

Introduction

British Colonial Rule, Administration and Elections

The study of district administration in Hong Kong can be traced back to the practices of the British colonial administration, which had rich experiences in governing its former colonies in Africa and Asia. This Introduction firstly reviews the literature review on the British colonial administration by focusing on its ruling strategy at the territorial and district levels. Then the literature on the functions of elections will be examined, because during the process of decolonization in many former British colonies, elections were introduced to not only improve the delivery of public administration services but also enhance the degree of governmental responsiveness and representative government. In other words, elections were crucial in the process of reforming the governance, democratizing the polity, and improving district administration of former British colonies. While this Introduction focuses on the literature review, the next Chapter will examine in detail the evolution of district administration in Hong Kong under British rule.

British Colonial Rule and Its Characteristics in Administration

Historians and political scientists have utilized two terms, namely direct rule and indirect rule, to study how the former colonies in Africa and Asia were governed by the colonial administration. Direct rule can be defined as “an imperial or central power [that] takes direct control over the legislature, executive and civil administration of an otherwise largely self-governing territory.”¹ It can also be seen as the policy of colonial rulers to impose their ideology and cultural values onto the ruled masses, including the implementation of cultural assimilation.² Indirect rule refers to a system of colonial governance in which “pre-existing local power structures” were

utilized.³ British colonial rule in their former African and Asian colonies was complex, combining direct with indirect rule and contingent upon the governing context. A recent study of the theory of direct and indirect rule has concluded that the British direct rule tended to be more prominent in former colonies where political institutions were relatively underdeveloped.⁴ In other words, indirect rule appeared to be more common in colonies where political institutionalization and centralization had been relatively entrenched. Another argument is that indirect rule had made its inroads in places where “for military or economic reasons, it had been found imperative to rule vast, densely populated areas with a minimal number of European officials and where relatively cohesive and centralized forms of traditional government had been encountered.”⁵ In addition to political institutionalization, centralization, and size of the colonies concerned, other scholars have identified the reliance on intermediaries in indirect rule. As Adnan Naseemullah and Paul Staniland have argued:

Indirect rule is understood as a form of political control in which agents of the state delegate day-to-day governance to local powerholders in areas considered beyond the reach of the state’s direct authority. Intermediaries — often those holding “traditional” or customary authority — represent and enforce political authority on behalf of titular rulers. Direct rule represents the opposite condition, in which the state maintains and administers a monopoly of law, policy, and administration to the population without intermediaries, through bureaucrats without independent means of actions.⁶

In the case of Hong Kong, the British implemented direct rule in the colony at the beginning but also heavily relied on indirect rule at the district and village levels. Its institutions, ranging from City District Offices (CDOs) to District Boards (later District Councils), from *kaifong* (街坊, neighborhood) associations to Owners Corporations and Mutual Aid Committees, as will be discussed in the next Chapter, could be seen as the “intermediaries” linking the British colonial government and the ordinary people.

The British “direct” rule in Hong Kong at the district level could be seen in how they dealt with two Chinese customary forms of mortgage, *dian* (典) and *diya* (抵押), in a Tang lineage village in the New Territories.⁷ The colonial government directly imposed a set of administrative rules and legal

measures to regulate these two customary practices. A study of 314 records of mortgages in the Tang lineage community during the 1905–65 period reveals that *diya* was a common form of mortgage bearing the following characteristics: (1) non-kin ties playing a more active and dominant role; (2) Tang mortgagors not receiving special interest rates from kin mortgagees; (3) both grain and cash being used as means of paying interest; (4) one-year loans being the most common in both land and house mortgages; (5) the majority of cases having a one-year redemption period; and (6) monthly interest rates usually being in the range of 1 per cent to 2 per cent of the principal loan.⁸

