Part II

People: Whose Indigenity?



Chapter 4

Revamping Tradition: Contested Politics of 'The Indigenous' in Postcolonial Hong Kong

Shu-Mei Huang

[Yet] it was unthinkable that anyone not of the village clan could build a house in a village.

Denis Bray (2001, p. 164)

Using the past, present, and future to emphasize each other is common in commemorations.

John Carroll (2005, p. 165)

On lunar New Year's Eve, 2012, the chairman of the Heung Yee Kuk (HYK), Wong-fat Lau, made a drawing in the Che Kung Temple in the presence of many of the elite in the New Territories (NT) – a symbolic gesture to welcome the New Year in Hong Kong. The poem in the drawing read, 'What is evil and what is divine? It's so hard to differentiate the evil from the divine'. Chairman Lau was subsequently bombarded by questions from the media about whether the poem alluded to the then-serious competition for Chief Executive of the Hong Kong Special Administrative Region (HKSAR). Lau laughed, without giving any explicit message.

About 2 years earlier, during mid-October 2010, I had happened to attend a community meeting in the soon-to-be-demolished village of Choi Yuen. Some sixty people had gathered to witness a significant phone call to Lau, in which the villagers were trying to obtain his assistance in negotiating a right-of-way to enable their relocation plan. 'Did Lau own the land?' I asked. 'No', I was told. 'But he is the king of the NT!'

The mystic power represented by Lau raises several questions. What are the longstanding traditions in the NT that make politics – and the politics of land, in particular – so different than in urban Hong Kong? And, specifically, how has the privilege of the indigenous been translated into a 'small-house policy' (SHP) that continues to produce low-density development in the rapidly urbanizing landscape of the New Territories? In addressing these questions, this chapter will explore how the notion of 'tradition' is complicit in establishing the special privileges of the 'the indigenous' in Hong Kong.

The SHP, and the indigenous communities which qualify for it, have been much criticized in recent years. Indeed, abuse of the small-house policy is not unheard of. Yet no criminal case related to it had ever been brought before a court until a recent housing scam in which eleven indigenous villagers and a developer were to be jailed for defrauding the authorities. Not surprisingly, the HYK opposed the sentence, pointing out that the policy of allowing each male indigenous villager to build a three-storey villa was a traditional right protected by the Basic Law – Hong Kong's mini-constitution (*SCMP*, 2015).

To understand the idea and practice of traditional rights in postcolonial Hong Kong it is first necessary to appreciate the dualism at work in accounting for Hong Kong's territorial origins. On the one hand, official history stresses the political and cultural break that took place with the formation of the British colony (Carroll, 2005, pp.164–167). On the other, strategic recognition of precolonial tradition has been reinforced in many matters in the NT. This binary is embodied in the landscape, where walled villages (*poon choi* – also the term used for a Cantonese dish served in big bowls) and three-storey 'village houses' have been closely associated with the lives of those descended from the NT's original inhabitants (figure 4.1). Indeed, though less celebrated than other aspects of the global city, the power of the indigenous has become a key feature of land and identity politics in Hong Kong – especially since, in recent years, the NT became the frontier of economic integration with mainland Shenzhen.

Among other rights, since 1972, indigenous males have been allowed to build small houses, in the name of tradition. This privilege distinguishes them from other residents, especially those descended from migrants who arrived in the NT after the Chinese revolution in 1949. These non-indigenous villagers, despite having contributed to the survival of agriculture in Hong Kong, have mostly been considered landless farmers without an ancestral settlement or officially recognized tradition. Their settlements and leased farmlands have thus been vulnerable to takeover



Figure 4.1. Three-storey 'village houses' in the New Territories. (Photo: Shu-Mei Huang)

as sites for development of new towns and infrastructure projects. Meanwhile, the privileged indigenous, who dominate with respect to land rights, have continued to expand their presence in the NT. The power granted by 'indigeneity' and 'tradition' thus seems to reinforce the dualism embedded within the rural landscape of Hong Kong.

By examining the origin and nature of this unequal condition, this chapter seeks to advance understanding of processes of agency and authorship that frequently support notions of tradition. The interpretation and commercialization of tradition for power and profit, as the editors of this volume suggest, has been a potent force in both the transformation and preservation of built environments. What is of particular interest here is how tradition and the authors of tradition transform and constitute one another, and how these processes may lend legitimacy to, and leverage power from, indigenous claims to space and place. The chapter begins by introducing the colonial gaze that produced the indigenous inhabitants of Hong Kong.

Building for and of the Great Difference

It was only in 1972, on the occasion of the institutionalization of the SHP, that the term 'indigenous inhabitants' was officially adopted by the Hong Kong Executive Council (Chan, 1996). Ethnically speaking, indigenous residents of Hong Kong are indeed Han Chinese, the majority in China. Yet they have been differentiated from the non-indigenous population, Han and otherwise, on the basis of a shared tradition defined at a specific moment, that when the British colony was expanded to include the New Territories. As Chan (1998) has noted, 'Tradition is interpreted as the sharing of a place of origin and rural customs by the villagers, and [in Hong Kong] the year 1898 has assumed significance in the interpretation of shared native place (*xinangxa*) by the inhabitants'. To be more precise, the indigenous community was differentiated along with the demarcation of the New Territories, and their tradition was explicitly recognized in 1899 when the British forced Qing China to grant them a 99-year lease to the area through 'The Convention for the Extension of Hong Kong Territory'.

