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## Combating Nuisance: Sanitation, Regulation, and the Politics of Property in Colonial Hong Kong

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### Introduction

Despite important breakthroughs in medical science, in the nineteenth century infectious diseases ravaged crowded cities and towns across the globe with growing intensity. In the absence of reliable explanations for the causes of many deadly diseases, anxiety over epidemic outbreaks was often manifested in a powerful mixture of moral and cultural prejudice that saw the destitute and the impoverished designated as the likely carriers of diseases due to their “uncleanly habits.”<sup>1</sup> In colonial territories, this prejudice was mapped onto native populations, perceived by many Europeans to belong to inferior races that had yet to acquire the basic concepts of hygiene and ‘civilized’ habits of living. The drawing of racial boundaries along the lines of health and cultural practices also allowed colonial authorities to implement racial segregation and other discriminatory legislations through which different rules were applied.<sup>2</sup>

Recent research on colonial urbanism has shown that the regulation of the colonial built environment was far more contested than has been previously assumed. As a major site of ongoing resistance and control, efforts to improve sanitation and public health in colonial cities have attracted interest from a growing number of scholars.<sup>3</sup> By examining the ways in which rules and regulations were resisted and appropriated in everyday practices, their studies have helped challenge the long-accepted dominance of the colonial state. Comparisons between housing and sanitary reforms in the metropole and the colonies, as well as indigenous responses to modernization efforts, have also enabled the articulation of the term “indigenous modernities,”<sup>4</sup> which seeks to acknowledge the multiple forms of colonial development and

the roles of native peoples in transforming the built environment according to their own motivations.

The emphasis on the opposition between ‘indigenous agency’ and the ‘colonial order’ can sometimes be misleading, however. The tendency of historical accounts to focus on selected moments of conflict may leave out the more nuanced but arguably influential perspectives, such as those of colonial officials sympathetic to the natives or indigenous elites who aligned themselves with the colonial regimes. By slipping too easily from identifying the unequal power relations between the ‘colonizers’ and the ‘colonized’ to making broad assertions about collective ideologies, there is risk of overlooking the more complex political and economic processes that shaped historical change.<sup>5</sup>

Although much has been written about the role of colonial medicine as a tool of imperialism, the history of public health is still largely understood as an uncomplicated story of scientific progress. As Christopher Hamlin contends, the fact that so many of the technological achievements, such as underground drainage and water supplies, that came to define the modern built environment were no longer seen as questionable only proves the extent to which they have been “blackboxed.”<sup>6</sup> But although a world in which modern sanitation is rejected might seem inconceivable in the present, it was not so in the nineteenth century. The now widely praised Chadwickean public health reforms, which involved heavy expenditure and state intervention, were constantly challenged in respect to their rationality, practicality, and cultural appropriateness when they were first introduced. Widespread resistance against regulations to improve housing and sanitation can be found in cities across the British Empire, where concepts of health and culture and the meanings of rights and obligations were being debated and constructed anew by different groups. While competing theories of medicine coexisted in many places, they were selectively endorsed by local administrators who used them to legitimize policies that suited their political agendas.<sup>7</sup> Meanwhile, colonial doctors, engineers, European and native landlords, and many others with stakes in housing and sanitary reform all sought to rationalize their priorities as those that served society’s best interests.

To excavate some of the ways in which ideas and knowledge of health and sanitation were constructed and made useful for specific purposes, this chapter examines a number of controversies over British efforts to eliminate nuisance and improve sanitary conditions in Hong Kong in the last quarter of the nineteenth century. In keeping with the theme of this volume, which explores the complex entanglement between medicine, public health, and colonial planning in Asia, this chapter demonstrates the extent to which colonial sanitary

measures were contested and appropriated by the local Chinese population. The first of these controversies involves a challenge launched by Chinese property owners against a set of building regulations that aimed to make the Chinese tenements more 'healthy'. The second concerns the provision of a universal water supply for the native population—an initiative that colonial sanitary engineers argued was essential for inducing personal cleanliness and preventing epidemic outbreaks. Finally, the chapter considers the debate over the demolition of a large number of 'unsanitary' Chinese houses after the 1894 bubonic plague outbreak, which incited a flurry of debate over the colonial state's simultaneous obligation to protect private property rights and the health and wellbeing of its subjects.

While all the cases concern specific issues and policy actions (and inaction), taken together they indicate how certain rationalities about development, public health, property rights, and Hong Kong as a colonial 'laissez-faire' polity itself came to be accepted and consolidated over time despite the apparent disputes over many initiatives when they were first introduced. It is argued that what needs to be examined is not so much the extent to which native populations were being discriminated against in specific policies or projects, but the emergence of new modes of governance wherein the 'colonizers' and the 'colonized' both adapted themselves to a changing political and economic order.<sup>8</sup> This is certainly not to downplay the inequalities and coercion existing in a colonial situation. But more attention to co-options and dialogues—not just outright contestation and conflicts—is needed because all are essential elements in the construction of discourse. As Robert Peckham and David Pomfret point out in the introduction to this volume, the discourses and technologies of health used to construct subject peoples' identities formed an essential part of indigenous agents' interactions with such framings. Attending to the shifting allegiances between Chinese property owners and the colonial state in three cases, this chapter seeks to bring to light the contradictions within the colonial planning culture of Hong Kong and the market system which underpinned it. A further aim, is to explore the formation of "epistemic communities," investigating the ways in which these communities both challenged and helped to shape Hong Kong's colonial culture.<sup>9</sup>

## **Speculation, Regulation, and the Colonial Conundrum**

The urban condition of early Hong Kong exemplifies the laissez-faire development characteristic of so many of the colonial entrepôts that emerged in

the nineteenth century. Constrained by an imperial fiscal policy that required it to pay for its own public works and administrative expenses, the colonial administration had been reluctant to commit to long-term planning and urban investment.<sup>10</sup> Because Hong Kong was designated as a free port and thus could not impose taxes on imported goods, its options for raising public funds were limited mainly to the collection of land rent, property rate, and licensing fees for local trades and services. To maximize revenue, the government adopted a 'high land price policy' within a leasehold system. By keeping a strict limit on land supply while not imposing too many regulations on development, it was able to ensure a good return from land auctions and property taxes.<sup>11</sup> While this system was lauded for its success in boosting fiscal revenue and creating a competitive 'free' land market, it also led to a chronic housing shortage and rampant property speculation that drove up rental costs to an exorbitant level. The problem was worst in the Chinese districts, where many low-income laborers had little choice but to share bed spaces in crowded and often poorly constructed tenements.<sup>12</sup> Ironically, the high rental return offered by these tenements through subdivision also made them an extremely profitable property holding. Moreover, many European and Chinese landowners preferred to invest in this type of building rather than the better-built European houses designed for single families.