The British tactically, skillfully, and selectively recognized, protected, redefined, or changed some Chinese customs to meet their needs under different circumstances. For the sake of tighter control, the British colonial rulers could impose new legislative and bureaucratic practices upon land registration and property management, while selectively respecting the customs of patrilineal inheritance, lineage estates, the right of burial, and the dwelling entitlement in the lineage settlement and vicinity. However, other local customs, such as cash inheritance and village guard systems, were left to develop in their own way. The Hong Kong case was the same, meaning that the British colonial rulers had actively normalized and codified Chinese customary mortgage practices into a more standardized and stricter system.⁹ Specifically, the British colonial administration did not follow the imperial Chinese government's legal policy that discriminated against the practice of *diya*. Rather, the two practices were treated equally. Among the 314 mortgages of the Tangs recorded during the period 1905–65, *diya* dominated almost all these mortgages. In the early years of their colonial rule in Hong Kong, the British preserved local customary practices in accordance with the principle of indirect rule or non-interference as laid down in the 1905 New Territories Ordinance and the 1910 New Territories Regulation Ordinance.¹⁰ However, the colonial government also introduced a new covenant stipulating that a mortgagor should not be entitled to redeem property unless he or she had given the mortgagee three months' written notice of the intention to do so. In 1965, the British significantly changed the indefinite redemption period of mortgaged property. The legal amendment of limiting the redemption period to 12 years redefined the proprietary rights of the *dian*-holder and the *dian*-maker over the plot of land concerned.¹¹ Its major objective was to rule out disputes about the legal

time limits for redemption in this customary practice of *dian*. Adopting the *dian* custom, the British colonial rulers legalized another form of mortgage, *diya*, which was not legal under the imperial and Republican codes. They also deliberately imposed and enforced the payment of interest on a monthly basis and rejected daily, quarterly, or yearly payments.¹² Overall, the British colonizers imposed some degree of direct rule in Hong Kong's New Territories by standardizing administrative rules and legal measures to regulate Chinese customary mortgage.¹³

Many British colonies in Africa witnessed a mixed mode of direct and indirect rule. In Kenya under the British colonial rule, the chiefs' "tyranny" had its roots in the British administrative style because the colonial government needed strong-handed local leaders to enforce and implement its unpopular laws and regulations.¹⁴ That was why the chiefs acted like tyrannical rulers—because the colonial government tolerated it to some extent. The British colonial rulers saw the local chiefs' position as alien and their duties as interacting with the people at the grassroots level. A kind of indirect rule was therefore adopted by the British colonizers in Kenya.

The first generation of chiefs from Kenya's Kiambu district could be used as an example to illustrate how the British adopted an indirect rule to govern its colony.¹⁵ Although Kenya became a British protectorate in 1895, the British colonial administration was developed at the turn of the 20th century. The completion of the Uganda Railway in 1901 opened the interior part of Africa, leading to an influx of white settlers from 1902 onwards. This gradual metamorphosis led to the establishment of administrative units and centers to facilitate the administration of the Africans and the white settlers. The protectorate of Kenya was administratively divided into provinces and districts and each of them was governed by a white provincial commissioner and a district commissioner, respectively. The districts were sub-divided into locations placed under the colonial government-appointed African chiefs because the protectorate was financially strained and failed to employ all white administrators. As a result, local chiefs became indispensable since they made British colonial rule much cheaper as they were poorly paid. The first generation of colonial chiefs in the Kiambu district were appointed from 1902 to the 1920s.¹⁶

Kenya's colonial chiefs were, in the past, abused and criticized by some missionaries, regarded with contempt by their superiors, and hated by many of their own people. After Kenya's independence, they were viewed

