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Land Development in Hong Kong

by Wing-Shing Tang

*[L]and is a strange object.
Although it is often treated as a thing
and sometimes as a commodity,
it is not like a mat:
you can roll it up and take it away¹.*

Land development in the North or South, or not all

As implied in the quotation, land is complicated due to its material and relational specificities in time-space contexts. The way to understand land is – invoking the aforementioned metaphor – to roll up the surface mat (looking beyond the visible on it), and dig deep into the ground. This would unravel how land’s materiality and relationality has developed from the deep-soil up: layer by layer, temporally and in spatial relation with many other events, and opening varied logics and forces of transformation, both locally and far distant apart. Given its complexities, land varies over time and across space.

No one is then even bothered to debate whether land in, for example, Milan differs from that in, say, Hong Kong. While acknowledging this

Materials in this paper draw heavily on W.-S.Tang and S. Benjamin, Land as Situated Spatio-histories: A Dialogue with Global Urbanism, in M. Lancoine and C. McFarlane (eds.), Thinking Global Urbanism (forthcoming). Thanks are due to Solly for his comments on the earlier version. Errors are, needless to say, mine.

¹ T.M. Li, *What is Land? Assembling a Resource for Global Investment*, in «Transactions», vol. 39, 2014, pp. 589-602, p. 589.

truism, it is imperative to resist the temptation of upholding two contrasting positions. Either one argues that land development in Hong Kong is the variegated version/extension of the Milanese path, or the Global North in general. Or, conversely, one problematises Hong Kong as an alien – part of the Global South – somehow without any relationship with the Global North. Both positions are inaccurate in that there is one world, with its constituents in constant interaction, rather than the dualities of the Global North and the Global South. Neither of the latter two can exist without the other. Thanks to their interaction, the world is constantly in the process of becoming. As a corollary, land development in Hong Kong should then be understood within this perspective.

The *tongbian* philosophy

To proceed, it requires systematic uprooting in the common parlance, ontologically, epistemologically and methodologically, according to *yin/yang*-informed *tongbian* philosophy². To be brief, the latter argues that everything consists of two mutually embedded, opposite poles. «Each pole of the pair grows from the other and needs the other as partner. They are in ceaseless interaction, implying the process of becoming, continuity and change»³. This understanding has ontological, epistemological and methodological implications for any understanding of land development.

This philosophy argues that no one has an ontological privilege over the other, as one is always defined by the ceaseless interaction with the other. In common parlance, there is, in the West, ontological privilege to inalienable individual rights. One witnesses, for example, the individual right to abortion, to bear arms in defence of freedom, to challenge escalating property tax and, amidst the coronavirus pandemic, to fight against lockdown

² Cf. L.H.M. Li, *The Dao of World Politics: Towards a Post-Westphalian, Worldist International Relations*, Abingdon, Routledge, 2014; W-S. Tang, *Town-country Relations in China: Back to Basics*, in «Eurasian Geography and Economics», vol. 60, 2019, pp. 455-485, esp. pp. 464-466; C. Tian, *Chinese Dialectics: From Yijing to Marxism*, Lanham, Lexington, 2005.

³ W-S. Tang, *Town-country Relations in China...*, cit., p. 464.

measures. In terms of private land property in the ownership model, one is entitled to the alienable right to possess all manner of property rights (including surface, productive, development, pecuniary, restrictive and disposal). This biased view, which has persisted since Locke's famous 1690 essay and others' analyses of the enclosure movements, is the dominant view of land in the common parlance. Many analyses about land development anywhere around the world have then assigned the ontological privilege to property title, ownership, possession and exchange (and, as an extension, further assuming this to form the basis of economy). Besides, it is misleading to treat, within the ownership model, landlord and tenant, exchange and use value, legal and illegal, formal and informal etc. as two discrete opposites. In contrast, the *tongbian*-informed philosophy argues the converse: one's ontology comes from one's impact on the other. It underscores «a simultaneity of oneness and multiplicity, difference and commonality, continuity and change»⁴. It is inappropriate to forget about the other and the interaction between the two polar opposites; there is the missing other besides what is prescribed in the ownership model. In the case of Hong Kong land development, we should acknowledge ontological parity of the other in our analysis too.