James Stewart Lockhart, the Cadet Officer of the Hong Kong Civil Service at the time, called the distinction between native villagers and the colonial population 'the great difference', to be respectfully managed (Hayes, 2006). And for more than a century this instance of the colonial gaze has left its imprint on the way the NT have been governed. It persists today despite the reality that contemporary development has massively changed the area and diluted the original difference between its urban and rural populations. As a consequence, since 1980, many have challenged the necessity of separating land policies in the NT from those in the rest of Hong Kong (Hayes, 2006, p. 159). Yet the indigenous leadership has managed to maintain their paramount power, even though, according to the 2011 Census, indigenous inhabitants now comprise less than 10 per cent of the population of the NT.

The New Territories today make up 86 per cent of Hong Kong's land area. When the area was initially taken over by the British Crown, it was demarcated into 355 survey districts according to the New Territories (Land Court) Ordinance of 1900 (the Ordinance 1900). This law also stipulated premiums and certificates of land ownership and use between 1904 and 1905 that changed the prevailing system of tenure from freehold to leasehold (Sit, 2011; Lau, 1999). The ordinance further discontinued the practice of 'bottom-soil right', reshaping the relationship between tenant farmers and landlords. Significantly, since that time, the use of land cannot be changed without official permission. Moreover, the Ordinance 1900 allowed the government to expropriate properties in the interest of public good (Sit, 2011, p. 58).

Considering this history, it may be fair to say that the establishment of indigeneity in the former colony was itself a colonial product, rendered by what Renato Rosaldo (1989) has called 'imperialist nostalgia'. As one

former district officer, Denis Bray (2001, p. 37), wrote in a memoir, 'In the 1950s, the New Territories were terra incognita for urban dwellers - and that included everyone of any seniority in the government'. Thus, despite celebrating the centenary of its governance of Hong Kong in 1941, in the eyes of the British colonial administration the NT were still a place where farmers grew rice and '... village life continued in very much the way that it had done for generations' (Bray, 2001, p. 37). According to Jones (1995, p. 180), the lack of understanding of the NT by the British contributed to the romantic goal of preserving village life. Interestingly, however, this nostalgic reading of life did not extend to similar historical villages in New Kowloon and on Hong Kong Island (figure 4.2).² In effect, therefore, the century-old discourse surrounding tradition in the NT has emphasized both connections and disconnections: it has connected people of shared origin with their lands, while simultaneously disconnecting them from their motherland and from the urbanized territory of the colony.

Indigenous communities have, in general, been characterized by their connection to the land, by traditions embedded in place, and by the ways place-making involves multiple acts of remembering and imagining

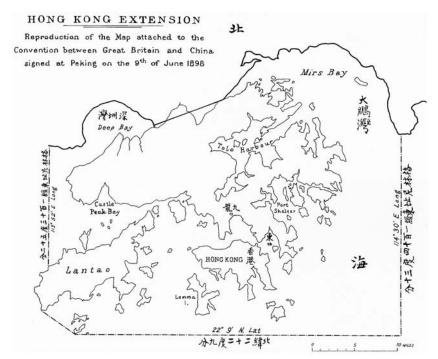


Figure 4.2. The New Territories. (Source: Adapted from an old map available from Wiki Commons)

(Casey, 1987). If tradition is to continue, philosophers have argued, the fact that '... its transmission is carried in the ebbs and flow of everyday life makes it indispensable that it be presented not in a description or theory but instead instantiated as thus embedded' (Marshall, 2005, p. 2). Yet the kind of tradition referred to in the NT has been largely reduced to a continuation of the right from one generation to the next to occupy land with the approval of the government no matter what is built there or what activities are practiced. Today, it is thus not a surprise to find nonindigenous inhabitants residing in rented small houses built on village lands next to stacks of shipping containers. Arguably, when the state introduced itself into the act of transmission - when tradition was first translated into the colonial policy of small houses, and then written into the Basic Law prior to the handover of Hong Kong to China in 1997 - tradition as an embedded process was essentially transformed into a commodifiable land grant. It is thus important to historicize the commodity chain and reveal the political agency hidden within it.

Nezar AlSayyad's treatment of tradition as a regime is helpful here. He has suggested that tradition is 'deployed, resisted, and reworked through hegemonic struggles that seek to create both built environments and citizen-subjects' (2004, p. 19). The colonial creation of the SHP exemplifies this thesis, particularly as it related to the perpetuation of aspects of the colonial landscape in postcolonial Hong Kong. Before elaborating further on this relation, let me provide a brief history of the policy.

The most dedicated advocate of the small-house policy is the HYK. Even though it was only given formal status by the Heung Yee Kuk Ordinance (Chapter 1097) in 1959 (Lee, 1984, pp. 166-167), it has been the most important political organization in the NT since the 1920s. The HYK initially rose to importance as a result of a political crisis, when the colonial government promulgated the 'crown lands resumption ordinance' in 1922, and followed it with a plan to regulate the conversion of farmland to building sites (Sit, 2011, p. 191). Numerous protests organized by the HYK eventually forced the government to exempt the indigenous villagers from paying a differential premium when they built houses for their own use. And since then, the HYK has served as an important consultation group. As mentioned above, its status was formalized after World War II, at a time when an elective system of village representatives and rural committees was also created to establish a local political system. Yet, especially in light of the rapid demographic change in the New Territories from the 1950s to the 1970s, this patrilineal system was never meant to cover the whole population of the area (Bray, 2001, p. 97).

The SHP emerged in November 1972 from a two-decade-long negotiation of rights between villagers and the colonial government. Following the war, the Building Ordinance of 1950 required villagers to submit their plans for approval before constructing houses. And a subsequent policy change in 1955 required owners of concrete houses to pay an extra premium. Furthermore, anyone who planned to build a new such house had to convert their leasehold to a site from farmland to residential land at a value ratio of 3 to 1. From 1959 to 1971, numerous debates emerged over deregulation and premium exemption with regard to such issues as materials, area, and building height.