by nationalists as “traitors” who had worked for the colonialists. Negative descriptions, such as tyrants, corrupt officials, self-seekers, and rascals were used to refer to these local chiefs, who were seen by critics as exploiting the local people in land appropriation and tax collection. In short, the chiefs were regarded as the “running dogs” of the colonialists.¹⁷ In reality, the local chiefs were working under difficult circumstances. The period before 1920 was full of turbulence and dislocations because many Africans encountered violent governance under colonialism. The pacification expeditions launched by the British colonialists killed many local people, confiscated their livestock, and destroyed their families and homes. Under these circumstances, the chiefs acted as the local middlemen between the colonizers and the ruled. When the white settlers arrived, the local Africans had to pay tax and work under their exploitation and confiscation of their fertile land. At the same time, Western missionaries arrived to urge them to abandon their cherished culture and religions. During the First World War, many Africans were recruited to help and support their colonizers. The chiefs were naturally utilized by the British colonial rulers to impose on the exploited and suffering local people.¹⁸ Hence, the chiefs and local people were living at a time under colonial exploitation, and as such, their behavior was encouraged, groomed, and condoned by the colonizers. Some of them were loyal to the British colonialists, some were collaborators, but some were resistant fighters opposing European imperialism. The authoritarian or tyrannical behavior of some chiefs were tolerated by the local Africans, because they feared the white colonizers and dared not report the excesses of the chiefs to them. Many locals believed that the chiefs were implementing their colonizers’ orders and directives. Once the chiefs became powerful, many of them became corrupt. This was why some critics of colonialism called for the abolition of the chiefs in Kenya. Some called for the reforms of the institution of chiefs to make colonial rule more acceptable to the populace.¹⁹

When the Kenyan National African Union (KANU) were formed in 1960, it was composed of district-level associations. Many local people were still following their chiefs rather than KANU as a political party. The African political movements in Kenya’s Central Nyanza performed one major useful function: they forced the British government to accept the goal of achieving parliamentary democracy and to start the process of democratic reforms. In the transition from decolonization to independence, different political

actors played an important role of political modernization, including the missionaries, white settlers, businesspeople, colonial administrators, traditionalists, British Colonial Office, and the relatively “westernized” Africans.²⁰

Studies on decolonization have shown that when the British departed from their former colonies in Africa and Asia, they introduced democratic reforms, including the introduction of district councils at the grassroots level, the increased appointment of local people to the legislative and consultative bodies, the injection of direct elections and party politics into the Legislative Council (LegCo), the enhanced representation of the top policy-making Executive Council (ExCo) by appointing more locals, and, finally, the direct elections of the entire legislature while changing the colonial-style ExCo into the British-style cabinet system. Indeed, the case of Hong Kong followed a different path of “decolonization without independence.”²¹

In the processes of decolonization and democratization, the local people who could be elected to the political institutions, ranging from district bodies to the legislature, benefited from political liberalization that was unleashed by the British colonial authorities. During decolonization, the “transfer of British parliamentary and electoral institutions to non-Western soil” could be seen.²² Apart from the introduction of district bodies, the composition of the LegCos in British colonies usually proceeded in the following stages: “elected minority, unofficial majority, elected majority, responsible government.”²³ Hong Kong did not follow this pattern of legislative reforms as Britain returned its sovereignty over the colony to China on July 1, 1997.

Yet, the case of Hong Kong showed that when the political system was opened up, the local elites, together with their newly formed political parties and groups, could increasingly bargain with the ruling authorities, exchange information with them, and set the policy agenda in a much wider and diverse manner.²⁴ Political parties and groups developed their expertise and knowledge in different policy issues, necessitating the ruling elites and policy-makers to interact with and pay attention to them, and resulting in a more diverse content of policy agenda than ever before.²⁵ Indeed, political parties are not the only political actors which could influence the policy agenda of the ruling elites; other actors such as interest groups, and civil society coalitions composed of different groups and parties could constitute

powerful checks and balances against the government administration.²⁶ The Hong Kong experience fit into these patterns of political change, but British decolonization in Hong Kong did not lead to independence.

