Hong Kong's history as a colony.

The principle that streets and sidewalks should not be obstructed but must be kept clear for circulation remains the critical legacy. This is clear both from both of the policy statements (albeit with a shift from streets in 2006 to pedestrians in 2012)[36] and from the quote from the Food and Health Secretary describing the "tolerance" approach towards hawker control, which indicates there is no room for "tolerance" if an area is deemed to be high traffic, whether vehicular or pedestrian. These are all consistent with the view stated in 1920 by the Colonial Secretary in a legislative session in 1920 that "the hawker issue is primarily one of traffic control." [37] The principle of "obstruction of circulation cannot tolerated" has been prioritized such an extent that even officially-sanctioned street vending efforts have been thwarted in practice. These include the modernized fixed pitch hawker booths designed by the Urban Renewal Authority, [38] a

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[35] Bluestone, "The Pushcart Evil."
[36] The shift to prioritize pedestrian rights is, however, a positive one: Burdett, Taylor, and Kaasa, "Cities Health and Well-being," p.19 state that 45% of all work trips in Hong Kong are made on foot, compared with 20% in London and 11% in New York City
[37] Hong Kong. Legislative Council. "Hong Kong Hansard," 1920, p.68.
[38] DeWolf. "Building a Better Street Market."

government agency, and the tentative effort to reintroduce ice-cream vendors to popular tourist locations, both of which have been stymied by obstruction charges.[39]

Current policy perpetuates the view that hawkers cause unfair competition to formal enterprises. Both the 2012 and 2006 policy statements mentioned unfair competition by street vendors. In 1997, a senior legislator complained that "Hong Kong's retail market does not have a level playing field in that the streets are full of unlicensed hawkers selling both legal and illegal goods in defiance of the law, and openly challenging the principle of "fair competition" as advocated by the Government." [40] Similar sentiments have been expressed consistently during Hong Kong's history: In 1938 the Chairman of the newly established Urban Council complained that hawkers "give so much competition to shops and markets that the shop-keepers and stall holders are forced in their own interests to employ hawkers themselves."[41] And yet, as the discussion about the prevalence of mobile phone service promotion stands on the street suggests, formal enterprises have no problem using the spatial tactics of street vendors.

At the same time, **street vending is not viewed as part of the modern economy:** the current regulations structure some forms of street vending to die out with their license holders, and the overall institutional framework does not treat street vending as an inherent part of retailing infrastructure. In 1920 the Colonial Secretary declared, "You cannot in a town like this have both the medieval and the modern system"[42] and the 1947 Hawker Policy Review concluded that hawking "should have no place in any ideal state of affairs of modern city of metropolitan stature."[43] It was assumed that once the city was fully modernized that there would be no need for street vendors. It was grudgingly accepted as a short-term necessity, and policy only turned supportive in

[39] Hong Kong. Legislative Council., "Hong Kong Hansard," March 18, 2010 p.6371. Legislator Tommy Cheung reported that out of 61 trial ice cream vendor licenses, only 24 requested permanent licenses because constant harassment by the Hawker Control Team and lack of clarity about the definition of "obstruction."
[40] Ibid., no. 4/10/1997.
[41] McGee, *Hawkers in Hong Kong*, 41.
[42] Hong Kong. Legislative Council., "Hong Kong Hansard," 1920, p.68.
[43] Hong Kong. Committee on Hawking. *Report of Committee on Hawking*, para. 15.6.

1957 when responsibility was turned over to the newly created municipal governance body, the Urban Council, which more closely represented the views of the Chinese population.

However, structuralist theory (discussed in Chapter 1) helps explain the persistence and even expansion of hawking in modern economies, which is evident by climb in hawker numbers during Hong Kong's industrial heyday of the 1970s. The 2009 policy review did little to alter the 1969 policy, which established a path for hawking to die out – literally, as the policy has been to not issue new licences for street vendors since 1970-1973.[44] Although a number of measures in the 2009 review looked supportive, including the inclusion of service trades (ranging from Chinese medicine practitioners to interior design) in public market stalls, and the granting of a limited number of new hawker licenses, the case studies will illustrate that these efforts have been undermined by a continuing view that street vending and public markets are not appropriate for the image of a modern city.

A related attitude embedded in the regulations is a view that **street vending is an alternative to welfare and thus should be restricted to a subsistence activity.** A number of regulations limit the scope for street vending to be grown into more permanent and sizable enterprises. Hawker licenses cannot be transferred and will not be granted to families who also own a market stall. Hawkers can only employ one assistant, who cannot run the business in their absence for more than set periods of time. There are also size limitations on stalls, which restrict most stallholders to standard 3x4 ft area[45], which is routinely flouted as the area is not sufficient for most types of vending, illustrating the legalist interpretation of informal economies. All these restrictions stem from the earlier view that hawking was in lieu of welfare. The 1969 policy revision was able to change legislation substantially and introduce the ban on creating new hawker

[44] Food and Environmental Hygiene Department, *Public Consultation on the Management of Fixed Pitch Hawker Areas*, para. 2.6. Dates of last license issue vary by specific class of hawker license or food stall.
[45] Food and Environmental Hygiene Department, *Public Consultation on the Managment of Fixed Pitch Hawker Areas*.

licenses because the government was simultaneously setting up a social welfare system. This attitude extends to the FEHD management of indoor markets, which should have acted as an ideal vehicle for formalization of street vending. But systemic mismanagement has left markets as damp, dark and poorly ventilated spaces, undermining their potential to serve the public; close to a quarter of market stalls stand unrented.[46] At the same time, the regulatory structure does not recognize that **many of the aspects of street vending have been appropriated by major corporations**, which illustrates the structuralist theories of informal economies discussed in the introduction. The pedestrianized streets in the popular shopping areas of Causeway Bay and Mongkok are off-limits to street vendors. Instead, they are lined with representatives of mobile phone, internet and cable subscription services who cause equal congestion and environmental nuisance.

Current policy still labels street vending as a nuisance and the cause of public health problems. The two policy statements from 2012 and 2006 strongly echo the views stated by Megarry in his 1947 report "Hawkers are a constant source of danger to the public health" – which he attributed to the obstacle they presented for street cleaning, the litter they generated, and the lack of facilities for keeping food safe[47]. [As discussed in Chapter 2, the link between congestion and public health problems is a key colonial legacy.] Moreover, the "Team Clean" campaign launched in 2003 in response to the Severe Acute Respiratory Syndrome (SARS) epidemic, which killed 302 people in Hong Kong, made an indelible negative link between public health and street markets. In their study of the social construction of SARS, Powers and Gong write:

> "One of the most remarkable constructions of SARS during the later phases of the crises was to conceive of the illness as a general public hygiene problem that required a broad cleanup of the way Hong Kong people live. This is a remarkable construction because SARS had a quite specific history that was relatively isolated

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[46] Hong Kong. Legislative Council., "Hong Kong Hansard," 2008, p 2654.
[47] Megarry, *Report of Committee on Hawking*, para. 15.2.

from the wider-ranging issues in personal hygiene habits or public sanitation behaviors."[48]

In reality, the campaign, which involved "Intensive Clean-up Days" that targeted "private tenement buildings, hygiene blackspots, problematic rear lanes, markets, hawker bazaars and areas with a concentration of hawker activity"[49] was a rear-guard action to correct the damage to Hong Kong's image, rather than a substantive effort to address health risks. In fact, Team Clean manifesto stated an explicit goal to "give prominent parts of the city a clean, new look and to restore Hong Kong's lustre as an attractive and healthy international city."[50] An epidemiology study of the 1,755 SARS patients in Hong Kong conducted by the American College of Physicians found that 49% of cases were transmitted in hospitals and nursing homes, and a further 26% were linked to Amoy Gardens[51], a building where plumbing problems caused the virus to be spread through problems with the sewage system.