From the very beginning of colonial rule, the government was keen to encourage Chinese property ownership (even though the most valuable properties were always reserved for lease to Europeans).<sup>13</sup> This was because the British understood that, as a non-settler colony with a small European population, Hong Kong's economic viability would depend on attracting native capital to help foster development and trade. By allowing the Chinese to buy and sell properties, the government also hoped to create new legal obligations between the colonial state and its subjects, thus achieving lasting stability through the rule of law. From early on, the highly lucrative housing market attracted many Chinese to invest in the colony. Like their European counterparts, many were able to amass substantial fortunes from their investments and came to assume control over a large number of property holdings. By the 1870s, the Chinese outnumbered Europeans as the largest taxpayers, with their assets concentrated in rental properties in Taipingshan and Kennedy Town—the two largest Chinese settlements in Hong Kong.

The shortage of housing was exacerbated after the mid-1850s, when continual political unrest in China drove multiple waves of refugees to the colony,

seeking shelter and jobs.<sup>14</sup> Although the number of houses had increased more than threefold by the 1870s, the housing crisis continued unabated, fueling even more speculation that further pushed up property prices. The situation made some European property owners grow uneasy, as they feared the rapid growth and rising prices of the tenements would depreciate the value of European buildings. Meanwhile, articles in the local English press began to warn of the danger of potential epidemic outbreaks in the Chinese districts, where overcrowding and the unsanitary conditions of tenement houses made perfect breeding grounds for diseases. These concerns were further intensified during the property boom in the late 1870s, when a number of European buildings in the central business district were torn down to make way for the construction of Chinese tenements.<sup>15</sup> These incidents raised widespread criticism in the press against the property speculators' greed and the government's failure to protect the security and wellbeing of the (European) community.

The colonial administration was certainly not unaware of the poor state of the tenements. Successive colonial surgeons and surveyors general, for example, had for years been calling for more stringent construction standards for Chinese houses and better provision of infrastructure services. These recommendations were repeatedly made in the annual medical and sanitary reports, which also provided detailed documentation of the existing housing conditions and 'habits' of the native inhabitants. Written in a language that reflects the emerging discourse of public health, these reports were vehement in their criticism of the Chinese tenements, which were deemed to be "against every rule of sanitation in regards to drainage, ventilation, and cleanliness."<sup>16</sup> While the Chinese were condemned for their "dirty habits," which were said to further worsen the conditions of their dwellings, it was the property speculators and the colonial administration who were blamed for creating the high-rent situation that was the root of the problem.

Despite their vivid depictions of squalor and grave warnings of disease outbreaks in these spaces, the reports failed to usher in any significant policy changes (at least not until the outbreak of the bubonic plague in 1894). Although government officials frequently denigrated the Chinese houses as slum dwellings, the worry that excessive building regulations would drive away property investment and lower tax revenue had created a long-standing impediment to sanitary reform. Within the colonial administration, opinions were divided between those who believed that some control was needed to cool down speculation, and others who adhered to the *laissez-faire* principle that

opposed any intervention in the market or tightening of building regulations. A salient representative of the latter was Governor John Pope-Hennessy, whose tenure coincided with the colony's economic boom at the end of the 1870s. In his attempt to convince other officials that sanitary reform was unnecessary, the governor argued that the 'Western' concept of public health was not appropriate to apply to the native Chinese, who, he claimed, possessed different customs and health practices from those of the Europeans.<sup>17</sup> Referring to the overall decline in death rates in the population, Hennessy insisted that Hong Kong was in fact becoming a more 'healthy' city—a development that paralleled the colony's unprecedented economic growth that was primarily due to increased investment by the Chinese.

Although Hennessy's 'pro-Chinese' position proved controversial among his contemporaries,<sup>18</sup> the support that he won from the Chinese suggests that this strategy was successful. Hennessy's invocation of 'cultural difference' between the natives and Europeans illustrates how the discourse of culture was used to legitimize particular political priorities, and in the process opened up new channels for the application of colonial power. Contrary to the opinions of the colonial doctors and sanitary engineers who believed that the natives could become more hygienic and 'civilized' like the Europeans through positive environments and proper education, the notion of 'difference' was presented by Hennessy as a reason for maintaining the status quo. At the same time, by asserting that the uniqueness of Chinese customs should be respected, Hennessy also set his claim against that of many Europeans who saw the difference between China and the 'West' to be about different stages of human development. As will be discussed in the following section, this rationality of cultural distinctions was also deployed by the Chinese in a different way in their attempt to contest legislation that would impinge upon their economic interests.

### **Re-appropriating Chineseness: The Petition against the Improved Tenements**

In short, the 1860s and 1870s were boom decades marked by a rapid rise of property ownership by the Chinese, who continued to buy up existing properties from the Europeans while acquiring new land for development. Although these native landlords were subjected to colonial overlordship, they were highly aware of the political bargaining power enabled by their growing capital. One of

the ways in which the Chinese property owners tried to use their leverage was through petitioning the governor and the Colonial Office on matters affecting their interests, particularly on taxation, land rent, and the regulation of housing properties. Depending on the issues, these petitions sometimes drew upon the support of other European landholders, and at other times claimed to speak on behalf of the 'Chinese community.'