Some studies of British colonialism have found that decolonization could have contributed to the making of modern Chinese statecraft in urban form. In the French Concession of Shanghai, for example, the Franco-British conflicts and the Chinese forces both shaped the institutional structure of imperialism.²⁷ The origins of modern municipal administrations in the relatively westernized Chinese cities, such as Shanghai and Tianjin, in 1905 and 1907 respectively, were regarded as a response to the presence of westerners residing there. These cities were created by Chinese elites who had a working knowledge of western or Japanese urban institutions.²⁸

Guilds (會館 · *huiguan*) and the native-place associations (同鄉會 · *tongxianghui*) in Shanghai played crucial roles in shaping the city life, social order, urban administration, cultural and religious practices, and national identity.²⁹ In response to the Taiping rebellion from 1853 to 1864, the French and the British authorities in Shanghai established their municipal institutions, including the police force, the tax collection system, the construction of walls, the use of land regulations, and the protection of foreign settlements through fortifications. Hence, the imperial powers used imported institutions to break local resistance and protect their residents. Military conflicts and imperial rivalry shaped the structure of the institutions of imperialism in China.³⁰

Other studies of colonial rule in British and French Africa found that Britain and France contributed to the development of fiscal administration of their former colonies.³¹ Metropolitan identity could be built up through the establishment of fiscal institutions. Taxes constituted the financial backbone of the colonial state, and they were vital to the state-building efforts of colonial governments. Colonial legacies were shaped by the interactions between the metropolitan imperial policies and institutions on the one hand and the local conditions and responses to these colonial practices on the other. Comparing the fiscal capacity-building efforts in British and French Africa from 1880 to 1940, historians Ewout Frankema and Marlous van Waijenburg found that the utilization of loans and aid from the metropolitan government was temporary. It was crucial to make the French and British colonies to be “fiscally independent as quickly as possible to limit the burden of empire-building on domestic taxpayers.”³² As

such, “the pace of colonial state expansion” depended on “the development of a local tax base.”³³

The French colonial rule was “more repressive because of the economic constraints posed by commercially less viable territories; the creation of large federations can be considered as a response to that problem by integrating richer coastal territories with vast hinterland areas through fiscal redistribution.”³⁴ High repression and the federal way of fiscal redistribution explained why French colonies were constrained in their fiscal capacity-building in contrast with the relatively more prosperous and commercial British colonies. The ways in which the French and the British colonizers used forced labor as an alternative to raise trade and customs revenues were also different.³⁵ The most glaring difference between the French and British colonial rule was the former’s tendency of adopting federal governing structures. French colonies such as Niger, Mauritania, Chad, and Oubangui-Chari were heavily supported by federal governance structures where part of the costs of state formation, like defense and administration, were shouldered born collectively. These federations were integrated into the hinterland areas through the construction of roads and railways, but their disadvantage was that some economic centers such as Senegal, Ivory Coast, and Gabon had to surrender part of their control over customs duties and tax revenues. Like the French, the British colonial rulers integrated their colonies through federations which however were relatively loose and ad hoc. The British also adopted the differentiated tax rates at the local level. Hence, colonial governance differed between the French and British and it was an outcome of the varying economic circumstances.³⁶

Comparatively speaking, the British colonial rule adopted “indirect” rule in which they tried to maintain the local customs, traditions and practices without direct intervention.³⁷ The French, however, favored direct rule in that they tried to assimilate the local peoples culturally by using French culture and education. The Belgians, on the other hand, combined the policy of assimilation with paternalism, emphasizing Christian monogamy and the western way of life.³⁸ In the Belgian Congo, political suppression and integration with the use of Belgian civil servants were prominent. It was argued that the Belgian style of colonial governance was marked by a mixture of cultural and political integration of the colonies into the metropole. The Portuguese adopted a mixture of the French and Belgian rule, merging cultural assimilation with political paternalism. The