The constant changes upset the indigenous population, and the resentment grew into an unprecedented village uprising between 1971 and 1972. With 1,000 signatures collected from village representatives, the HYK called a rally against the increasing regulation of housing construction in the existing villages.3 The government gave in, and within six weeks it passed the 'Building Ordinance [New Territory], 1972', which gave birth to the SHP. The SHP allowed any certified indigenous male (of at least eighteen years of age, descended through the male lineage from a male resident of an officially recognized indigenous village in 1898 or earlier) to build one small house in his lifetime in the rural development zone or in an extension area. Moreover, as long as owners complied with certain criteria, they were exempted from submitting formal building plans to the government.

At the time, the government also provided a list of 642 indigenous villages recognized as having existed prior to 1898. Small houses could be built on private land, or they could be built on government land at a concessionary premium - but only within the Village Environs (VE) (typically defined as an area 300 feet [91 metres] from the outermost corner of the outermost house built before December 1972), or within the VEA (Village Extension Area). The SHP was therefore intended to codify the allegedly traditional practice whereby the family head could build for himself and for each of his sons upon marriage a house within the village area, either on his own land or on village building lots acquired through auction among certified residents of a particular village.

Why is the footprint of a small house set today at 700 square feet (65 square metres)? In fact, the measurement of small houses has changed over time – as if tradition could be sized and negotiated. The preliminary sizing dates to 1905, when the British decided, based on their observations, that a traditional village house would be defined as occupying 436 square feet (40.5 square metres and one-hundredth of an acre, also known as one 'traditional division' of land). This was important because buildings were taxed based on such units.

The contemporary area of 700 square feet is halfway between 436 square feet (one 'traditional division') and 872 square feet (two 'traditional divisions'), rounded to the nearest hundred feet. Some have additionally suggested that 700 square feet is simply the maximum building footprint the government felt comfortable permitting. An important reference here were publicly funded houses built to accommodate residents of traditional villages displaced by government projects. The first prototype was an approximately 700 square foot, gabled, two-storey structure built for the residents of Kwan Mun Hau village. Later, such houses were built to two-and-a-half storeys, including the cockloft, or three storeys with a flat roof (Hopkinson and Lei, 2003, p. 8). Indeed, over the years the building height restriction has gradually been increased from two, to two and a half, and finally three storeys (not to exceed 25 feet [7.6 metres]) by 1975. Furthermore, flat roofs gradually came to dominate new buildings, since the wooden beams required for pitched roofs became less available (figure 4.3).

It is worth noting here that the term 'small house' was only instituted as a replacement for 'village-type house' on the advice of Denis Bray, when he served as district officer (Bray, 2001, p. 164). This new, pragmatic definition eliminated guidelines that had previously addressed traditional

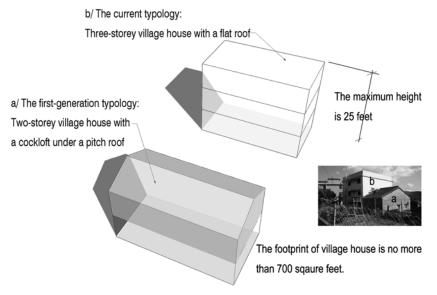


Figure 4.3. The prototype of village houses. (Diagram: Shu-Mei Huang, 2014)

styles, replacing them with a simple dimensional standard. A juxtaposition of the official English name for the structure, however, with the colloquial Cantonese term, ting uk (literally, 'the male's house') is also revealing. While colonial policy-makers focused on the SHP as a convenient way to control village sprawl, indigenous residents focused on the exclusive nature of the grant as a male right. The different wordings thus reflect the ambiguousness of tradition. As Bray, the architect of the SHP, noted in retrospect (2001, p. 166): 'I knew perfectly well that it would not be long before some enterprising architect would design pleasant little buildings that fitted the rules but looked nothing like a traditional village house. Sure enough, a Spanish-style house began to appear with lovely tiled half roofs'.

Bray also wrote that the policy was never meant to be permanent: 'I do not see these measures as anything more than interim measures which will complement the major job of producing a comprehensive development plan for the rural New Territories' (2001, p. 166). Nevertheless, the indigenous villagers saw the policy differently; for them the land grant was ting, a 'right'.

Today, small houses appear as no small privilege among Hong Kongers, most of whom live in cramped conditions (Lai and Ho, 2001). 'By definition it is wrong', the property-management expert Roger Nissim (2012, p. 130) has noted. Compared to the traditional 436 square foot, two-storey Old Schedule house prevailing in the NT in 1898, small houses today are far from small (Nissim, 2012). Indeed, they are quite spacious compared to the limited area available to the non-indigenous population, who live in informal cottages, or to those NT residents who have been relocated to public housing. The exclusive nature of the policy and the conduct of the qualification process also leave considerable room for abuse. To certify a grant applicant's indigenous status, a small-house applicant must submit a declaration, signed either by the representative of the applicant's village or by a chairman (or vice-chairman) of the relevant rural committee. It is often difficult for outsiders to verify these claims, and cases of corruption have been reported. In retrospect, then, it is possible to see how the exclusive grant has been naturalized out of what originated as short-term thinking about how to meet the indigenous population's housing demand.