One telling example that illustrates the contest against sanitary reform is a development proposal initiated by one Chinese landholder, Li Tak-cheong. In 1879, Li sent an application to Surveyor General J. M. Price for the construction of a total of 79 houses at the new Praya recently reclaimed by the government.<sup>19</sup> Upon seeing these plans, which showed that most of the houses would be constructed back-to-back, Price decided not to grant his approval unless the design was significantly modified to take on board his sanitary concerns. Specifically, Price requested that additional alleyways, windows, and backyards be included to allow more light and ventilation. He also remarked that the plans did not show any privy or sinks, which were deemed necessary according to the "European point of view." Calling the proposed houses "the most aggravated type of fever-den," Price lamented that part of the problem lay with the Chinese tenants' ignorance about sanitation, which allowed speculative landlords such as Li to extract high rent for such poorly designed dwellings.<sup>20</sup>

The proposed houses were in fact not very different from the colony's existing Chinese tenements, which were typically built to accommodate a large number of laborers by subdividing the upper floors into cubicles—conditions that had long been condemned by successive colonial surgeons and surveyors general. What made this case particularly alarming to Price was the development's unprecedented scale, which involved not only house-building but also the creation of many privately constructed streets and alleyways on newly reclaimed land. In his letter to the colonial secretary, Price pointed out that Li had become by far the largest builder in the colony and had been carrying out his operations on a large scale.<sup>21</sup> As Li's only concern was to maximize his rental income with no regard whatsoever for sanitation and the wellbeing of his tenants, Price urged the government to impose a more comprehensive set of controls over building and planning to safeguard the health and the future growth of Victoria. To this end, Price issued further detailed instructions to Li and his architect on ways to improve the tenements and indicated that these recommendations should be adopted for all new buildings.

After seeing Price's recommended changes to the proposal, Li was alarmed. He immediately met with other Chinese landlords and together they sent a petition to the governor.<sup>22</sup> This petition subsequently found its way to the Colonial Office in London as the battle over the building plans continued, with Governor Hennessy lending his support to the Chinese landlords and Price and other officials pressing for stronger imposition of sanitary regulations. In the petition, the property owners argued that Price's proposed "improved tenements," which could accommodate far fewer inhabitants than the existing ones due to the inclusion of additional alleyways, backyards, and windows, were not suited for the Chinese at all. Chinese people, they claimed, were essentially different from Westerners in their living standards and health practices, and thus would not appreciate the new sanitary provisions that were designed for a "very superior class of residence." Furthermore, they claimed that

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

The windows looking out into the proposed alleys would be kept closed and the alleys themselves not being intended for use as thoroughfares, would be made receptacles for the deposit of refuse and filth which would beyond question be suffered to accumulate to an extent in itself dangerous to health.<sup>23</sup>

The petitioners also claimed that back-to-back housing, which was from the point of view of Western sanitarians unhealthy due to the lack of light and ventilation, had been a legitimate form of housing throughout Chinese history. Citing as examples areas from mainland China that were free from epidemic diseases, they argued that "it has been the practice from time immemorial to build houses back-to-back." The petition then went on to state that the new proposal would lead to a waste of land resources, and that since land had become extremely valuable in Hong Kong, it was necessary to make the best use of space in order to make their investment profitable. Meanwhile, since Chinese tenants were "as a rule unwilling to pay high rents, it was only by dividing the houses into cubicles that many families and individuals could find suitable shelters."<sup>24</sup>



Although the petition was obviously aimed at preserving the interests of property owners, its main argument was structured around a generalized claim about racial difference. Building on the existing discourse of the cultural divide between Chinese and Europeans, it sought to discredit the sanitary regulations—now cast as a quintessential product of ‘Western science’—by affirming that it was wrong to apply these standards to the Chinese race, which possessed a different, but no less sophisticated system for managing health and environment. The assertion that the Chinese were fully capable of taking care of themselves also had the effect of arousing a sense of collective pride and nationalistic sentiment, even though the ultimate goal was, ironically, to reinforce the status quo of colonial *laissez-faire* practices. By framing the sanitary debate around notions of race and culture, the petition also sought to evade the simmering discontent about speculation and the housing problem, as well as the inequality between the propertied class and the property-less, in a fast-expanding colonial capitalist city.

### **Towards Universalism? The Controversy over Water Supplies**

In addition to the provision of light and ventilation, another issue that occupied the sanitary debate was the supply and distribution of water. Although the introduction of running water and an underground drainage system was hailed as representing a new phase of modernization in the nineteenth century, the actual functioning of these services was for many years fraught with problems due to inadequate supply and difficulty in maintenance. Instead of fulfilling their promise to make cities more healthy, these infrastructures were soon criticized for doing exactly the opposite: the prevalence of leaky pipes, choked drains, and dysfunctional water closets was blamed for breeding diseases and endangering public health.<sup>25</sup> These conditions also became the perfect excuse for those who opposed large-scale sanitary reforms, as it had been argued that the more elaborate these systems became, the more vulnerable they were to collapse and disaster.

The situation in Hong Kong was an extreme example of this paradox. Because of the constraints of its island geography, water shortage had been a constant threat as the colony depended entirely on rainfall for its water supply. This was partially mitigated by the construction of hillside reservoirs and gathering grounds for holding water reserves. However, the supply was never able to meet the demand of a rapidly expanding population.<sup>26</sup> Compounding the

problem was Hong Kong's hilly topography, which made it difficult and expensive to channel water to different parts of the city.<sup>27</sup> Although hydraulic technology at the time was able to make the distribution system more efficient, the government was unwilling to invest money in the required infrastructure. So while engineers had repeatedly drawn up detailed proposals for improving the water supply, many components in their plans remained unrealized.

To economize on the use of water, the Water Authority (a branch of the Public Works Department) operated an intermittent system that restricted supply to certain hours of the day during the dry season. But this operation had been criticized by the sanitary engineers, who pointed out that, once emptied, the water pipes were prone to the entry of foul air and disease-causing germs.<sup>28</sup> From this perspective, informed by the miasmatic theory of disease, the intermittent system appeared to be injurious to health and had to be replaced by a constant system. However, the latter could only be made possible by increasing funding to expand the distribution of water.

Besides arguing from the standpoint of sanitary science, the engineers also provided an economic justification for the provision of a constant supply of water. Contrary to the prevalent logic of conserving water by limiting supply, they argued that a constant system could prevent waste if each house was installed with a meter that monitored water consumption. Once the usage exceeded a certain volume, charges would be applied to households on a progressive scale, thus encouraging people not to use more than they needed. But this initiative, which followed the operation in place in England at the time (and which eventually became the model for the present-day system), was not well received when first introduced. Not unlike the controversy over the improvement of the tenement houses, competing justifications for the demand for water were put forward by various stakeholders. And not surprisingly, race and culture came to the fore once again.