Food must be sold indoors and street food is dangerous to eat. The two-tier regulation system currently in place has a strong parallel in the 1941 legislation that banned the sale of cooked food on the street, branding it an unnecessary health risk.[52] The policy of re-siting hawkers off the street is both due to congestion concerns detailed above but also due to the belief that indoor markets are the only way to control for health risks. In the case study that follows, I explore how the concept "food must be sold indoors" conflicts with the space allocated for stalls, creates congestion, and raises fire risks by inherently changing the mix of goods sold on the street.

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[48] Powers and Xiao, *The Social Construction of SARS*, 24.
[49] Ibid., 33.
[50] Team Clean, *Interim Report*, 32.
[51] Leung GM et al., "The Epidemiology of SARS"
[52] Hong Kong. Legislative Council., "Hong Kong Hansard," 1941, 176. Lo Man-Kam, one of only two Chinese members of LegCo at the time, argued against the ban, pointing out that living conditions for most Hong Kong residents were so squalid that attempts to impose stringent food hygiene standards would be futile.

Conclusion

The decline in numbers of street vendors illustrated in Table 5 suggests that the underlying concerns that current regulations are trying to address have taken on different dimensions, now that the number in force is less than 10% of the peak in the 1970s. In addition, the grade separation achieved by creating extensive walkways above ground has removed the conflict between vehicles and pedestrians in many parts of Hong Kong. With this separation and the lower number of street vendors, one of the main charges that street vendors endanger pedestrians by causing them to spill over into the roadway no longer appears compelling. As such, policies and regulations should be re-examined for their intentions, if the problems they were trying to address have now fundamentally changed. In the following case studies we examine where controversy and dissent has emerged because of conflict between these legacy attitudes underpinning current regulations and current use of space.

Chapter 5: Case study - Fa Yuen Street Fire

On November 30, 2011, nine people died in a four-alarm fire in a tenement walkup building on a market street, prompting a new round of reviews of hawker policy. In this case study, I explore how the main administrative response to the fire has taken the form of a review of hawker policy, rather than focusing primarily on building safety as might be expected. I examine the response to the fire by different parties and identify how blame has been pinned on street vendors, rather than building owners, in a manner that is consistent with the adversarial attitudes that underpin the regulatory framework. I then identify how the legacy regulations, particularly those that try to restrict street vending to a subsistence activity, contributed to the fire by creating overcrowded conditions in the street market. From this I draw conclusions about how these attitudes hinder a comprehensive response that would materially reduce the risk of similar tragedies.

Diagnosing the fire

### Central location with vulnerable buildings

Fa Yuen Street is the site of a popular street market in the center of Mongkok, the busiest shopping district in Hong Kong. (See Figure 1) Mongkok is also one of the least redeveloped districts in Hong Kong, despite commanding some of the highest commercial retail rents in the world, as discussed in Chapter 3. Residential rents are also extremely high, even in old and dilapidated buildings. The combination of a large stock of older buildings and a central location has resulted in a high concentration of buildings where the majority of flats have been subdivided. Figure 2 illustrates a typical configuration. These cater to lower-income residents who either do not qualify for public housing due to their status as recent or undocumented migrants, or who qualify but need to live close to their work in the urban core of Hong Kong.

Figure 1: Fa Yuen Street market location
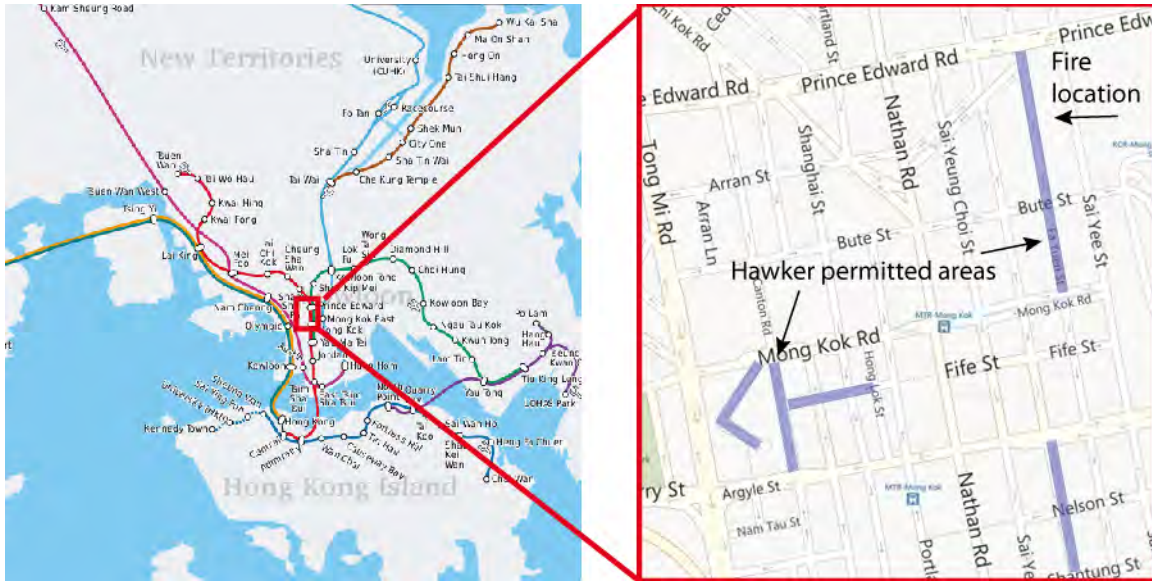
Source: Mapsof.net http://mapsof.net/map/hong-kong-railway-route-map#.T3iQxY6r1K8 ; Bing.

Figure 2: Typical layout of subdivided flat
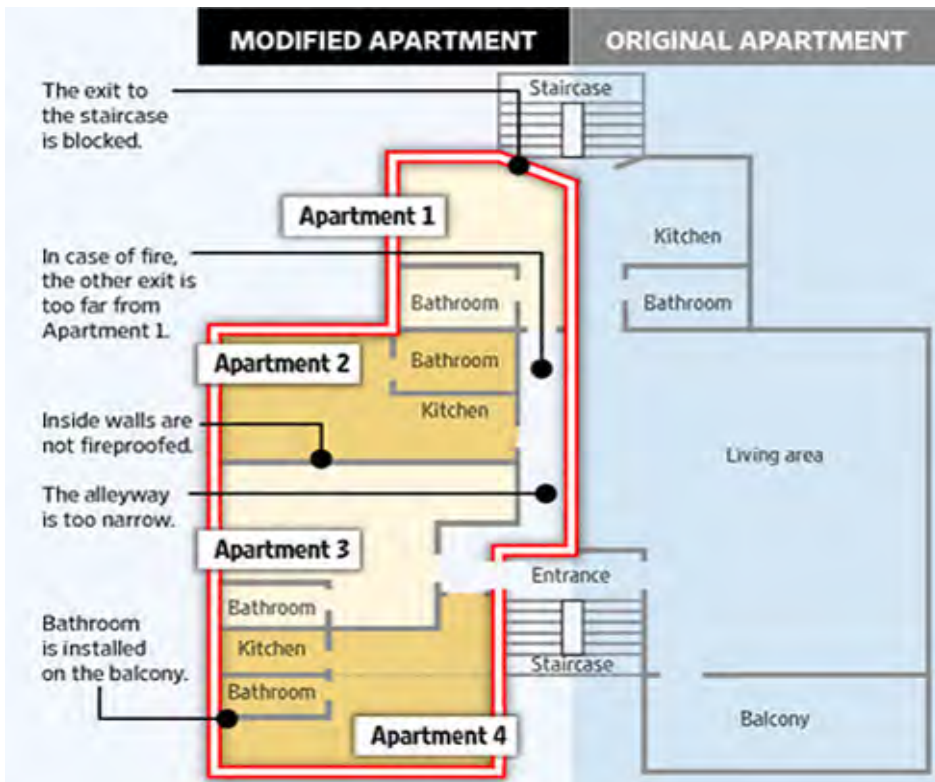
Source: Hong Kong Institute of Surveyors image in *Wall Street Journal*