Gender also matters. When the colonial government passed the original ordinance related to land ownership in the New Territories in 1902, it allowed only males to inherit property. James Stewart Lockhart, who delineated the boundaries of the NT, suggested that the most efficient and cheapest way to deal with land matters was to follow the then existing maleoriented inheritance system. Though the ordinance was soon abandoned, in 1903, the article that stipulated 'the tradition' was continued in the New Territories Ordinance, 1910 (article 13), and it remained in effect until the 1990s. As mentioned earlier, it was only in 1972, following the institutionalization of the SHP, that the term 'indigenous inhabitants' was officially adopted (Chan, 1996). However, it was also at this time that the Hong Kong government started to expand its public housing programme and the building of urban infrastructure in the NT to ease congestion in other areas of the colony (Nissim, 2012, p. 127). These parallel policies eventually led to the coexistence in the NT of two contrasting housing forms: small houses and high-rise public housing blocks.

Today, the disappearing distinction between the urban and the rural in the NT, as mentioned earlier, has destabilized the discourse of 'great difference' that once provided a basis for the grant of special housing status to indigenous inhabitants. In fact many indigenous inhabitants who enjoy 'traditional rights' do not even reside in the NT. According to Dell Upton (2001, p. 299), manufactured traditions are not inherently pernicious. Nevertheless, the use of manufactured traditions and their consequences are worthy of concern. What is of particular interest here is how the use of tradition has led to a deterioration in the relationship between the indigenous community of the NT and its neighbours and fellow citizens. The increasing sense of disconnection is two-fold: on the one hand, the indigenous have disconnected themselves from their neighbours in both geographical and political terms; on the other, they have largely disconnected themselves from the place itself through the commodification of the small houses the law has allowed them to build.

Arguably, the SHP may be considered compensatory in nature – a privilege rather than a right, granted in response to the villagers' demand for housing (Lai, 2000). As of the end of 2011, according to statistics provided by the Secretary for Development, since it was instituted in 1972, a total of 36,912 small-house applications had been approved by the Lands Department. By the end of 2011 the additional number of applications being processed and waiting to be processed stood at 6,895 and 3,360, respectively. Each application requires land, and as of 2012, the Planning Department noted that about 3,147 hectares had been set aside as Village Zone for the continuing construction of small houses (Lei, 2013). Yet the land available for small house development cannot be open-ended, and this means the policy is inherently unsustainable.

Meanwhile, the resale of small houses has also been a subject of controversy. In January 1978, the then secretary for the NT, Sir David Akers-Jones, almost cancelled the SHP over this issue. After negotiation,

however, resale was formally permitted in August 1978. The rules today stipulate that, upon resale, an owner must pay a differential premium if the house was built on public land. However, if a house is built on private land, the owner must only pay such a differential if the transaction occurs within 5 years of initial construction. Resale is further not limited to other members of the indigenous population.⁵

stipulations represented the beginning of a formal commodification of traditional rights. A small house can today be divided into three, one-storey units (of three bedrooms each) and sold to three buyers at HK\$2.5 to HK\$4.5 million (US\$322,600 to US\$709,200) each. According to an audit conducted in October 2002, nearly all such flats were sold within about five months of the removal of the restriction on alienation (Hopkinson and Lao 2003). In the name of indigenous villagers, some developers are also building and selling luxury houses on SHP land, providing a share of the proceeds to the villagers. According to one source I interviewed in November 2015, 'There are middle-class professionals who purposely seek tranquillity by living in small houses to disconnect themselves from the urban chaos'.

Additionally, the issue of resale surfaced at a time when at least 80 per cent of indigenous male villagers had migrated abroad to work – a fact in seeming conflict with the claim of increased indigenous-village housing demand. Indeed, the indigenous population in 1987 was about 460,000, of whom 260,000 (more than a half) resided overseas (Committee on the Right, Wellbeing..., 1987). Nevertheless, the HYK has now ensured that the SHP and other rights be extended to indigenous males overseas. This, however, created an invitation for developers to abuse the SHP. Indeed, some have even sent scouts to the UK to look for indigenous villagers with entitlements. Thus, instead of responding to real housing need, the SHP is primarily valuable today because it creates a profitable commodity such as those structures built by developers and shown in the accompanying in figures 4.4 and 4.5.

Figures 4.4 and 4.5

In the late 1980s, when it came to drafting the Sino-British Joint Declaration and the Basic Law in the lead-up to the 1998 handover of Hong Kong to China, it also became clear that, in the name of tradition, the indigenous elite was determined to maintain the two systems of land rights in the NT (Committee on the Right, Wellbeing..., 1987). In this regard, indigenous representatives refused to consider the SHP a privilege;



Figure 4.4. The developers built small houses as collective housing by soliciting 'ting rights' from the indigenous inhabitants. (*Photo*: Shu-Mei Huang, 2014)



Figure 4.5. Village houses built as gated communities by private developers. (*Photo*: Shu-Mei Huang, 2015)

it was rather framed as a form of compensation that could hardly make up for the historical loss they incurred when their freehold rights had been transmuted to leasehold following the annexation of the NT to Hong Kong. In the end, Article 40 of the Basic Law recognized that 'The lawful traditional rights and interests of the indigenous inhabitants of the "New Territories" shall be protected by the Hong Kong Special Administrative Region' (emphasis added). Moreover, out of respect for 'traditional rights', all leases that were to expire on 30 June 1997 were extended until 30 June 2047, with the exception of the new annual rent applicable to other land leaseholders. It is further worth noting here that the wording of an older draft of the article had referred to 'the legitimate traditional rights and interests...', but the word 'legitimate' was ultimately replaced with 'lawful' (Hopkinson and Lei, 2003). The subtle change avoided the need to address the debatable legitimacy of legislating a privilege. Tradition may now thus be taken for granted, since no clear definition of 'traditional rights and interests' appears in the document. Furthermore, the continued traditional character of the given society where the law is embedded is left unquestioned.