According to the *tongbian*-informed epistemology, knowledge is developed within the context. Since the Enlightenment there has been a distinction between mind and matter, and abstract mental construction, to be conceptualised rationally, has been privileged. In the case of land, geographic technologies transformed the framing of property as a technical endeavour, performed by experts and represented in maps⁵. To Henri Lefebvre, this «logic of visualization», which has prioritised the visual at the expense of other senses, promotes abstract space while belittling the need for critical analysis. This has been the case in the widespread application of the spatial sciences of cartography and geography in land manage-

⁴ L.H.M. Ling, *The Dao of World Politics...*, cit., p. 43.

⁵ N. Blomley, *The Territory of Property*, in «Progress in Human Geography», vol. 40, 2016, pp. 593-609, p. 600.

ment and the planning of urban space and the design of the urban environment⁶. These techniques reduce knowledge of land development to the perspective of the surface, and in the form of commodity, and mask the structural depth of social reality. The land question is usually simplified as an economic question of supply and demand, ignoring the moral, social and political questions. In contrast, *tongbian* assumes no essential features, favouring how events are situationally correlated. Knowledge about land development, then, requires placing the latter within a web of multiple correlations of relations in a down-to-earth, concrete context.

Tongbian philosophy, informed by the interaction of the two polarities of *yin* and *yang*, denotes a nuanced methodology for research on land development. The famous *yin/yang* diagram, whereby each half of the whole always retains within it an element of the other, implies that besides the absence of the binary within the duality, there are always *YIN-in-yang* and *YANG-in-yin*, constantly approaching each other and becoming the other. Thus, it is difficult to perform analysis in compartmentalised boxes of time and space, as well as of past, present and future. Instead, any informed methodology must elaborate the mutual embeddedness between the two polar opposites in time-space and past-present-future. This can be achieved by the methodology of spatial story, which narrates a pole's becoming. It refuses to compartmentalise the pole into discrete levels of past, present and future. Instead, the past lingers on the present, while the present remains in the future. The appropriate methodology is to start from the present, regressing to the past so as to progress from the present to the future. Since mutual embeddedness is not restricted within one *yin/yang* whole but also others, becoming takes place not only diachronically, but also synchronically⁷. It is this approach of spatial story that informs the way land development in Hong Kong is narrated below.

⁶ C. Butler, *Henri Lefebvre: Spatial Politics, Everyday Life and the Right to the City*, Abingdon, Routledge, 2012, pp. 57-65.

⁷ W-S. Tang, *Town-country Relations in China...*, cit., pp. 464-465.

The spatial story of Hong Kong |

Hong Kong in 2020 does not look too different from other modern cities in the world, given its high-density development, renowned skyscrapers and numerous redevelopments in the city centre. This apparent present is usually informed by accounts based on the linear application of land development practices from the West. This – with the explicit recognition of the dualities of the Global North and the Global South – has masked the development histories from the past to the present⁸.

In regressing Hong Kong's present to the past, one realises that the present was produced by the interaction of two different land practices. Many century-old Chinese practices have continued since the British took over Hong Kong Island as its colony in 1842. The Chinese customary land practices, the system of «perpetual hereditary tenancy», divided arable land into two landholders: the topsoil (*dipi*), and the subsoil (*digu*) refer to the separation of the right to use from the right to own. Owners of topsoil were free to inherit, mortgage, transfer and dispose of it, irrespective of any change in the ownership of the subsoil. Ownership could also be collective by lineage, clan and so on. Land transaction was possible, in the form of signing deeds, which could be a red deed (with the chop of the county magistrate to officiate the transaction) or a white deed (the buyer and the seller just signed an agreement between them). This system refused to put tenants and landlords into the straitjacket of dualistic categories. In contrast, land practices in the West at that time emphasised private, individual land ownership and the legal status of title, not deed. When the British colonised Hong Kong Island as a Crown colony, they were forced to take the Chinese system into consideration, by expropriating land and proclaiming it Crown land while implementing a nuanced leasehold system of 75- and 21-year leases for building and agricultural land respectively. As colonization pro-

⁸ W-S. Tang, *Where Lefebvre Meets the East: Urbanization in Hong Kong*, in L. Stanek, C. Schmid and Á. Moravánszk (eds.), *Urban Revolution Now. Henri Lefebvre in Social Research and Architecture*, Surrey, Ashgate, 2014, pp. 71-91; W-S. Tang, *Beyond Gentrification: Hegemonic Redevelopment in Hong Kong*, in «International Journal of Urban and Regional Research», vol. 41, 2017, pp. 487-499.

ceded apace, including the ceding of Kowloon Peninsular up to Boundary Street in 1860, and the leasing of the New Territories in 1898, the land system that developed became much more intertwined due to formal protests from the Chinese government. The Land Court was set up in 1898 and The Extension of Laws Ordinance of 1900 was extended to the New Territories. The purpose was to undertake a thorough survey of all land ownership and tenure in every existing village, so as to derive a map for each rural demarcation district. The demarcation maps and the particulars of land ownership formed the basis for the Block Crown Lease, a land register upon which a Crown Rent Roll became the basis for tax collection⁹.