(For instance, the newest—and poorest—New Town, Tin Shui Wai, is an 80 minute trip from the Central business district and its residents report commuting costs take up 18% of monthly income on average. [1]) The Urban Renewal Authority reports than 100,000 people live in such subdivided homes. "The root of the problem is that we have a large number of poor families which create a continuous demand for dilapidated flats and subdivided flats," argues Law Chi-kwong, an academic from the University of Hong Kong who focuses on urban renewal issues[2]. Although such subdivisions are legal, they are required to meet building codes to ensure that floor loads, plumbing, and electrical wiring can stand up to the heavier demand.[3] However, enforcement has been inconsistent, resulting in a number of older *tong lau* (tenement-style walkup) buildings that have been structurally compromised, including one that collapsed in January 2010, killing four[4] and another where renovations had blocked fire escapes, resulting in another four fatalities in a fire in June 2011[5].

A compounding factor is the attractiveness of these tenement buildings for investors, both for redevelopment and for rental yield. Despite the often decrepit condition of subdivided flats, they rent for a higher price on a per square foot basis than regular flats: social workers from the Society of Community Organizers report that Mongkok tenants are paying HK$2,900 (US$370) per month for a 60ft[2] room[6]; at HK$48 (US$6.15) per square foot, this outstrips most luxury buildings. The *SCMP* found that 20% of the units of 192-194 Fa Yuen Street, the site of the building that is the focus of this case study, were owned by investment corporations[7]; subdivided properties offer investors additional yield while they assemble units for redevelopment. At the same time, such investors have little incentive to maintain or manage the buildings, compromising their safety. (See Figure 3.)

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[1] Lau, "The Influence of Suburbanization."
[2] Wong and Ng. "City still has 1,400 dilapidated buildings."
[3] Buildings Department FAQ – Subdivision of flat units
[4] Nip, Fung and Tsang. "Inspectors face race to prevent another disaster."
[5] Lo, Ng and Cheung. "4 die in suspicious blaze at tenement"
[6] Ng, *et al*. "Don't leave us without a home."
[7] Liu and Leung. "Companies among the owners of fatal blaze flats."

Figure 3: Typical *tong lau* entryway

Source: *GX Garnerings* (blog) http://ricoh-gx.blogspot.com

Figure 4: Most hawker stalls are several time larger than official pitch size
(outlined in yellow on ground)

Source: Flickr, http://farm6.static.flickr.com/5146/5612799532_83d9417907_o.jpg

Wong Ho-yin, who runs the advocacy group Minority Owners' Alliance Against Compulsory Sales, which tries to protect against forced resumption of flats for redevelopment, claims "When acquisition companies buy a flat, they often open all the windows, which lets in rainwater and leads to water damage. As more flats are acquired, the building's owners' corporation collapses, which leads to cutbacks in maintenance."[8]

The issues of street market congestion and building safety are inherently intertwined as the two factors reinforce each other. The Buildings Department has identified 339 similar older, mixed-use buildings located on market streets.[9] The ability to buy small quantities of provisions on a daily (or even twice daily) basis is what makes living in such small spaces feasible on a long-term basis, with street stalls traditionally playing the role of an open air living room for *tong lau* residents.[10][11] Meanwhile, disenfranchised residents in *tong lau* are less likely to file complaints with the authorities regarding street congestion, giving more latitude for street vendors to push the boundaries of what the hawker control team will tolerate in terms of expanding the functional space of their stalls in the street.

Densely packed market street

Fa Yuen Street has been designated as a Hawker Permitted Place between Mong Kong Road and Stone Nullah Street (Figure 1). Fixed pitch spaces have been arranged in a manner that still allows fire engines to gain access to all the buildings on the street, as Figure 5 illustrates. The Fire Services Department (FSD) had previously identified the street as one of 20 streets where old residential and mixed-use buildings are located on crowed market streets, and had conducted access tests.[12] The stalls in Fa Yuen Street have fixed structures; other markets nearby instead stipulate that stalls must be dismantled on a daily basis. The majority of fixed pitches are 3ft x 4ft in

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[8] DeWolf, "Say goodbye to old Hong Kong".
[9] Lo. "One in 14 buildings are potential death traps."
[10] Kinoshita, "Street Market as Urban Facility."
[11] Kin Wai Michael Siu, "Guerrilla Wars in Everyday Public Spaces."
[12] Hong Kong. Legislative Council., "Hong Kong Hansard," 7 December 2011, 2945.

size[13]. As Figure 4 indicates, the typical fixed pitch stall occupies several multiples of the actual pitch size, which is marked in yellow on the street. Figure 7 illustrates how stalls have expanded their roofs beyond the allowed 18-inch overhang.

"Blaze survivors grasping for answers" reported *SCMP* writers Jennifer Ngo and Simpson Cheung on March 4, 2012, explaining that an official verdict on the cause of the fire has not yet been issued, with arson not yet ruled out as a cause. (A similar fire on the same street on December 6, 2010, which destroyed 29 ground floor shops and 49 market stalls, was found to have been caused by arson.[14]) What can be established is the following:

- All nine victims were found in the front stairwell of 192-194 Fa Yuen Street[15]
- Survivor accounts indicate that many of the subdivided flats in 192-194 Fa Yuen Street did not have access to both fire escapes.[16]
- Most stallholders at Fa Yuen Street sell clothing, shoes, underwear, and fabric-based housewares - all of which are highly flammable.
- Hawker stalls were located close to staircase entrances, which created a chimney effect, funneling smoke up stairwells.[17]
- Canopies on stalls were made of materials that were not fire-resistant[18]
- Many hawker stalls informally tap electricity from adjacent buildings (Figure 6). While the practice may be legal, formal infrastructure is not always present.
- By February 6, 2012, it was established that the fire was most likely started from electrical overloading[19] - but this could be due to either residential overloading or by fixed pitch stalls tapping into residential wiring.

Apportioning blame

Under the guise of a balanced approach, the Food and Environmental Hygiene Department (FEHD), which administers street markets, is conducting a "public consultation on the management of fixed pitch hawker areas." The 30-page document solicits the public's views on the design of market stalls and on varying options, such as whether stalls should be dismantled every night, or if intermediate options such as more fire resistant cabinet structures would be sufficient.

[13] FEHD, *Public Consultation on the Management of Fixed Pitch Hawker Areas*, chap. 3.3.
[14] Lee. "Firebug cook gets six-year jail term."
[15] Lo, Lee, and Ngo. "Two men wanted in fatal fire probe."
[16] Ibid
[17] FEHD, *Public Consultation on the Management of Fixed Pitch Hawker Areas*, chap. 4.1 a.
[18] Ibid., chap. 4.1 b.
[19] Ngo. "Hawkers protest at harsh treatment."

Figure 5: Although Fa Yuen Street Market is crowded, fire engines could still access:

Source: *SCMP,* http://www.scmp.com/files/SCMP/News/Static%20Files/FIRE_CRANE2_ART.jpg

Figure 6: Improvised wiring for vendor stalls   **Figure 7: Stall expansion creates tunnel effect**

Source: Author

But as the following discussion details, no similar public consultation is being conducted on residential fire safety standards, or on banning sub-divided flats – both being measures that would address the other half of the intertwined issue of fire safety on crowded market streets.