Over the years male indigenous leaders in the NT have lobbied government officials to protect their 'rights'. But there has been no shortage of criticism of the exclusion of indigenous women from the benefits of the SHP and related inheritance laws. A movement during the late 1980s and early 1990s advocating for female inheritance in Hong Kong reached its peak in 1994, when a report by the Hong Kong Council of Women pointed to the patrilineal practice as a form of gender discrimination that contravened the colony's newly passed Bill of Rights. In 1995, echoing the movement, the United Nations Committee on Economic, Social and Cultural Rights also made its concern with the policy official. This was met by a campaign by the HYK, 'Why are you killing our culture?' (Merry and Stern, 2005). Eventually, however, the movement did lead to a successful amendment to the New Territories Land (Exemption) Ordinance allowing women to inherit property. Significantly, however, this also left the SHP intact.

Tradition is (Dis)connection

As Selina Chan has pointed out, the ethnicity of the indigenous inhabitants of the NT villages represents a clear case of the politicization of identity. At the outset this identity was constructed in a way that homogenized the diverse ethnicities living in the area, including at least Punti and Hakka, before 1898 (Chan, 1998). However, the lineage organization of the

villages, which so intrigued anthropologists in the 1960s and 1970s, now consists mainly of 'virtual kinship' (Watson, 2004). Nevertheless, it is by these means that an exclusive distribution system operates. And it is by means of this system that tradition has been produced and consumed in the NT.

Tradition, as Ananya Roy (2004, p. 64) has noted, 'only becomes authentic in the act of consumption', and 'the consumption of tradition is the production of tradition'. Simultaneous consumption and production may be partially the case with regard to the construction of small houses. But the fact that each small house also requires a piece of land makes the act of its construction more than merely performative. For instance, the lack of comprehensive planning has encouraged village sprawl and created environmental impacts in such areas as drainage, water quality, and transportation. The exercise of traditional 'rights' has, ironically, also resulted in the loss of old village houses as indigenous heritage.

The granting of such rights obviously represents an inefficient and unsustainable use of a scarce resource, in which the greater society of Hong Kong should have a say. The continuous growth of small houses cannot be contained; they establish claims that simultaneously produce and consume territory. Thus, while others may lament that tradition is ending, the power of tradition in this case seems very much to have progressed in new directions, ones that arguably enable continuing processes of exclusion and dispossession. As AlSayyad (2004, p. 23) has argued, 'so it would seem that what has ended, in the end, is not tradition itself, but the idea of tradition as a harbinger of authenticity, and as a container of specific cultural meaning'. By transforming itself into a distribution system that serves the self-displaced indigenous, tradition has thus displaced the issue of 'authenticity' altogether in the NT.

With reference to the spread of Western cultural dominance, Jane M. Jacobs (2004, p. 31) has pointed to 'the embedded teleology and geography of the modern making of tradition'. Moreover, to describe their twinned etiology, she described tradition and modernity as 'a vibrating couplet within which the terms are *both* co-dependent and mutually exclusive' (Jacobs, 2004, p. 33). Thus, in understanding processes of deterritorialization and reterritorialization under globalization, she argued for a formulation of relationship whereby 'tradition is (not) modern'.

Of related concern here are the processes of disconnection and reconnection that may appear in the name of tradition when tradition is extended to a new cultural regime. Jacobs appreciated the inevitable inventiveness of continuations of tradition, and, in particular, of attempts

to amplify indigenous authority through productive processes enabled by hybrid architecture. The indigenous authority in Hong Kong, however, has not sought to connect different actors in the extension of tradition. Rather, it has acted more as if engaged in a bidding game, where the indigenous inhabitants have now disconnected themselves from their place and tradition. Literally speaking, they are not necessarily there. However, the fact that an increasing share of the consumption and production of tradition is now carried out in the absence of the indigenous villagers raises questions about the fundamental meaning of being indigenous and of the authority of the indigenous when its authors are no longer in place. To paraphrase Jacobs's productively unstable formula, it may be fair to say that tradition can sometimes be considered a (dis)connection. And in this case, the sense of disconnection is completely materialized in the emerging gated communities being created through the construction of new small houses (see figure 4.5).

It was within this context that the indigenous population originally sought to lobby Chinese authorities to continue the two land-tenure systems developed during colonial times into post-handover Hong Kong (Chan, 1998, pp. 39-54). And they attempted to find justification, by association, in the differential treatment granted to Hong Kong under the principle of 'One Country, Two Systems' by which the territory was to be reincorporated with the mainland (Chan, 1998, pp. 39–54). In other words, they sought to formalize the special system of indigenous rights through a condition of 'Two systems in One Hong Kong' (Lau, 1999, p. 119). However, beneath the discourse of tradition, 'the great difference' in the NT has been translated into a particular kind of social order, land politics, and built form. And the HYK was not totally unaware of the problems created by this system. They therefore encouraged proposals for alternative ways to sustain tradition - for example, by a doubling or tripling of the volume of small houses (in six- to ten-storey blocks) to address the issue of an insufficient supply of land (Ng, 2000).

At the same time as the indigenous population has sought to extend its rights, interest has also been revived in farming in the now rapidly urbanizing NT. This movement has been led by non-indigenous farmers, who have organized protests to keep the territories green, agrarian, and unbuilt. Ironically, this group would never have been considered a legitimate claimant under the colonial gaze.