Before discussing the debate over the proposal for a universal water supply, it would be useful to provide an overview of the water consumption pattern in Hong Kong. By 1882, close to 2,000 European houses were provided with running water services connected to the public mains.<sup>29</sup> Many of these houses also had water closets installed (even though most were not fully functional). In contrast, very few Chinese houses were connected to services, and water closets were typically non-existent. Despite this vast discrepancy, water was charged at a uniform rate to all of the buildings.<sup>30</sup> Those living up in the hills often had trouble getting a stable supply due to imperfect channeling. But many

Europeans believed that this was due to water being used up by the Chinese living in the lower part of the city, and they therefore opposed the latter applying for new services.

Those without services (including most people living in the tenements) had to fetch water from the public standpipes that operated only in the early morning. This inconvenient arrangement created job opportunities for several hundred 'water coolies,' who made money by collecting water from the public standpipes and delivering it to individual households. Many people also obtained water from shallow wells and even rainwater drains. Although the water from these sources was unsuitable for drinking and cooking purposes, it was regularly sold, disguised as fresh water, to households. As the newspapers from this period indicate, scams involving the sale of contaminated water were common, and quarrels over such matters were a daily occurrence on the streets. These scenarios were regularly condemned in the local English press as a nuisance. But owing to the inadequacy of water supply, the government nevertheless continued to tolerate these practices.

To justify the unequal distribution of water between the European and Chinese districts, the government maintained that it was inappropriate to provide services to the tenements due to the lack of control over usage by multiple households. But a more significant reason was an underlying prejudice that held that the Chinese, especially the many 'lower-class coolies,' tended to waste more water than average Europeans. This ascription of 'native ignorance' about modern technologies was frequently invoked in legislative council meetings. As one government official once caricatured them, "Chinese coolies were always ready to turn on a tap but had a horrible horror of turning it off."<sup>31</sup> For this reason, it was argued that the best way to prevent waste was to make the Chinese get their water from the public standpipes, because they could not carry away more than they needed.

The idea of using meters to monitor water consumption and reduce waste can be seen as a major attempt by public health advocates to transform regulatory practice. Following the operation in Britain, it is believed that by assigning a value to water and turning it into a payable commodity, individuals—both Europeans and Chinese—would be willingly inclined to use less of it. Another major advantage of a universal supply was that it would eliminate the use of contaminated wells and the illegal sale of water. In this way, bringing the 'free' circulation of fresh water to every house would not only help prevent diseases and improve the health of the population, but would also foster a new set of

social and economic relationships that would in turn redefine the boundaries between the private and public spheres. Like the regulation of the tenements, the initiative was grounded in an emerging liberal universalism that suggested lives could be bettered by the provision of the right material conditions. In this view, the expansion of urban services could mediate individual conduct and transform social norms. However, the creation of such “liberal infrastructures”<sup>32</sup> in a colonial society was stymied by the government’s long-standing reluctance to spend money on public goods, on the one hand, and Europeans’ demands that their privilege be protected, on the other.

The debate over Hong Kong’s water supply intensified in the early 1880s amid growing concerns over epidemic outbreaks. Internal tensions within the colonial administration reached their peak in 1881, when a dispute between the ‘pro-Chinese’ Governor Hennessy and the colonial surgeon over the improvement of drainage turned into an impasse, eventually prompting the secretary of state to send Osbert Chadwick, a consultant engineer of the Colonial Office, to Hong Kong to investigate the situation. Chadwick’s visit resulted in the production of a landmark report that mapped out a series of drastic measures to improve the colony’s sanitary conditions.<sup>33</sup> Among the major recommendations was the provision of a universal water supply that included all the tenements. To ensure equity of water distribution, the city would be divided into districts based upon altitude to allow the water supply to be turned on in succession. Meters would be provided by the government and rented to property owners. To prevent waste, Chadwick urged that stricter regulations be set up to ensure the proper use of pipes and fittings. The “evil” intermittent system would be replaced by a constant system after the completion of a new reservoir that was expected to vastly increase the water supply.<sup>34</sup>

Under pressure from the Colonial Office, the Hong Kong government proceeded to carry out Chadwick’s plans. In the 1880s and 1890s, hundreds of tenement houses were connected to the water supply. But the installation of meters lagged behind due to the heavy expense involved. The problem of water shortages came to a head again in the late 1890s when the colony experienced a prolonged drought. A report released in 1902 showed that the waste of water had not been reduced.<sup>35</sup> The capacity of the new reservoir at Tai Tam proved insufficient to alleviate the water shortage and, despite the potential danger it posed of contaminating the public mains, the intermittent system continued to be in use by the Water Authority. Meanwhile, European residents protested

fiercely against providing water to the tenements, as the number of applications for the service continued to soar.

In the face of these problems, the government drafted a new Water Consolidation Bill in 1902, aiming to disconnect all services to the tenements.<sup>36</sup> In his letter to the secretary of state, Acting Governor Gascoigne reiterated the claim that it was inappropriate to provide running water to the “lower-class” Chinese, who were inclined to abuse such services for their own gains. In addition, he further alleged that, once provided with the service, the Chinese landlords would raise the rent to cover the water charges, thus further increasing the hardship of poorer tenants. Speaking in a familiarly paternalistic and self-righteous tone, Gascoigne argued that, because the priority of the government was to ensure the smooth functioning of Hong Kong’s entrepôt economy, it had a duty to “protect” its “lower-class” laborers from being exploited by their landlords, whose only concern was to secure their rental profits.

After the bill was publicized, the Chinese property owners sent a lengthy petition to the secretary of state, Joseph Chamberlain.<sup>37</sup> Referring to Chadwick on the imperative of health, they warned that the new bill would defeat the government’s ultimate goal of improving sanitation, because the cutting of supplies to the tenements would “induce the Chinese not to cleanse their dwellings.” The property owners further underscored the necessity of water supply by citing clauses from the English Public Health Act, asking,

If an adequate supply of water is considered a vital necessity for sanitation in a temperate climate like England, how much more should not a constant supply of water be considered an absolute necessity to every tenement house in a tropical climate like Hong Kong?<sup>38</sup>

To solve the problem of water shortage, the petitioners suggested the government provide a subsidiary “rider main” system to be connected to the tenements. This operation was originally conceived by Chadwick as a temporary measure to allow the Water Authority to provide an intermittent service without the risk of contaminating the public main. If the government could agree with this initiative and suspend the new water bill, the petitioners promised that they would share the expenses incurred in the construction.<sup>39</sup>