Initially, central government officials were careful to not lay the blame on the street vendor community: The Secretary for Food and Health, York Chow stated that the market would not be removed as it is a popular tourist destination, but instead the government would implement new operating conditions designed to reduce fire risk[20]. In contrast, local politicians were quick to pin the cause on street vendors: the vice-chairman of the Yau Tsim Mong District Council, Edward Leung Wai-kuen was quoted in the *SCMP* as saying that vendors had "persistently blocked fire escape routes, despite an increase in prosecutions." Mr Leung furthermore accused the central government of taking insufficient action after the 2010 fire on Fa Yuen Street, saying "The government did prosecute hawkers after a similar fire last year. Bu they don't take follow-up action. Hawkers often reoccupy adjacent areas after check by FEHD staff. In some extreme cases, half the street is stuffed with goods."[21]

The assumption that vendors' inventory literally blocked fire escapes is repeated throughout the initial coverage of the fire, even when little could be established about the causes. In the same report by the *SCMP*, the president of the Institution of Engineers, Chan Fuk-cheung, said "the speed at which the fire spread could have been caused by staircases being blocked with goods and the lack of fire doors [at the entrances to blocks of flats], intensified by inflammable goods stored at stalls." Although many vendors interviewed mention that they rent subdivided flats for storing inventory,[22] Mr. Chan's statement gives the impression that it was common practice for street vendors to store bales of goods in the entryways of buildings, literally blocking egress for

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[20] Lee and Siu. "Health chief rules against moving street market."
[21] Wong, Yiu, and Cheung "An accident just waiting to happen."
[22] Ng and Ngo. "Hawkers angry at 'ridiculous' treatment."

residents. This message is repeated in the caption for the graphics for the *SCMP* report "Dangerous flats here to stay" which states "Stalls under 183-197: Caught fire at the same time as other stalls further down street. Owners store goods on lower floors of buildings, sometimes blocking stairs."

Figures 8 & 9: Fa Yuen Street after the fire

Source: Flickr, HL Tam http://www.flickr.com/photos/hltam/6441132361/
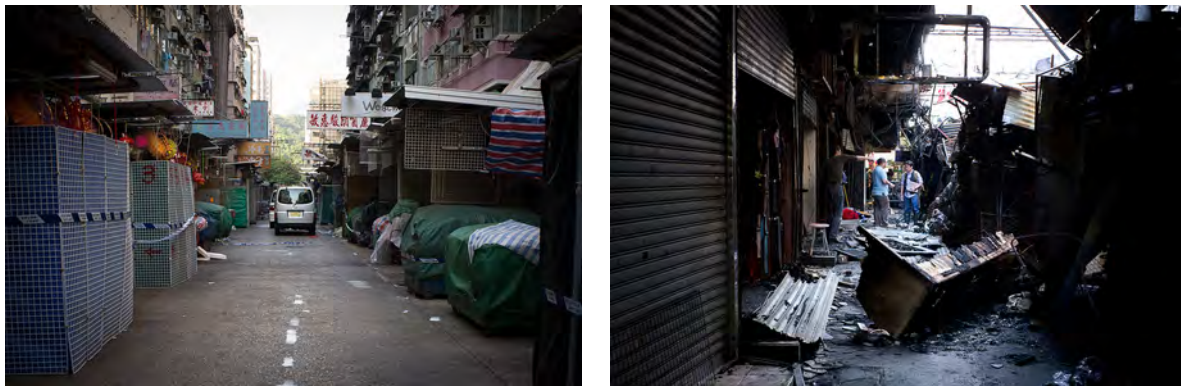
The framing of vendors as a nuisance is so embedded in the institutional framework of public space in Hong Kong that "hawkers block fire escapes and are a public danger" has become the main explanatory narrative, rather than only being a contributory element, much like street vending has been defined as a public health problem in the regulatory and institutional framework. Clearly vendors' inventory played a major role in causing the fire, but alternative explanations for the blocked staircases that may equally have contributed to the deaths have not been explored. Figure 2 illustrates that the buildings are designed to give egress out the back of buildings, which should have offered an alternate escape route from front stairwells that rapidly filled with smoke. As Figure 8 indicates, vendors go to some effort to secure their inventory and are unlikely to have left it just lying in the hallways of buildings that lacked front gates or guards. Rules stipulate stalls and goods should be kept at least 1.5m from building; vendors interviewed in *The Standard*[23] state that most complied, pointing out that rules had already been tightened following the 2010 fire.

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[23] ibid

Survivor accounts suggests that fire escapes were, in fact, blocked at residential levels (as well as being sealed off due to subdivided flats) and not only by hawkers' goods at the street level:

> Fire survivor Lau Kwan, who lived on the third floor at 196 Fa Yuen Street, said yesterday that she did not even know that there was a second staircase until her landlord told her and got the keys to unlock it. 'The door was chained up and blocked by stacks of things,' Lau said. The back staircase was only accessible through her two-room unit.[24]

Unless street vendors were carrying their bulky inventory to the third floor (fourth floor by American floor numbering), it suggests other parties might also be to blame for fatal obstructions. After the June 2011 fire in a similar subdivided building, survivors reported that their fire escapes were blocked with "bamboo poles, flower vases and mattresses while the back stairs and corridors were littered with furniture."[25] Vendors, it seems, are not the only parties who routinely block fire escapes. Stricter controls on street vendors will have little impact if collective neglect of buildings still leaves fire escapes functionally blocked by other parties who are not regulated by the FEHD, which could equally include the ground floor stores located in the same buildings, residents, and owners.

Certainly, the political debate initially focused more on building-level fire safety, to judge from the list of questions asked by legislators at the first LegCo session after the fire, which are listed in Appendix 3. Only four out of 16 questions pertained to hawker stalls, the rest were on broader fire safety issues. Although the initial inclination was to seek solutions in terms of addressing both building safety and street market design or regulation, as the following section details, the majority of effort to date has focused on cracking down on street vendors' operations.

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[24] Wong and Ngo. "Dangerous flats here to stay."
[25] Ho and Lee. "Four perish in tenement inferno."

The response since December 2011

Getting tough on street vendors

The most critical development in the four months since the fire has been a proposed

mechanism for cancelling hawkers' licenses for repeated violations of rules. On paper this looks

entirely in proportion to the fire risk posed by vendors whose inventory poses an obstacle to fire

safety. However, in practice, very few street vendors in Hong Kong could make a living if current

rules were followed to the letter, for reasons discussed at greater length in the final section of this

chapter. As the proposal stands, any vendor who violates the rules listed below six times or more in

a three month period is subject to having their license cancelled:

- Hawking a commodity or service not specified in license
- Employing an assistant without registration
- Failure to comply with orders to vacate allocated pitch for fire safety purposes
- Not being personally present at the pitch when business is conducted
- Placing goods or equipment outside of pitch boundaries
- Causing obstruction
- Failing to comply with size, height or construction materials required for stalls[26]

Breach of the rules that the FEHD considers to be more critical for fire risk (such as illegal

connection of electricity, subletting stalls, or providing false information to obtain a license) would

result in automatic cancellation of hawker licenses.

In addition, there has been stricter enforcement of existing regulations. Between December

3, 2011-January 1, 2012 the FEHD made 880 hawker-stall related prosecutions, of which 214 were

in Fa Yuen Street.[27] After one such raid the *SCMP* reported:

> … officers from the Food and Environmental Hygiene Department tried to confiscate
> goods at two stalls where vendors held only helper's licences and the stall licence-
> holders were absent. Goods cannot be sold if the holder of the stall licence is not
> present according to the policy. Hawkers said the rule had never been enforced
> before. 'In all my 20 years of selling goods here, I've never seen this happen before,'
> hawker King Li Lok-wai said. 'Does this mean that when [the licence-holder] goes to
> the toilet, their helpers have to stop selling? That's ridiculous.'[28]

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[26] FEHD, "Consultation on the Mechanism for Cancellation of Hawker Licences."
[27] Tsoi. "Hawkers Under Fire."
[28] Ng and Ngo. "Hawkers angry at 'ridiculous' treatment."