The postcolonial thinker Ashis Nandy has provided some thoughts that may be relevant here. Nandy (1983, p. ix) has argued that 'Modern colonialism won its great victories not so much through its military and technological prowess as through its ability to create secular hierarchies incompatible with the traditional order'. Seemingly, it is precisely in this sense that the invention of the small-house policy created a political hierarchy that served the interest of colonial governance. The colonial regime did not deny, but rather it transformed the traditional order. And this has resulted in a unique form of urbanization in the NT in which tradition is simultaneously disabled and augmented. While ordinary indigenous people were thus encouraged to leave their farmland behind, the indigenous elite gained a new form of power and authority in a political system certified by the British, who ironically came to function as the upholders of Chinese tradition. By accepting indigenous status, as governable imperial subjects, one gained the 'privilege' to have one's agricultural lands expropriated in exchange for a small house. Yet this has now led to a loss of the very unbuilt territory where the tradition was originally grounded.

This interpretation of historical events raises several important questions. Is it possible that tradition might once again serve as a connecting device, rather than one that displaces people from lands, and that disconnects people from other people? And, is there an alternative to the gradual 'ungrounding' of tradition?

For his part, Nandy (2014, p. 12) has called for recognition of the creativity of everyday life and the possibilities opened by 'the partly mnemonic traditions of healing and agronomy'. That tradition is translated into a tradable property right has gradually led to a loss of the land where the mnemonic traditions were embedded. In the following section I will describe actions by the non-indigenous population of the NT that demonstrate their determination to sustain the mnemonic traditions embedded there.

Non-indigenous Communities Acting for and against 'Tradition'

Some of the aforementioned gated communities that have been developed with small-house grants are located in the proximity of the Kam Sheung Road station. The same area contains many non-indigenous villages originally formed in the 1950 and 1960s, when many mainlanders fled to Hong Kong from southern China to avoid political turmoil and famine. Their arrival coincided with the colonial government's policy to promote local agriculture to reduce Hong Kong's dependence on China for its food supply. Many migrants took on the important role of being farmers,



Figure 4.6. Typical one- or two-story houses in non-indigenous villages. (Photo: Shu-Mei Huang, 2014)

cultivating lands leased to them by the indigenous villagers. Yet, because they were considered 'non-indigenous inhabitants', they were excluded from local politics, which were dominated by the HYK. Next to their gardens, they mostly lived in self-built farmhouses, which have been categorized under the law as 'temporary structures' if they were built before 1980 (figure 4.6).

Following the initial period of growing agricultural production, however, a decline closely followed the relaxing of control over agricultural imports from China starting in the late 1980s. One consequence, for example, is there has been no production of rice since 1990. Hong Kong's self-sufficiency in vegetables, which stood at 13.9 per cent in 1997, had also fallen to only 2.3 per cent by 2012 (Local Research Community, 2013). Overall, agriculture now accounts for less than 0.5 per cent of GDP in Hong Kong. Likewise, in the past decade, 30 per cent of farmland has been transformed into other uses. Currently, there are only 4,575 hectares of farmland remaining in Hong Kong, and about 80 per cent of agricultural land is idle (most of it having been bought up by developers).

In a territory where farming has become a marginal activity, the case of Choy Yuen village (among others) illustrates the birth of a new awareness of how farming may connect tradition to a more sustainable way of life. The name Choy Yuen literally means 'vegetable garden'. A typical nonindigenous village formed in the 1950s, it comprised roughly 500 people in 2009. During the 1970s and 1980s, vegetable- and flower-growing were the predominant activities there. This was exemplified by the 'veggie station' at its entrance – one of two government-run stations associated with the Vegetable Market Organization, through which villagers could sell their produce through a public entity.

In the mid-2000s, plans were announced to demolish the village to allow construction of the controversial Guangzhou-Hong Kong Express Rail Link (hereafter XRL). Once this plan was announced, many questions arose. For example, why was it necessary to demolish this village in particular? And why was it even necessary to carry out such a plan, which would cost US\$9 billion? From 2008 onwards, however, the village's resistance to displacement evolved into a general anti-high-speed-rail movement, and between 2009 and 2011 thousands of people took to the streets to urge the HKSAR to adequately rehouse village inhabitants and allow them to continue farming and living in an integrated landscape.

Some in mainstream Hong Kong society have questioned why the village opted to fight for collective relocation instead of accepting an immediate monetary compensation or rehousing in public estates. It was largely forgotten that there had been previous instances of entire villages being relocated in both the 1960s and 1980s. In both the case of Tsuen Wan and Ha Kwai Chung, two indigenous villages, the colonial government had forcedly expropriated village lands and built new housing for the villagers at public expense. Interestingly, in the Ha Kwai Chung case, the government had built new two-storey houses with 675 square foot (62.7 square metre) footprints. The size and form of these new houses implicitly recognized the example of the SHP (Yiu, 2015).

The Choy Yuen village mobilization was augmented by the emerging social activism of the so-called post-80 and post-90 Hong Kongers, whose numerous rallies pressured the Legislative Council to temporarily hold back funding for the XRL. Throughout 2009 and into early 2010, several reports were also published by civic groups questioning planning for the project, including overly optimistic claims of transportation speed, poor analysis of cost-benefit return, inflated ridership estimates, and inadequate concern for immigration control. Despite growing opposition, funding was eventually approved, however, and Choy Yuen village was dismantled in 2012. The notable level of social discontent did force the government to partially accommodate the villagers' appeal for collective relocation.