Unlike others around the world, the Hong Kong Government has always been under the command of the British government at a distance while living with the Chinese within as well as inside the city boundary. As a result, it has been the predominant arbitrator of development in two distinguishable ways. First, it has been concerned more with socio-economic order – alienable property rights – than with liberty – the inalienable individual rights of the people. Second, the requirement of financial independence imposed on the colonial government by London even at the embryonic stage of colonialism rendered land-related revenues the basic concern of the city. It is therefore the logic of the government, not capital *per se*, that counts. It is the production of this abstract space for financial resource that has been the concern of the Government. The hegemonic government regulates the fictitious capital from monetary capital, productive capital to commodity capital, and modifies the prevailing practices once its hegemony is challenged. For the other characteristic, the dominance of property development since the early days of colonialism cannot be downgraded as secondary to industrial capital accumulation, as a result of the more recent switching of capital from the latter. Since Hong Kong was colonised in stages (1842, 1869 and 1898), with increasing resistance from the peasants in the New Territories, the legitimacy of the Government as well as the complexity of land ownership, entitlement and usage have been constantly

⁹ A. Chun, *Unstructuring Chinese Society*, Amsterdam, Harwood Academic Publications, 2000.

challenged and defended over time. These challenges have serious spatial implications, as the stages of colonization have basically restricted the legitimacy of the colonial government's deployment of land resources to the two sides of the harbour until the 1960s.

The above brief account has highlighted that there are so many opposite forces constantly interacting with each other, such as tenants/landlords, techniques/laws, building/agricultural land, crown/private land, government intervention/capital accumulation. The complexities of these interactions are best exemplified in the Sham Shui Po (SSP) district in the Kowloon Peninsula. Situated just North of Boundary Street (the boundary of the lease of ceding under the Convention of Peking in 1860), SSP, originally occupied by a number of rural villages dated back to the abolishment of the Coastal Evacuation Policy in 1669, has a distinguished place in Hong Kong's spatio-temporality¹⁰. For a long while, since 1860, SSP was the place where two opposite systems of socio-political authority and apparatus interacted dialectically. On the ground, literally, being part of a rural county in the dynastic agrarian empire, the land was still stipulated by the Chinese customary land practices of separating land ownership into top- and sub-soil and detaching tenancy from ownership. In the air, literally too, one could sense the atmosphere of an «urban» centre established within the spatiality of the British empire on the other side of Boundary Street, where leasehold was widely practised. The juxtaposition of two mutually embedded systems rendered SSP an extremely dynamic and fluid place of negotiation and resistance. For almost half a century from 1898, SSP was the testing ground for the government to implement the colonial administration, including land. Like the rest of New Territories, land lease in SSP, and the larger area later called New Kowloon, could last for 99 years only. Unlike the remainder, however, due to its differential locational advantages of juxtaposing the «urban» area, SSP experimented with, on the one hand, a land develop-

¹⁰ A. Smart and W-S. Tang, *On the Threshold of Urban Hong Kong: Liminal Territoriality in New Kowloon*, in A.C. Dawson, L. Zanotti and I. Vaccaro (eds.), *Negotiating Territoriality: Spatial Dialogue between State and Tradition*, Abingdon, Routledge, 2014, pp. 230-248.

ment system with two types of leasehold: agricultural and building land. Only the latter could be developed, whereas the former had to be converted to the latter with a premium before any development. Besides, crown rents for land in SSP were charged higher than its more Northern counterparts. The obvious reaction of the villagers was to operate as squatter landlords, to make easier profits. Equally obvious was the unsympathetic attitude of the government towards squatting. These illustrate best the mutual embeddedness of the two opposite land practices.

Conclusion

In sum, land development in Hong Kong is more complicated than the conventional wisdom informed by the duality of the Global North and the Global South. This nuanced understanding of the complexity is achieved by adopting the *tongbian*-informed ontology, epistemology and methodology. Land development in the city is the outcome of the mutual embeddedness of two land system practices in concrete time-space. It is difficult to comprehend it abstractly by reducing these mutually embedded forces to a static shaped by its economic rationality alone as well as framed via cartographic logic.

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