This report that vendors are being prosecuted in the normal course of business, for actions that do not obviously constitute a fire risk, runs counter to the narrative constructed by the FEHD in its public consultation document. This explains that the FEHD has only prosecuted street vendors who "repeatedly ignore advice and warnings" to "remove combustible materials from stall canopies, to stop storing commodities outside the approved pitch area, and store commodities within the enclosed fire resisting stall structure."[29] Indeed, the tone conveyed by the consultation document is hardly neutral: "Some fixed pitch hawkers who lack self-discipline persist in blatantly violating regulations despite repeated prosecutions" is how Chapter 3 of the document is introduced.

Having suffered through loss of livelihoods twice in a year, street vendors also have an incentive to seek to reduce fire risks—but the official narrative ignores the degree to which vendors' interests are aligned with those of residents and instead portrays them in opposition. The Fa Yuen Street Hawker Association immediately agreed to remove goods from stalls after trading hours, pull back their canopies, meet the 1.5m spacing requirement, and hire watchmen to patrol the street at night. [30] They also agreed to reduce stall heights to 2.5m, just a year after reconstructing booths to meet a 2.7m guideline implemented after the 2010 fire at a cost of $20,000 per stall, or the equivalent of two months' income.[31] Even so, one 30-year veteran of Fa Yuen Street told *HK Magazine* "no officials have ever told us that the stalls did not fulfill the requirements before. But right after the fire that killed nine lives, the officials came and measured the size of stalls, and said they violate the rules."[32] The FEHD narrative explains that it had begun to tighten up regulation even before the fire, and that warning letters had been sent to hawkers instructing them to remove obstructing goods.[33] The contradiction between the narratives on each side is indicative that the

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[29] FEHD, *Public Consultation on the Management of Fixed Pitch Hawker Areas*, chap. 4.4.
[30] Lee *et al.* "Traders to remove goods from stalls after hours."
[31] Tsoi. "Hawkers Under Fire."
[32] Ibid.
[33] FEHD, *Public Consultation on the Management of Fixed Pitch Hawker Areas*, chap. 3.8.

legalistic approach taken by the FEHD might not be the most appropriate, and suggests that community-based alternatives that involve direct dialogue might be more effective.

While residents have stated "all we want is for stall owners to put away their things at night to not block pathways so we can escape quickly in emergencies"[34]—and the response by street vendors appears consistent with that goal—this is apparently not enough for opinion makers. The *SCMP* reported that the Christmas message of the Anglican archbishop, Paul Kwong, accused the hawkers in particular of being 'cold-blooded' for protesting against plans to dismantle their stalls at night, writing "I simply cannot imagine that Hong Kong people have become so cold-hearted as to place properties or making a living above life."[35] There is only an implicit criticism of the flat owners who subdivided flats and blocked access to fire escapes, but an explicit accusation of the street vendors in this message (and no differentiation between those making a below-median income living and those seeking out higher returns on investing). And dismantling stalls every night might not be the community's desired solution: District Councillor Edward Leung Wai-kuen argued that temporary stalls were not his constituents' goal as "The installing and removal of stalls will create lots of noise, causing nuisance to neighbors upstairs."[36]

Consulting the public

The consultation document seeks the public's views on a range of options for reducing the fire risk associated with fixed pitch hawker stalls. These include:

- The cancellation mechanism discussed above, as a means of strengthening enforcement of rules
- Restricting overnight storage of inventory to inside fire-proof structures
- Dismantling stalls and removing inventory to another location (this approach is used on Tung Choi Street, one block west of Fa Yuen Street – but a greater number of buildings with elevators on the former renders it feasible.)
- Re-siting hawkers into public markets
- Re-siting hawker stalls away from building entrances

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[34] Cheng. "Church leaders hit out at 'selfish' Hong Kong."
[35] Ibid.
[36] Lee and Siu. "Health chief rules against moving street market."

- Voluntary license surrender
- Enhancing the design of hawker stalls to include sprinkler systems

The FEHD warns that the last option would cost over HK$30 million (US$3.8 million), but this cautionary note needs to be set against the budget surplus of HK$67 billion (US$8.6 billion) that Hong Kong enjoyed in the 2011-2012 fiscal year. Indeed, a suggestion from legislator Alan Leong that the government help hawkers by subsidizing their costs of meeting new fire regulations was flatly rejected by the Secretary for Food and Health, who commented "all stall operators are obligated to comply with licensing conditions. They should not expect subsidies from public money."[37]

Shying away from tackling building safety

What of the risks posed by subdivided flats that block fire escapes? The property rights of street vendors are dictated on paper by the terms of their licenses, and in practice negotiated by their interactions with the Hawker Control Team of the FEHD. This allows considerations of public interest to shift the balance of interests between the property rights of individuals leasing space from the government and public safety when circumstances change. In contrast, private residential property rights and the right to privacy are defended more strongly against public interests, even where safety is known to be a critical concern, and amending those rights is a more rigorous process. The Buildings Department reports that it was unable to able to examine 32% of units in a sweep of 800 flats in at-risk buildings that were believed to be subdivided because the Buildings Department had no legal basis for entering the flats.[38] An amendment to the Buildings Ordinance that would facilitate obtaining entry warrants from the Magistrates Court that would, in effect,

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[37] Hong Kong. Legislative Council., "LC Paper No. CB(2)510/11-12(06)," 16.
[38] *LC Paper No. CB(2)1033/11-12(01).*

allow inspectors to break into flats where there is "clear sign of imminent danger or serious environmental/health hazards" is currently under consideration.[39]

Meanwhile, the urgency with which hawker regulations are being amended stands in contrast to the slow progress made in upgrading fire safety standards of old buildings. Fire safety standards for buildings constructed before 1987 are stipulated in the Buildings Ordinance (Chapter 572, Laws of Hong Kong), which came into effect in July 2007. Only half of the 9,200 old, mixed-use buildings to which the rules apply have been inspected by the Fire Services Department and the Buildings Department, and of these, 2,600 required upgrading [40]. In response to suggestions that fire safety equipment be required for subdivided buildings, the Development Secretary argued that residential buildings were assessed as having lower fire risk, and that it would be too expensive to install sprinklers or fire resistant structures in older buildings.[41]

Figure 10: Reclamation Street Market   **Figure 11: 1950s street vendors**

Source: Figure 10: *Randomwire* (blog) http://www.randomwire.com/images-of-old-hong-kong
Figure 11: Flickr, http://www.flickr.com/photos/cheungsamfung/1844141391/in/photostream

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[39] Development Bureau, "DEVB(PL-B) 30/30/122," para. 8.
[40] Hong Kong. Legislative Council., "LC Paper No. CB(2)510/11-12(06)," 18.
[41] Lam, "LCQ4: Fire Safety Problem of Sub-divided Units."

Identifying the role of colonial legacy regulations/institutions

What role, if any, did the colonial legacy play in this tragedy? One of the clearest conflicts emerges between the role envisioned for street markets during the critical 1950s-70s period, and the role large street markets like Fa Yuen Street play in current society. Street markets are now city-wide shopping destinations. The assumption that street vending would provide a subsistence living for small traders who catered to low-income residents in their own neighborhoods no longer holds. The street markets in Mongkok attract shoppers from all parts of Hong Kong and are extremely congested as a result – if anything, agglomeration effects of retailing reinforce congestion. Moreover, the large street markets are extremely popular tourist attractions, which adds to pedestrian flow.