In his response, Chamberlain expressed his support for the Chinese property owners, contending that he was inclined to reject the new water bill because “when the great majority of the resident taxpayers of a colony protest in this manner against a measure, normally considered of a very reactionary nature, and given willingness to bear the expense necessary to meet their

views, they should if possible be met halfway and must certainly be treated with great consideration.”<sup>40</sup>

Unlike the earlier petition in which ‘cultural difference’ between the Chinese and Europeans was emphasized, this time the Chinese property owners were fighting for their right to water access by appealing to the “universal need” for sanitation and public health. Conversely, the colonial administration, in struggling to deal with the multiple challenges involved in supplying water to the population, resorted to a racial argument that blamed the “lower-class” natives for misusing urban services. But despite the contrasting perspectives in these narratives, all were nevertheless claiming that their initiatives would preserve the best interests of Hong Kong. The oscillating positions of the property owners and the colonial government in these cases also illustrate the ambiguous relationship between health, culture, and the built environment, and the fact that economic considerations always played a central role in reshaping these discourses. These contestations were played out in an even bigger controversy over sanitary reform: the resumption of a large number of tenements after the bubonic plague outbreak.<sup>41</sup>

## **The Taipingshan Resumption and the Discourse of Property Rights**

The bubonic plague outbreak in Hong Kong, referred to elsewhere in this volume by Peckham, Pomfret, Richard Harris, and Robert Lewis, was a disastrous episode that killed over 2,500 people in the summer of 1894. As in other cities that experienced epidemics in the nineteenth century, the event led to wild speculation over the causes of disease and much finger-pointing at those held responsible for the catastrophe.<sup>42</sup> The fact that a majority of the victims were Chinese sparked intense fear among Europeans of contracting diseases from the “dirty natives.” Meanwhile, the militant measures imposed by the Sanitary Board to combat the plague, including forced removal of patients from their homes, compulsory closure of many “unsanitary houses” for disinfection, and the eviction of thousands of tenants, led to widespread anger among the Chinese community. The resulting mass exodus of laborers to China and the drastic decline of trade brought the colonial economy to a standstill. As Governor William Robinson contended, “as far as trade and commerce was concerned, the plague had assumed the importance of an unexampld calamity.”<sup>43</sup>

As the plague began to subside, the government appointed a Housing Committee to investigate ways to prevent any future recurrence of the catastrophe. From the outset, the focus of the committee was Taipingshan—the Chinese district where most of the plague cases were located. By this time, medical experts had already identified the plague bacillus. But despite the general acceptance of germ theory, colonial doctors and engineers continued to explain disease transmission by referring to the principles of miasma, asserting that the plague was spread through air emanating from the ground where the bacillus flourished.<sup>44</sup> This belief fit well with the observation that the soil of Taipingshan was typically soaked with sewage discharged from dysfunctional drains and through the broken floors of the buildings above. After examining the situation, the committee concluded that the best solution was to demolish all the buildings by fire, cast away the contaminated topsoil, and redevelop the area with better built houses, ample open space, and a more efficient drainage system.<sup>45</sup> To this end, the committee recommended that the government enact a new ordinance to resume 10 acres of land for redevelopment. Compensation would be paid to the property owners via a government-appointed Arbitration Board.

This, then, was the background for the first major land resumption in Hong Kong—an episode hailed in colonial records as an historic turning point, as the government took a decisive step towards long-term planning to protect the wellbeing of the population. But this was far from being a straightforward, triumphal story of benevolence. The legitimacy of the resumption was challenged on every front throughout the process. When the proposal was announced, it immediately caused a stir in the press, fueling debates over the infringement of property rights and the spending of large sums of taxpayers' money on the destruction of private properties. While some praised the government for finally waking up to the call for sanitary reform, others argued that the initiative would be futile, because it was, after all, the “dirty habits” of the Chinese, not the buildings, that were responsible for spreading diseases.<sup>46</sup>

A prominent opponent of resumption was one Granville Sharp—a British builder and well-known philanthropist who owned a large number of rental properties in Hong Kong. In a series of articles titled “Plague and Prevention,” published in the *Hongkong Daily Press*,<sup>47</sup> Sharp wrote that, although the conditions of some tenements in Taipingshan were so bad that they had to be rebuilt, many others could be made “sanitary” by disinfection and minor alterations, such as adding windows to bring in light and ventilation. He also challenged

the committee's suggestion that the houses be burnt and the polluted soil removed, warning that such actions could reactivate the plague bacillus and thus invite unimaginable disasters. But above all else, Sharp argued that the wholesale demolition of Taipingshan should be avoided because of its negative impact on housing and public health. The tearing down of so many tenements, he asserted, would further limit accommodation for the poor and exacerbate the overcrowding that was the ultimate enemy of sanitation. Speaking in the voice of a philanthropist, Sharp urged that more attention be paid to the needs of the native laborers:

Our dependence upon Chinese cheap labor is becoming everyday more manifest. The interests of the poorer classes of Chinese are now assuming an importance unknown before, and their necessities must be most carefully considered . . .

Instead of [demolishing those houses], every square yard of existing roof in the Island needs to be preserved, for the protection of the people who resort here, who are essential to us, and who advance our welfare. We want much more accommodation instead of less. This is the only way to combat overcrowding. The destruction of Taipingshan will throw great difficulties in the way of carrying out the beneficent intentions of the Government and the real wishes of the Sanitary Board.<sup>48</sup>

Finally, Sharp pointed out that plague prevention could not be achieved by fixing one area alone. Instead of using considerable public funds to destroy all the properties, he suggested that the government provide incentives such as rent relief for property owners and tenants to carry out sanitary improvements themselves, because the best result could only be accomplished by "mutual help between landlords, tenants and the authorities."<sup>49</sup>

In hindsight, one could argue that these statements were somewhat self-serving, as it was clear that Sharp was trying to prevent the demolition of his own properties. But these comments also illustrate the uncertainties encountered in the struggle to combat a deadly disease whose cause and means of prevention remained unknown. Despite the racist overtones of some of his writings, Sharp's warnings against the destructive consequences of the resumption resonated with many Chinese landlords, merchants and shopkeepers, who became increasingly concerned not only with their properties' loss of value, but also with the negative impact that the exodus of Chinese laborers from the colony would have on economic conditions. This anxiety was also shared by some administrative officials, who were wary of public discontent over the government's handling of the crisis.