With the help of social workers and student volunteers, the villagers organized themselves to purchase a parcel of land where they could build

houses together as a cooperative. However, this seemingly simple effort at collective relocation proved much more challenging than expected. Major difficulties arose when it came to obtaining building permits, land, rightsof-way, and access to water and utilities. For example, the government did not provide the assistance it would have in the case of the relocation of an indigenous village. And the villagers not were granted permits through the SHP. Instead, they could only apply, through the less generous Land Rehabilitation Scheme, to build two-storey structures with footprint of 400 square feet (37 square metres) next to their farmlands.⁶

Farmland, obviously the key to the relocation plan, was also not easy to obtain. After more than sixty failed attempts the village still had not been able to acquire a suitable site. Across the NT, available land often suffered from serious pollution and soil degradation due to the practice of 'destroy first, build later' - for example, by dumping construction waste on abandoned farmland or in fish ponds to preclude future efforts to farm them.

Another problem, hinted at earlier, is the requirement that villagers secure the consent of local indigenous leaders to buy or develop properties. This is why, as I mentioned at the beginning of the chapter, the Choy Yuen villagers had to phone the then HYK chairman Wong-fat Lau. At the end of 2010 the villagers had finally been able to obtain a suitable site from one landlord and an agreement for a right-of-way to it from another. But their excitement was soon dashed when the price for the right-of-way was subsequently raised from an initial US\$25,800, to US\$387,000, and then US\$645,000 – that is, twenty-five times the original offer. Faced with this situation, the villagers had no other alternative than to appeal to Lau, who then surprisingly announced that an anonymous donor had agreed to settle the deal for them. The entire drama seemed to have been created for the express purpose of reaffirming the power of the indigenous leadership.⁷

'There are no ancestral halls or temples in the non-indigenous villages', noted Y.C. Chen, one of the village activists, in a 15 June 2011, interview. 'But the belief in farming as an integrated way of living serves as our temple to anchor the new village.' Indeed, some third-generation villagers I interviewed in May 2011 told me they considered their village to be heung ha, a Cantonese term used by early mainlander migrants literally to mean 'hometown'. To assert their way of life next to their farms was to some extent a search for an alternative tradition that might empower the nonindigenous population.

In effect, the lack of a longstanding patrilineal leadership structure within the indigenous community had left a space for families with

different backgrounds and interests to negotiate, cooperate, and even fight one another for access to resources. As P.F. Chen, one of the organizers of the village relocation effort pointed out, the social network in the village has been largely developed based on their lived experiences over five decades. This has, among other things, involved battling floods, building houses, and selling vegetables together (Yu, 2013, p. 95). And with the help of activists and planners, these villagers had ultimately managed to reconcile their diverse opinions in the relocation struggle through an exhaustive participatory planning and building process (Wang, 2014). The result was a project for a new village comprising forty-seven low-cost 'eco-village houses', along with a sustainable plan for fish ponds, orchards, a rainwater garden, and wastewater recycling.

Interestingly, farming as a way of life has also gradually attracted the interest of young activists from outside the village community. Several of them even launched a project entitled 'Choy Yuen Life', and moved into a vacant village house to continue working with the villagers from 2010 to 2012. Gradually, the project evolved into a combination of community organizing, organic farming, and experimental art. In a way, these young people became part of the village, and in so doing expanded, if not redefined, the villagers' traditional way of life. As one of the young activist-farmers told me in a 22 May 2011, interview: 'Initially it was indeed a way to establish trust among the activists and the villagers. But it has been changing. Now I see us doing this more for our own interest in farming and living together than serving the social movement'. Another implication of this transformative process, however, is that it has implicitly extended of the notion of tradition and the boundary of the village within which it operates.

Following in the footsteps of Choy Yuen village, other cases of the struggle of the non-indigenous population for land rights have now increased awareness of the endangered nature of farming in the NT. Another non-indigenous village threatened by development is Ma Shi Po. Its case appeared in the press as the result of a controversial plan to rezone of the Northeast New Territories (NENT) (Cheung et al., 2014). In fact, this village is one of fifteen in the south of Yuen Long, the north of Fanling, and in Kwu Tung North, which were all slated to be dismantled as a consequence of the plan. The rezoning was designed to develop and urbanize the greenbelt area between Hong Kong and Shenzhen. Supposedly, the redevelopment would upgrade the regional economy to advance tertiary industry, attract new talent to the area, and ease competition for jobs and housing in overpopulated urban Hong Kong. But eliminating

the greenbelt would ultimately affect 250 million people living in an area of 7,000 square kilometres.

There is not room here to give a detailed report of this ongoing project. Yet the fact that more and more young Hong Kongers have joined the nonindigenous villagers to oppose it over the past 3 years sends an important message. Opponents have sought to highlight the significance of the area as the only remaining greenbelt between Hong Kong and Shenzhen. And their action has discursively expanded the meanings and geographies of tradition.

Interestingly, with respect to the rezoning of the NENT, the indigenous elite has not talked about farming as a tradition. Rather, they have encouraged the would-be-displaced communities to compromise their personal interest in the name of the public good, just as the indigenous population was encouraged to give up their ownership rights to the land a century ago. But in return there is no potential new 'traditional right' being offered to the non-indigenous villagers in this case.

Juxtaposing this struggle by the non-indigenous population to continue farming with the longstanding effort by the indigenous villagers to maintain their traditional rights raises significant issues that reflect on the themes of agency and tradition that underlie this book. In particular, it shows the contemporary power of tradition to serve as an instrument of (dis)connection. On the one hand, the indigenous elites are now insisting on perpetuating their special right to exclude others from developing lands in the NT designated for village use, in the interest of 'villagers' who may no longer even reside there. On the other, non-indigenous farmers are inviting people to join them in sustaining the borderlands as a productive greenbelt between two globalizing cities, and in the process they are extending the 'grounded' tradition of farming to a new generation of Hong Kong residents. It is worth asking whose practices offer a better case for safeguarding 'the great difference' identified by the former colonial authorities as the basis for traditional rights in the first place.