Ironically, the continuing drive to remove the sale of all food from the street to indoor, purpose-built wet markets has caused greater congestion and raised fire risk. Given increasing restrictions on selling food on the street, many vendors instead sell inexpensive clothing and housewares such as curtains or towels, which have proved to be extremely flammable. Moreover, those markets relying on the sale of non-food items are forced take up more room for displays and inventory. Traditional neighbourhood-scale street markets, such as the one on Reclamation Street on the western edge of Mongkok/Yau Ma Tei (Figure 10) are considerably more subdued as they continue to cater to local residents with a mix of vendors that skews towards food. Traditionally, Hong Kong households shopped for food twice a day due to the lack of storage in their homes, as well as a demonstrated preference for the freshest possible provisions. A street market that caters for this volume of daily shopping can be economically viable with small stalls; however, non-food items are not purchased with such frequency. With a lower chance of sales to each passerby, vendors of "dry goods" need a larger flow of potential customer traffic, in order to generate the same sales revenue. Also without the ability to turn over inventory on a daily basis, as is possible when selling fresh food, storage needs inherently rise when selling non-food items.

Moreover, the view that street vending should be subsistence level activity has resulted in the size of stalls and the layout of street markets being unsuitable for the actual activities now taking place. The 3x4ft pitches were appropriately sized for an individual with a large rattan basket of vegetables – as was the norm in the 1940s-50s when much of the current administrative framework was established. (See Figure 11.) The current stalls are not of sufficient size for businesses that require more display space, in line with changing social conditions and tastes. One vendor interviewed by the *SCMP* stated business was bad as there was no room to display their goods properly. In a similar vein, Leung Chi-yuen, an academic at Hong Kong Polytechnic University who focuses on street vendors in Hong Kong, comments "Some hawkers tell me that they have sold slippers on Fa Yuen Street for decades. In the past, customers might be impressed with a selection of slippers in 10 different styles. Now, they have to sell 100 different styles. Society has changed."[42]

As a result, the minimum required area for stalls to operate under current economic conditions brings them into constant conflict with safety guidelines that stipulate that there must be a minimum of 1.5 metres between stalls and buildings. The new enforcement regime suggests that street vending will become unviable *unless* the system is more comprehensively reviewed to account for changes in the nature of street vending—and this should include expanding pitch sizes that can realistically be enforced. Doing so would allow the Hawker Control Teams to implement the rules as written, rather than as negotiated.

Aside from the lack of sufficient space for current street vending operation, the stalls also lack of appropriate infrastructure in form of safe, standalone sources of electricity. With original institutions established on the assumption that street vending activities would center around the rhythm of meal preparation, not leisure shopping in late-night oriented modern Hong Kong (the stalls on Fa Yuen Street were open until 11pm), little thought was given to the utilities needed by

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[42] Tsoi. "Hawkers Under Fire."

the market. And with an entire regulatory structure based on phasing out hawking, and a failure to include public markets as critical public infrastructure, there was never an incentive to invest in upgrading the infrastructure for any of the street markets. This underinvestment conflicts with the more recent recognition of the role that street markets play as tourist attractions. [In contrast, Singapore has always promoted it hawker food centers and progressively invested in them to allow them to match changing social demands.] With some irony, the Urban Renewal Authority, which was criticized for its redevelopment of the Wanchai street market area as it resulted in the move of a large proportion of food-related vendors into a purpose-built market, has been the only institution in Hong Kong trying to address this problem. Its redevelopment projects have allowed it to build individual electricity access points and meters for those hawker stalls that remain on the street.

Many of the solutions proposed for mitigating fire risk are complicated by the preponderance of elderly street vendors, as a result of the restrictions placed on new entrants to the industry and transfer of licenses intended to make hawking die out with its practitioners: Brenda Cheng So-ngor, the chairwoman of the Federation of Hong Kong, Kowloon and New Territories Hawker Associations pointed out in an interview that more than half of the 220 street vendors on Fa Yuen Street were over 60 and not capable of dismantling stalls every night.[43]

> "Fa Yuen Street fruit vendor Mr Chan, 62, said he was worried about the heavy toll on his business and body if he had to dismantle his stall every night. 'Old people like me would find it very difficult to move things up the stairs after working all day,' he said. 'And I doubt if I'd have enough money to hire people to do it for me.'

The ability of the street vending industry to evolve in response to changing conditions, and specifically the costs associated with reducing fire risk, has been hampered by the legacy of trying to eliminate hawking.

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[43] "The Pulse." Radio Television Hong Kong,

In conclusion, the least tangible colonial legacy, but perhaps the most critical one that conflicts with the modern society's demands for accountability and action from Hong Kong's government, is the legacy of the "don't upset the locals" governance approach discussed in Chapter 2. In practice, it has led to a healthy equilibrium in terms of negotiating conflicting rights over public space for most part. The implementation of much of public space, and hawker-specific, regulation hinges on how the term "obstruction" is interpreted by police and the Hawker Control Teams. As discussed above, hawker regulations are not implemented to the letter, an implied recognition that the regulatory framework does not match economic reality. An editorial in the *China Daily* complained:

> It is obvious that the lax enforcement and the authority's tolerance are to be blamed for the growing irregularities and non-compliance by street vendors to the detriment of public safety. Even environmental hygiene officials have admitted that the vendors revert to the old ways once they are not under the officers' watchful eyes.[44]

This complaint fails to recognize that the FEHD's "lax enforcement" approach has been instrumental in maintaining the balance between retaining Hong Kong's character and supporting livelihoods on one hand and keeping streets open for circulation and ensuring safety on the other. A demand that the government "do something" runs counter to the laissez-faire tradition that allowed society to find some kind of equilibrium through this process of unspoken negotiation. The FEHD convicted close to 30,000 street vendors for violations in 2010. If the FEHD had only prosecuted, say, 10,000, and not acted as a *relatively* effective deterrent, it is easy to imagine that street markets might return to the chaos of the 1980s and earlier—but if they had convicted 100,000 during the year, there might be nothing left in the way of street markets if such a draconian approach made street vending economically unviable.

It is encouraging that the analysis of the official and media responses finds a number of legislators and journalists who have criticized the government for its over-focus on addressing the

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[44] Lau. "Take tougher measures to prevent another fire tragedy."

role of street vendors in the tragedy on Fa Yuen Street. Residents themselves recognize that this approach does not enhance their safety. Wong Kin-san, vice-president of Mongkok District Residents' Association, is quoted in the *China Daily* as saying "what the government did only intensified the contention in the community. It didn't help to improve the situation or solve the problems."[45] Instead, looking at the outdated attitudes embodied in the regulations, and how they conflict with current social needs and practices, helps to identify a more constructive approach to improving fire safety.

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[45] Stu Shadow. "Tensions heat up on Fa Yuen Street." *China Daily*, December 24, 2011.

Conclusion

I set out to answer three questions. The first was how the colonial heritage of Hong Kong shapes public space through legacy institutions and regulations: the most critical factors were the role of land in public finance, fiscal stringency, and the problematizing of street vendors as a health or safety risk. The second was whether the mismatch between the legacies identified and current day practices can explain current day tensions over public space: the gap between the space required to run market stalls to meet current patterns of demand and the original conception of hawkers in the 1950s underpins the current struggle over tighter regulations. And the third sought an explanation for variations and shifts in street vendor policies pursued by the Hong Kong government: the answer is best illustrated by the common thread between the three questions found by unraveling the "blame game" —namely the dialectic between two key overall legacies of colonialism: laissez-faire and paternalism.[1]

The dialectic is illustrated by the critical 1969 policy that structured street vending to be phased out over time. The paternalistic streak in the government did not view street vending as a legitimate choice of occupation when work in the formal economy was available, in the form of factory jobs, and wanted to move people into this sector. A belief in laissez-faire meant, however, that the government did not attempt to ban street vending, as in newly-independent Singapore; the dialectic between the two forces resulted in existing vendors being left free to pursue their trade, but no new licenses issued in order to ensure street vending would die out over time.