It is not clear to what extent Sharp was able to influence public opinion, but growing resistance against the resumption was apparent in the months following the publication of his articles—a time when the plague had already subsided. Editorials in major newspapers such as the *Hongkong Daily Press* and *Hongkong Telegraph* began to renege on their earlier support for the demolition and turned their attention to issues of property rights protection and compensation for the owners. Although the Chinese laborers were continually caricatured as villains for spreading diseases, Chinese and European landlords were united in their fight against the resumption and for compensation for the rental income lost during the plague (when their houses were shut down by the Sanitary Board for disinfection). Their view was shared by a majority of the unofficial legislative council members, who had attempted to organize a committee to inquire about alternative ways to improve Taipingshan.<sup>50</sup> Although their initiative ultimately failed and the resumption ordinance was pushed through by the official majority (who outnumbered the unofficial members by proportion), the government was subjected to heavy criticism by the press and was eventually forced to reconstitute the legislative council by increasing the number of its unofficial members.

The opposition to the resumption by the unofficial legislators was not surprising; after all, most of them were directly connected to the largest property firms in Hong Kong.<sup>51</sup> The highly mixed pattern of property ownership in Taipingshan arguably defied the long-standing stereotype of the area as a purely 'Chinese district' disconnected from the 'European town.'<sup>52</sup> Somewhat ironically, the only unofficial legislator who supported the ordinance was the Chinese barrister and physician, Kai Ho Kai (knighted in 1912), who was also a longtime member of the Sanitary Board. Trained in England as a physician and later as a lawyer, Ho had long sought to educate the native Chinese about Western knowledge of medicine and public health.<sup>53</sup> Although he had previously opposed some of the building regulations on the tenements, on the basis that these would exacerbate the housing crisis, he was adamant about the complete reconstruction of Taipingshan for plague prevention.<sup>54</sup> To this end, unlike his European counterparts in the legislative council, Ho stood firmly with the colonial doctors and engineers who believed that nothing less than razing all the houses would allow the government to carry out a proper planning agenda, which was essential for remaking Taipingshan into a healthy district along modern sanitary principles.

After months of negotiation, the property owners of Taipingshan finally accepted the compensation offered by the Arbitration Board. All of the 384 houses in the plague-ridden district were razed the following year.<sup>55</sup> However, the contestation over property rights was far from over. In January 1895, a petition jointly signed by a large number of European and Chinese landlords who owned tenement houses outside the Taipingshan district was sent to Secretary of State Chamberlain.<sup>56</sup> The petitioners demanded compensation for rental income lost during the plague on the grounds that this amount was included in the payment to the Taipingshan landlords. They also petitioned to suspend a regulation that required them to maintain their buildings in accordance with several new standards introduced by the Sanitary Board, which would take possession of their properties if these rules were not observed.<sup>57</sup> The petitioners protested that such a regulation constituted a fundamental violation of their property rights, and that it was not the landlords' duty to supervise the conditions of the tenements:

A landlord having once let his house has no right to be visiting and inspecting it at all hours of the day and night, and the only possible way of preventing the erection and maintenance of illegal floors and partitions is by appointing proper sanitary inspectors with statutory power to visit and inspect the various buildings from time to time, and the same remarks apply to the number of persons inhabiting a building.<sup>58</sup>

The petition ended with a somewhat threatening statement, that if the new regulation was put in practice it would devastate the colonial economy:

[I]t will necessarily deter capitalists from investing either as owners or mortgagees of leaseholds in Hongkong, and will cause those who have already invested to withdraw their money at the earliest possible moment. The shock to confidence and good faith which the confiscation clause of this ordinance must cause will inevitably tend to drive the investing public away and thus cause most serious detriment to the Colony.<sup>59</sup>

The war of words between the administration and the property owners over the sanitary regulations was to continue for many more years (a new Public Health Ordinance was not enacted until 1903), all along fueling more questions not only about the protection of property rights, but also the legitimacy of a non-representative government that had long been accustomed to pushing through its policies without regard for public opinion. Meanwhile, the razing of Taipingshan had not prevented the return of the plague (which became an annual affair well into the early 1920s), and the problems of high rent, housing

shortage, and the lack of urban services would continue to haunt Hong Kong for another three-quarters of a century.

## Conclusion

The three controversies examined in this chapter have shown how discourses of health and sanitation, which had provoked intense public debate amidst the growing fear of epidemic outbreaks in Hong Kong in the late nineteenth century, had been re-appropriated and constructed anew by different social actors for specific purposes. By tracing the debates over public health, property rights, and the obligations of colonial authorities in the preceding cases, I have illustrated some of the underlying tensions in colonial capitalist development, in which the entanglement of public and private interests in property repeatedly thwarted attempts to implement building regulations and sanitary reform. These conflicts point to the unstable frameworks of colonial segregation and the multiple forces that shaped colonial space, which, as identified by Peckham and Pomfret, was inherently “fraught with tensions and contradictions between ideology and practical exigencies, between local and central government, indigenous resistance and colonial indigenization.”

Notwithstanding prevalent European prejudice against the Chinese for their incivility and “dirty habits,” the highly mixed ownership of the tenements had helped unite Chinese and European property owners in their resistance to policies that affected their interests as rentiers. As their economic power grew, Chinese landlords became increasingly assertive in exercising their rights under the colonial rule of law. Although their actions can be seen as evidence of ‘native agency,’ so to speak, they also indicate a process through which the Chinese propertied class was being incorporated more tightly into the colonial governing regime. Meanwhile, the advent of the public health movement, predicated on the provision of universal urban services and betterment of the lives of laborers, exerted further pressure on the colonial authority, which had been struggling with its simultaneous obligations to ensure the smooth functioning of a *laissez-faire* economy and to protect European privilege in an exclusionary colonial society.

The examination of the convergence of interests between the Chinese and European property owners and their shifting allegiance to the colonial state also reveals the complex power relations between these agencies, thereby unsettling the long-assumed divide between ‘colonizers’ and the ‘colonized.’

The comparison of the different ways in which ‘race’ and ‘culture’ were invoked in the sanitary debate further illustrates the malleability of these categories, which were continuously re-articulated to support very different agendas. At the same time, the constant appeal to preserve the ‘collective interests’ of Hong Kong—most notably property rights, the rule of law, and the *laissez-faire* economy—suggests that, behind all the contestation and conflict, there was nevertheless a growing consensus in support of a particular rationality of development that was believed to have enabled Hong Kong’s economic success under colonial rule.