decline of Portugal as a “poor” colonial empire “forced it into excessive and brutal exploitation of its African colonies.”³⁹ Portuguese colonies had the “highest illiterate populations” in comparison with other colonial empires.⁴⁰ Although the Portuguese colony of Macau, prior to its return to the People’s Republic of China (PRC) on December 20, 1999, was economically far more prosperous than all the Portuguese colonies in Africa, Macau was characterized by political underdevelopment with very minimal political and inadequate public-sector reforms.⁴¹ During the final years of the Portuguese administration, Macau’s government departments underwent frequent merger and reshuffle, but their overall efficiency and effectiveness remained much to be desired. However, the Macau case was much better than other former Portuguese colonies, which were plagued by Portugal’s hurried withdrawal, chaotic governance, internal strife and wars, the lack of infrastructure development, and the failure to provide the necessities for the poor and the needy.⁴²

While the colonial style of governance differed among the British, French, Belgian, and Portuguese, the transformation of local and district administration could be heavily shaped by the colonialists. The case of British Cyprus was illustrative of this phenomenon. From 1878 to 1882, the municipal council of Nicosia in Cyprus was governed directly by the British, unlike the usual convention that the British adopted “indirect rule” over its colonies. Perhaps the British provided a sort of “trusteeship” until 1882, when a more “indirect” way of governing the city could be seen by having a judiciary independent from the executive and a partially elected legislature.⁴³ In this process of tutelage, the British district commissioners gradually left the urban affairs to the municipal councils set up in different localities of Cyprus and ran by the local people. From 1895 to 1914, the impetus for reform of the colonial institutions in Cyprus was stimulated by the establishment of newly elected councils, the increase in political space and competitiveness, the rapid growth in literacy, and the emergence of a money economy. Urbanization followed with the birth of a new middle class and its participation in local politics. Political rivalry could be gradually seen in elections held for the legislature and municipal councils. Furthermore, political participation was triggered by the new flourishing newspaper trade and the creation of “Reading Clubs,” which were organizations mobilizing citizen participation in middle class politics.⁴⁴

Indirect rule could be seen in British Nyasaland from the 1930s to the early 1950s.⁴⁵ Agricultural extension work in Nyasaland depended on the willingness of the native authorities to impose regulations, disseminate information, and propel changes. Colonial rulers believed that the chiefs in Thyolo (known as Cholo by the colonial administration) in southern Nyasaland were fluid, and that the Mzimba chiefs in Mzimba district in the north were politically too strong and hierarchical.⁴⁶ The colonial authorities had to ensure that chiefs acted as agents for the government while simultaneously holding powers to control the masses. A chief's willingness to act as a colonial agent was affected by his own economic interests and his role as a representative of the local community. Colonial officials knew that chiefs from time to time opposed colonial policies, but they might act on behalf of their subjects. Colonial rulers believed that "strong" chiefs could act as autocrats and could enforce rules as they liked. The case of Mzimba showed that this was far from certain. The chiefs, known by colonial authorities to be quite powerful, lacked the power to regulate local production processes. They were unwilling to act as agents of the British colonial authorities. This phenomenon showed how indirect rule did not facilitate colonial intervention. In other words, the perception of British colonial authorities on the local chiefs could be inaccurate, leading to difficulties in implementing indirect rule.

Some critics have pointed to the negative legacies of indirect rule of the former British colonies. For example, in Northern Nigeria, Governor Frederick Lugard, who later became the Governor of Hong Kong from 1907 to 1912, introduced cantonments from 1900 to 1906, and these cantonments gradually evolved into townships with committees where appointed members were made by the British colonial government.⁴⁷ These cantonments began as a nineteenth-century creation in the British India, where cantonments were accompanied by public health legislation and a whole range of regulations regarding tax, liquor licensing, sanitary control, water supply and drainage, and also buildings management. Lugard had been an army officer in India and brought his experiences of witnessing the development of cantonments to Nigeria. There was even a cantonment magistrate who was usually an army officer but acted as a court judge arbitrating in and dealing with legal affairs. After Lugard left Nigeria for Hong Kong, his successors in Nigeria expanded the cantonments further into townships, where railways and hospitals were built, and where