Other shifts in policy, such as the crackdown on hawkers and markets in response to SARS in 2003, addressed the contradiction between the desired image of the city as the glossy,

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[1] Tsang, *A Modern History of Hong Kong*, 197. argues that British colonial rule in the modern era met all five criteria for "best standard of government practicable in the Chinese political tradition," which he described as: non-intrusive, effective, fairness, honesty and benevolent paternalism.

modernistic site of global capital, and the earthy market culture that represents how most of the population actually uses public space. A paternalistic response to dangers posed by SARS could have taken the form of investments in better water and utilities provision for market stalls to address hygiene and safety standards. Instead, the fiscal stringency resulting from laissez-faire means the paternalist concern for the health of the population was expressed more frugally by tightening hawker policy instead.

The dialectic between laissez-faire and paternalism has, however, influenced public space in other, more surprising ways. What is most specific to the colonial legacy of Hong Kong is its relationship to China, which circumscribed the autonomy of colonial administrations. The risk of a mass return to China in the early colonial years, and the risk of provoking civil discontent in the modern colonial era, led to a broader definition of *laissez-faire*, in the form of a "hands off" approach to governance. This governance style has left room for individuals vendors to negotiate space through iterative interactions with the Hawker Control Team. The appearance of most market streets indicates that restrictions on use of public are rarely, if ever enforced literally. Instead, the "street level bureaucrats"[2] have ultimately dictated the look and feel of Hong Kong, with their daily tussle with vendors over what is an "obstruction" or "nuisance."

While a number of issues discussed in this thesis are universal in nature—notably, a tendency of urban authorities to problematize vending and the utilization of public space for city marketing efforts—their effects are exacerbated by the colonial legacy. The "property hegemony" that has led property investor rights to be prioritized over vendor rights in Fa Yuen Street is the result of the combination of the role of land in public finance and laissez-faire. Moreover, the degree to which economic strategy has revolved around the production of space to attract and retain global capital been reinforced over time by under-investment in institutional capacity

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[2] Lipsky, *Street-Level Bureaucracy*.

inherent to laissez-faire government strategy. The narrowness of experience inherent to a lean

government was demonstrated to be a drawback in the Cyberport development discussed in

Chapter 3, as the collective lack of experience in the "software" of economic development in Hong

Kong ultimately restricted the scope of Cyberport to merely a real estate venture.

The pattern of labeling street vendors as posing a health or safety risk may, in fact, reflect

an unconscious tactic of resolving the conflict between paternalism and laissez-faire: as the

discussion of pedestrianism in the introduction noted, the apparent neutrality of health and safety

concerns sweeps away opposition The government trusts market forces to allocate land uses when

a jewelry store displaces a grocer. But it does not show the same trust when the emergence of

regular unauthorized markets in impoverished districts and New Towns shows there is a demand

for street markets[3] (The FEHD has rejected applications to create new markets in Tin Shui Wai,

saying the town had adequate shopping choices.[4] But paternalism means restricting choices of

livelihoods to those that fit the government's vision of the structure of the economy, not those that

emerge from market demand; the best way to solve the contradiction with the government's

avowed laissez-faire stance is by labeling street vending as a health and/or safety risk, thus

justifying a ban, removing the choice and hence the contradiction.

A similar contradiction is illustrated by contrasting property rights of those who own

conventional real estate, with the lack of rights of vendors to sell or transfer their licenses and

fixed pitches to others who might want to enter the business. Figure 1 illustrates a rare instance of

where a new business was able to open up in a fixed pitch hawker location.[5] The feature clarifies

that many other stallholders sublet their spaces from the original license holder, a process that is

becoming more complicated as the first generation is dying out and handing down licenses to

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[3] Grace Tsoi. "Heard on the Street." *HK Magazine*, Oct 13, 2011.
[4] Lam, "LCQ1: Tin Shui Wai Development."
[5] Tsoi and Chu, "Little Green Shops."

relatives who may no longer live in Hong Kong. Moreover, subletting of stalls is among the practices that may be banned under the current proposals to tighten up regulation of street vendors. The persistence of unlicensed vending speaks to ongoing demand for this format, as well its potential to serve as a vehicle for economic development.

Figure 1 A case study in modernizing market stalls

On May 17, 2012 *HK Magazine* published a feature on street vendors in Hong Kong

One vendor was featured as a rare example of a newcomer to street markets, pursuing a modernized niche. Vincent Au Yeung and Bobo Poon run a stall selling retro candy and nostalgic toys that harkens back to the 1960s.

This modern update on a market stall was only possible because Mr. Au Yeung inherited the fixed pitch hawker license from a relative; most other entrepreneurs would not have this option of an inexpensive location to launch a new venture.

Source: HK Magazine. http://hk.asia-city.com

How can these conclusions be leveraged to bring change?

Part of the goal of this thesis was to identify ways that Hong Kong's public can push for more equitable change, or argue against inequitable changes, *even within the confines of the current non-participatory system*. Although there has been an encouraging signs that the government is responding to the space-based social movements, with initiatives such as the District Urban Renewal Forums in 2011 and the introduction of a heritage conservation policy in 2007, more fundamental changes that would allow meaningful participation have yet to materialize. As alluded to in the introduction, even arguments based on rights to livelihoods may have little weight in a system that officially prioritizes the rights of capital.

How can the findings of this thesis be leveraged to push for equitable change? One is by highlighting the inconsistency of government rhetoric. It promotes street markets for tourism on one hand, yet writes regulations that make it impossible for the vendors in the markets to operate legally, and balks at investing comparative small sums of money to improve infrastructure. A more effective campaign for the government to foot the bill for installing sprinklers on Fa Yuen Street, for example, could frame it as an inexpensive investment in tourism in order to move the discussion away from "an unfair subsidy to hawkers." Another is by focusing the debate on the actual sources of safety risks. This can be achieved by cutting through the persistent narratives identified. By highlighting that past patterns of demonizing street vendors and markets did not address fundamental problems, a stronger case can be made that more possible causes of the Fa Yuen Street fire need to be considered in order to make material improvements for the safety of Hong Kong's population.

1. Can this methodology of looking for contradictions between policy and practice be applied
    more broadly to other public space issues? One possibility presents itself in an issue closely
    tied to the fate of street markets, in the form of urban renewal.

2. The importance of the institutional location of street vendor regulation is worth exploring, as
    the change in stance that resulted from moving regulation from community level bodies to
    the central government in Hong Kong clearly had an impact on the policing of markets and
    the quality of public space and warrants closer examination.

3. In addition, the hypothesis about what drives changes in vendor policies could be better
    established by conducting a more comprehensive comparison of how street vendor policies
    across Asia and/or other former British colonies have evolved. For reference a summary
    comparison with Singapore follows in Appendix 1.

Appendix 1: Singapore—both cautionary tale and role model

No discussion of Hong Kong street vendors can be complete without reference to Singapore. The similarities in density, institutional and spatial patterns, and even circulation of ideas and administrators between the two during the colonial years, suggests that looking at how street vendor policies established after Singapore's independence in 1965 diverge from those in Hong Kong helps highlight one of the main contentions of this paper – that the colonial heritage is at the root of public space issues in Hong Kong.

Singapore's hawker strategy combined clearance with off-street relocation. Clearance was possible in Singapore because the nascent government had a mandate from its population to make tough decisions. None such existed in Hong Kong, where in contrast, McGee (1973) quotes a colonial administrator who points out Hong Kong "could not act as decisively as the Singapore Government against hawkers because they feared provoking the Chinese Government and left-wing elements in the colony."[6] This created the negotiated outcome versus what might be called a "strict but fair" approach in Singapore.