Although questions about vested interests in property were not lost in public debates during the period investigated in this chapter, these issues have been largely absent from the mainstream historiographies of Hong Kong. Narratives of urban development have often focused on the antagonism between the Chinese and Europeans, whereas accounts of the history of public health and urban services have tended to highlight technological advances by medical experts and engineers. By looking closely at the competing claims over health and sanitation, this chapter has opened a window onto some of the contradictions inherent in the colony’s sanitary and housing reforms. It was sought to explore the cracks and fissures within colonial discourses of planning—“frictions” that have been, for the most part, overlooked, despite their critical role in Hong Kong’s development.

49. On colonial medicine and transnational themes, see Anne Digby, Waltrud Ernst and Projit B. Mukharji, eds., *Crossing Colonial Historiographies: Histories of Colonial and Indigenous Medicine in Transnational Perspective* (Newcastle: Cambridge Scholars, 2010).
50. Alison Bashford and Claire Hooker, eds., *Contagion: Historical and Cultural Studies* (London: Routledge, 2001); Priscilla Wald, *Contagious: Cultures, Carriers, and the Outbreak Narrative* (Durham, NC: Duke University Press, 2008).
51. Nightingale, *Segregation Is Everywhere*.
52. Jennings, “Urban Planning”; Michael G. Vann, “Of Rats, Rice and Race: The Great Hanoi Rat Massacre, an Episode in French Colonial History,” *French Colonial History* 4 (2003): 191–203; Michael R. Bristow, “Early Town Planning in British South East Asia: 1910–1939,” *Planning Perspectives* 15, no. 2 (2000): 139–60.

## Chapter 1 Combating Nuisance

- \* The author would like to thank Mishko Hansen and Marilyn Novell for their support and critical comments on this chapter.
1. Philippa Levine, “Modernity, Medicine, and Colonialism: The Contagious Diseases Ordinances in Hong Kong and the Straits Settlements,” *Positions* 6, no. 3 (Winter 1998): 681–682.
  2. For an overview of the history of racial segregation in British colonial cities, see Robert Home, “‘The Inconvenience Felt by Europeans’: Racial Segregation, its Rise and Fall,” in *Of Planting and Planning: The Making of British Colonial Cities* (London: E & FN Spon, 1997), 117–40.
  3. For just a few examples, see Jyoti Hosagraher, *Indigenous Modernities: Negotiating Architecture and Urbanism* (London and New York: Routledge, 2005); Brenda Yeoh, *Contesting Space in Colonial Singapore: Power and Space in the Urban Built Environment* (Singapore: Singapore University Press, 2003); William Glover, *Making Lahore Modern: Constructing and Imagining a Colonial City* (Minneapolis: University of Minnesota Press, 2008); and McFarlane, “Governing the Contaminated City: Infrastructure and the Sanitation in Colonial and Post-Colonial Bombay,” *International Journal of Urban and Regional Research* 32, no. 2 (June 2008): 413–35.
  4. Hosagrahar, *Indigenous Modernities*, 6–7.
  5. See Frederick Cooper’s critique on this subject, in *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005), 3–32.
  6. Christopher Hamlin, *Public Health and Social Justice in the Age of Chadwick: Britain, 1800–1854* (Cambridge: Cambridge University Press, 1998), 2–15.
  7. For a discussion of the reception of Western medicine in colonial territories, see Roy Macleod and Milton Lewis, *Diseases, Medicine, and Empire: Perspectives on Western Medicine and the Experience of European Expansion* (London and New York: Routledge, 1988); and Myron Echenberg, *Plague Ports: The Global Urban Impact of Bubonic Plague, 1894–1901* (New York and London: New York University Press, 2007).

8. David Scott, "Colonial Governmentality," in *Anthropologies of Modernity: Foucault, Governmentality and Life Politics*, ed. Jonathan Xavier Inda (Oxford: Blackwell, 2005), 39.
9. Here I am referring to communities with shared sets of beliefs and knowledge that have established themselves as power blocs, seeking to influence policy-making. For a formal definition of the term, see Peter Haas and Emanuel Adler, "Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control," *International Organization* 43, no. 3 (1992): 377–403.
10. Emery Evans, "The Foundation of Hong Kong: A Chapter of Accidents" in *Hong Kong: The Interaction of Traditions and Life in the Towns*, ed. Marjorie Topley (Hong Kong: Hong Kong Branch of the Royal Asiatic Society, 1975), 1–41.
11. For an explanation of Hong Kong's early land policies and the leasehold system, see Robert Nissim, *Land Administration and Practice in Hong Kong* (Hong Kong: Hong Kong University Press, 2008), 3–15; and Christopher Munn, *Anglo-China: Chinese People and British Rule in Hong Kong, 1841–1880* (Richmond, Surrey: Curzon, 2001), 89–98.
12. E. G. Pryor, *Housing in Hong Kong* (Oxford and New York: Oxford University Press, 1983), 8–13; Frank Leeming, *Street Studies in Hong Kong: Localities in a Chinese City* (Hong Kong and New York: Oxford University Press, 1977), 20–27.
13. For a discussion of urban development in early Hong Kong and the patterns of Chinese property ownership, see Carl Smith, *A Sense of History: Studies in the Social and Urban History of Hong Kong* (Hong Kong: Hong Kong Educational Publishing, 1995), 38–49.
14. Successive waves of refugees were driven to Hong Kong during the Taiping Rebellion, which lasted from 1851 to 1864.
15. For an overview of the 'invasion' of Chinese houses in this period, see Pope Hennessy to Earl of Carnarvon, September 27, 1877; and Surveyor General to Colonial Secretary, May 8, 1877, Enclosure 1 in No. 1, *China. British Parliamentary Papers: Correspondence, Dispatches, Reports, Returns, Memorials and other Papers Respecting the Affairs of Hong Kong 1862–81*, vol. 25 (Shannon: Irish University Press, 1971), 647–51.
16. "Report of the Colonial Surgeon on His Inspection of the Town of Victoria, and on the Pig-Licensing System," April 1874, Enclosure in No. 29, *British Parliamentary Papers*, 701.
17. "Statement of His Excellency Governor Sir John Pope Hennessy, K.C.M.G., on the Census Returns and the Progress of the Colony," Enclosure 2 in No. 42, Legislative Council, Hong Kong, 1881, *House of Common Papers LXV*, 42, Public Record Office, Kew, London (hereafter PRO).
18. For Pope Hennessy's policy agenda, see Kate Lowe and Eugene McLaughlin, "Sir John Pope Hennessy and the 'Native Race Craze': Colonial Government in Hong Kong, 1877–1882," *Journal of Imperial and Commonwealth History* 20, no. 2 (May 1992): 223–47.
19. "Insanitary Houses in Hong Kong," surveyor general to colonial secretary, March 23, 1878, Enclosure D in No. 45, *British Parliamentary Papers*, 750–51.