Clearance worked because it was fully matched with the construction of market facilities. The relocation program is notable for both its physical and economic design. The open air and central locations of the first generation of hawker centres were critical for maintaining the link to the street and continuity the cultural identity. Later facilities for hawker food have been upgraded and now resemble shopping mall food courts. Rents for the older generation of hawkers are set at lower levels, newcomers face higher (but still below market) rents – and running hawker stalls remains a popular vocation for new migrants.

The cooked food centres in Hong Kong are very similar, but they are frequently bundled into large municipal facility buildings, along with wet markets, libraries, and communal sport facilities to form civic hubs in the New Towns, and are thus less visible to the outsider. They are a world away from with the cathedrals of financial power in Central – even when they are only 800 meters (half mile) away in reality. In contrast, in Singapore, two hawker centers sit in the heart of their central business district – a powerful symbol of the end of the "dual city" under colonial urbanism.

Hawker clearance may have resulted in dull streets and the sobriquet "Singabore" in earlier years, but in 2002 the city-state official reintroduced on-street food vendors, albeit in a limited fashion: It created a street of market stalls on Smith Street in Chinatown. The hygiene grading system of hawker stalls in Singapore addresses food safety issues, as does the updated designs of stalls used in the Smith Street market, and both offer good templates for how Hong Kong's vendor regulation and markets management can be improved.

There is a role reversal in play, and some irony in that Singapore's public realm is becoming livelier even as it comes under threat in Hong Kong – as in both cases, the changes are ultimately the result from property-driven economic development plans.

Source: National Environment Agency Singapore.

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6 Hong Kong. Legislative Council., "Hong Kong Hansard," 2674.

Appendix 2: CAP 132AI Public Health and Municipal Services Ordinance: Current Hawker Regulation (version date Jan 1, 2000)

	Cap 132AI Empowering section	Comments
	Cap 132AI Part I PRELIMINARY	
s 2	Interpretation	
s 3	Application	
s 4	Hawker permitted places	
	Cap 132AI Part II HAWKER LICENCES	
s 5	Hawkers to be licensed	Licensing regime specifies locations where street vendors can operate and gives the FEHD flexibility to impose more specific conditions on vendors at specific locations, hours and mode of operation.
s 5A	Restriction on hawking in special areas	
s 6	Restrictions on issue of licences	
s 7	Applications for licences	
s 8	Issue of fixed-pitch hawker licences	
s 9	Itinerant hawker licences	
s 10	Temporary licences	
s 10A	Hawker badges	
s 11	Deputies	Limits street vending to family units and reduces flexibility by requiring formal applications to allow deputizing during absences from the market, and limiting ability of vendors to hire staff to assist.
s 12	Assistants	
s 13	Stall, licences and pitch cards not to be sublet or transferred	
s 14	Licence, etc. not to be altered or defaced	
s 15	Possession of licences	
s 16	Licensees to produce licences for inspection on demand	
s 17	Issue of duplicate licences	
s 18	Duration of licences	
s 19	Cancellation of licences, etc.	See discussion of stricter guidelines on cancellation for repeat offenders
s 20	Licence to be surrendered on termination	
s 21	Renewal of licences	
s 22	Restrictions on areas in which licensee may hawk	FEHD can ban hawking on specific streets even with an itinerant license.
s 24	Director to be notified of change of particulars	
s 25	Director may require production of licence for amendment	
s 26	Register of licences to be kept	
	Cap 132AI Part III FIXED PITCHES	
s 27	Delineation of fixed pitches	Fixed pitches identified by painted lines or steel stud markers on street
s 31	Control of use of fixed pitches	FEHD can specify types of goods, hours and conditions of sale

s 32	Temporary closure of pitches	
s 33	Allocation of fixed pitches	
s 34	Director may require allocated pitch to be vacated either permanently or temporarily	Hawkers required to vacate for cleaning and repair of market
s 35	Cancellation of allocation at request of licensee	
s 36	Pitches to be used only by holders of fixed pitch licences	Fixed pitch stall holders cannot hawk away from their pitch
s 37	Use of pitches	In practice limits ability to combine operations or pool spaces
s 38	Fixed pitch licensees to be present on pitches at all reasonable times	
s 39	Fixed pitches to be kept in safe and clean condition	
	Cap 132AI Part IV HAWKERS STALLS AND EQUIPMENT	
s 40	Stalls for holders of fixed-pitch and temporary hawker licences	Authorizes FEHD to specify size, structure and condition of stalls
s 41	Erection of wall stalls permitted in certain cases	
s 42	Stalls for holders of itinerant hawker licences	Mobile stalls must conform to FEHD guidelines
s 43	Approval to be endorsed on licence	
s 44	Stalls to be used only for hawking	
s 45	Removal of stalls from pitches	Stalls must be readily movable unless provided by the FEHD
s 46	Licensee not to damage pitch	
s 47	Stalls not to be joined	Exception in Housing Authority estates, with permission
s 48	Licensees not to place commodities and equipment outside pitches	Goods must stay inside boundary of pitch
s 49	Use of tables and stools by holder of fixed-pitch hawker licences authorized to deal in drink or cooked food	License will designate location of table + chairs, both of which must be foldable
s 50	Equipment to be maintained in safe and clean condition	
s 51	Refuse bins to be provided	
s 52	Special provisions relating to equipment to be provided by licensees dealing in drink or cooked food	
s 53	Licensee not to cause obstruction	Stalls must not obstruct traffic or pedestrians
s 54	Electrical equipment not to be installed without approval of Director	
	Cap 132AI Part V MISCELLANEOUS PROVISIONS	
s 55	Licensee to comply with conditions of licence	
s 55A	Hawker bazaars	
s 56	Offences and penalties	
s 57	Magistrate may recommend cancellation or suspension of licence	

Source: Department of Justice Bilingual Laws Information System
http://www.legislation.gov.hk/blis_pdf.nsf/4f0db701c6c25d4a4825755c00352e35/8D0301A6CAE5A6A1482575EE004058E1/$FILE/CAP_132AI_e_b5.pdf

Appendix 3

Questions regarding the Fa Yuen Street fire posed by Legislative Councillors

1. If the authorities had comprehensively assessed fire risk of street markets in core urban areas, given that hawkers had already enhanced fire precautions following the 2010 fire
2. If structural and fire safety of adjacent buildings had been assessed
3. If authorities were willing to offer rehousing to those residents evacuated who did not feel safe to return
4. If any emergency financial relief measures would be made available
5. The causes of the fire and how to prevent a repetition
6. If an immediate inspection of similarly-located vulnerable old buildings would be conducted
7. If the Urban Renewal Authority and the Hong Kong Housing Society[1] would be able to offer technical and financial assistance to improve the fire safety standards of vulnerable older buildings
8. Given that the Development Bureau had reported in June 2011 that it was unable to determine how many sub-divided units existed in Hong Kong, whether the government would allocate more manpower to this task
9. If tenants of sub-divided housing could be allocated public housing more expeditiously
10. If the sub-division of hawker stalls breaches the law and if so, whether the FEHD would step up efforts to prosecute
11. Whether the Fire Services (FSD) and Electrical & Mechanical Services departments had issued specific safety requirements for hawker stalls including the distance between stalls and buildings, and fire protection equipment
12. The number of inspections of Fa Yuen Street conducted by the FSD since the 2010 fire
13. If the government had looked into means of reducing fire risk by requiring stalls be dismantled at night, and if subsidies could be given to help mitigate increased operating costs
14. Whether the government would provide subsidies to similar buildings to form owners' corporations [which are considered critical for safety and maintenance]
15. If all old buildings would be inspected immediate for fire hazards and if the FEHD would assist in clearing fire escapes
16. If all hawker stalls at Fa Yuen Street would immediately end overnight storage of goods.

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[1] A non-profit housing group that both develops low income housing and helps with rehabilitation

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