20. Ibid.
21. Ibid.
22. “Chinese Houses,” *Hongkong Government Gazette*, July 27, 1878, 370–72.
23. Ibid., 371.
24. Ibid.
25. For a discussion of the problems associated with drainage and water supply in this period, see Martin V. Melosi, *The Sanitary City: Environmental Services in Urban America from Colonial Times to the Present* (Pittsburgh, PA: University of Pittsburgh Press, 2008); and Patrick Joyce, “The Water and the Blood of the City: Naturalising the Governed,” in *The Rule of Freedom: Liberalism and the Modern City* (London and New York: Verso, 2003), 62–97.
26. Chadwick, *Report on the Sanitary Condition of Hong Kong*, CO882/4; and “Report on the Sanitary Condition of Hongkong,” *Papers Laid Before the Legislative Council of Hongkong*, April 10, 1902, 3–5.
27. Osbert Chadwick, “Part II, Section 5: Water Supply,” *Report on the Sanitary Condition of Hong Kong*, 1882, Great Britain, Colonial Office, Series 882, CO882/4, 76–8, PRO; Francis A. Cooper, “Water and Drainage Department Report for the Year 1891,” *Papers Laid Before the Legislative Council of Hongkong*, January 13, 1892, 119–124.
28. Chadwick, “Part II, Section 5: Water Supply,” *Report of the Sanitary Condition of Hong Kong*, 1882, PRO; “Report on the Sanitary Condition of Hongkong,” April 10, 1902, 3.
29. Ibid.
30. Ibid.
31. “Report of the Meeting of the Legislative Council,” *Papers Laid Before the Legislative Council of Hongkong*, June 23, 1902, 28–29.
32. Joyce, *Rule of Freedom*, 70.
33. Lord Kimberley to Hennessy, August 20, 1881, *British Parliamentary Papers*, vol. 25, 759–60.
34. Chadwick, *Report of the Sanitary Condition of Hongkong*.
35. Chadwick, *Preliminary Report on the Sanitary Condition of Hongkong*, April 10, 1902, 2–18.
36. “Ordinance 29 of 1902, Waterworks Consolidation,” Gascoigne to Chamberlain, August 29, 1902, CO129/312, 280–89.
37. “The Humble Petition of the undersigned Chinese Inhabitants and Firms of Hong Kong on behalf of themselves and their fellow Countrymen residing Thereat,” August 29, 1902, Enclosure 3, CO129/312, 291–93, PRO.
38. Ibid., 293.
39. Ibid., 292.
40. “Water Ordinance,” October 2, 1902, CO129/312, 347, PRO.
41. The term “resumption” refers to the exercise of eminent domain, where the government takes possession of a private property with due monetary compensation to the owner, but without the latter’s consent.

42. For an overview of plague outbreaks and responses to them in non-European territories, see Echenberg, *Plague Ports*. For a primary account of the bubonic plague in Hong Kong, see report by Governor William Robinson, *Annual Report for 1894*, No. 148, Hong Kong, 3–10. For secondary sources, see Echenberg, “An Unexampled Calamity: Hong Kong, 1894,” in *Plague Ports*, 16–46; Mary Sutphen, “Not What, but Where: Bubonic Plague and the Reception of Germ Theories in Hong Kong and Calcutta, 1894–1897,” *Journal of the History of Medicine* 52 (January 1977): 81–113; E.G. Pryor, “The Great Plague of Hong Kong,” *Journal of the Royal Asiatic Society* 15 (1975): 61–70; Arthur E. Starling et al., eds., *Plague, SARS and the Story of Medicine in Hong Kong* (Hong Kong: Hong Kong University Press, 2006), 26–37.
43. Robinson to Chamberlain, July 10, 1895, *British Parliamentary Papers*, vol. 26, 437.
44. Sutphen, “Not What, but Where,” 94–103.
45. “Sanitary Improvement of Taipingshan,” October 1, 1894, CO 129/263, 741–42, PRO.
46. See the frequent editorials on this subject in the *Hongkong Telegraph* and the *Hongkong Daily Press* between May 1894 to May 1895.
47. Granville Sharp, “Plague and Prevention,” Nos. 1 to 13, *Hongkong Daily Press*, July 30–August 17, 1894.
48. *Ibid.*, August 17, 1894.
49. *Ibid.*, August 13, 1894.
50. “Report of the Meeting of the Legislative Council,” September 17, 1894, *Papers Laid before the Legislative Council of Hongkong*, 60–68.
51. The unofficial members of the Legislative Council have always been drawn from the largest commercial enterprises in Hong Kong. For a discussion on the organization of the council, see Norman Miner, *Hong Kong Under Imperial Rule: 1912–1941* (Hong Kong: Oxford University Press, 1987).
52. A full list of Taipingshan property owners was published in the *Hongkong Daily Press*, March 11, 1895.
53. For a discussion of Ho Kai’s life and career, see G. H. Choa, *The Life and Times of Sir Kai Ho Kai* (Hong Kong: Chinese University Press, 1981).
54. “Report on the Meeting of the Legislative Council,” September 17, 1894, *Papers Laid before the Legislative Council of Hongkong*, 66–68.
55. “Taipingshan Resumption Ordinance,” October 1, 1894, CO 129/263, 729–42, PRO; “Taipingshan Resumption Ordinance,” October 22, 1894, CO 129/264, 127–34, PRO; and “Taipingshan Resumed Area,” CO 129/266, 588–99, PRO.
56. “Rents Memorial from Certain Persons,” April 1, 1895, CO129/266, 373–98, PRO.
57. *Ibid.*, 376.
58. *Ibid.*, 377–78.
59. *Ibid.*