Towards Unearthing Tradition

[T]radition itself is lost, or transmuted into traditionalism, when it ceases to move forward.

Susan Felch (2005)

A friend of mine, who is a university teacher and who rents one floor in a typical three-storey small house, generously shared with me the view of the serene NT countryside framed from her window. My friend and most of her neighbours in the gated neighbourhood where they live are not indigenous to the NT, nor are they necessarily aware of the ongoing changes brought about by the houses in which they reside. What exactly is this tradition, then, when the small houses built in its name are simply a tradable property?

One cannot but recall the colonial gaze of the British officers who established the basis for this condition. They believed it was crucial to allow the indigenous inhabitants to sustain the dwelling practices that differentiated them from the urbanized population of Hong Kong. And they believed that colonial governance would work more effectively and efficiently if two systems of land tenure were allowed to coexist in the colony. Today, however, it is often the non-indigenous middle-class that buys or rents space in the small houses to benefit from the colonial gaze, and so perpetuate the two systems in the postcolonial city. Considering this underlying reality, one has to question the reason for continuing to disconnect the inhabitants of small houses from the rest of Hong Kong.

This chapter has reviewed the historical context behind the creation of the SHP, which was supposedly enacted in an effort to protect the traditional social organization embedded in access to village lands as part of an ancestral trust. It has also revealed how, within a rather short period of time, the SHP has produced a privilege among the indigenous male inhabitants to continue to build and profit from their right as if it were a commodity, without due respect for the negative effects it might have on the surrounding ecology and village heritage.

It should be clear by now that the specific policy measure that found its source in tradition was never equal to the tradition. However, the indigenous elite has not let anyone question the formula. Indeed, in mid-December 2015, several reports revealed that, due to political pressure, the government had shelved for at least 10 years an effort to review the SHP. Recently, the HYK also stated that it might bring the case of 'traditional rights' to the Standing Committee of the National People's Congress, a symbolic move seen as challenging the autonomy of the HKSAR. Both developments suggest that the use of tradition remains central to politics in postcolonial Hong Kong (Ng, 2015). Today they indicate that 'the nationstate' is now being asked to legitimize selectively the source of the tradition, even though the nation-state - as the arbiter of official built tradition (AlSayyad, 2004, p. 5) - in this case continues its unstable relation with the postcolonial territory. Tradition, again, is used strategically as a (dis) connection to, at once, separate and connect, and ultimately to produce the somewhat arbitrary differences that legitimize the tradition.

The invention of the indigenous and of their privilege to build small houses serves as a living embodiment of how tradition may create privileges and cleavages within a given population. In this case, practices related to the SHP separate the privileged indigenous not only from the urbanites of Hong Kong but also from the descendants of farmers who were largely identical to them, but who migrated to the colony later as a result of historical events in south China. When the colonial authority demarcated the NT from the mainland, the communities there were differentiated from those living across the border, and in some cases villages that occupied the borderlands were cut in two and became populated by two kinds of people. A privilege, compensation, or a right (as the villagers would have it) was created by this act of arbitrary separation, without consideration for how the colonial project might eventually have an equally profound effect on people on the other side of the border. When the farmers living there migrated to the NT, they suddenly became non-indigenous villagers, as if the historical connection and mnemonic traditions of agronomy did not exist. That the invented tradition had been used to create a disconnect with the past inevitably made its goal self-conflicting.

This chapter has described how certain indigenous residents of Hong Kong have translated their tradition into a claim for special rights. However, this claim was founded on a presumption that the NT would be kept a distinct territory from urban Hong Kong. Ironically, this claim may now present a challenge to the ongoing top-down project to connect the cities of the region across the border between Hong Kong and mainland China. In a way, then, the indigenous communities and the non-indigenous farmers are not necessarily without common interest, although it would be quite difficult to imagine the two camps working together in the near future. The case of Cascadia presented by Matthew Sparke (2004, pp. 112-13) suggests that challenges to national sovereignty may succeed if claims from different communities can together 'landscape' the end of the nationstate. Success in this case, however, may engage the indigenous population instrumentally without necessarily providing justice for those who have suffered from being excluded from access to the land in the same territory. Among these groups are both indigenous women and non-indigenous communities, which arguably share a very similar ethnic background and lifestyle with the indigenous inhabitants.

This chapter has also examined the ways in which farming as a mnemonic tradition may help revamp the notion of tradition. To unearth tradition, it is not necessary to negate or oppose its authenticity but to seek out coeval existing traditions that may connect rather than disconnect or disinherit lived memories across borders. Authenticity, as Colin Graham (2001, p. 63) has argued, is concurrent with the rise of the nation, and arises out 'of contexts in which the nation becomes an active arbiter between the past and a "people"... [It thus] combines the prioritization of "origins" with the "pathos of incessant change". The invention of the NT and of its indigenous inhabitants serves this purpose, and it continues to strengthen the nation-state even if it took place literally outside the regime of postcolonial Hong Kong. It is such a continuation of governance from the outside that disallows different people from negotiating for themselves to connect their multiple pasts with the future. By contrast, the non-indigenous farmers' resistance, as the case of Choy-Yuen village demonstrates, unearths the mnemonic tradition embedded in farming in the NT, to conceive an alternative future of connection rather than separation. Yet, the fact that the urban development agenda they are fighting is a nationalist one, designed to connect people across the ambiguous border between postcolonial Hong Kong and the mainland further complicates the context in which tradition serves as a (dis)connection.

The question of how to sustain a productive greenbelt that can be meaningful to multiple parties and their understanding of tradition remains a theoretical and political challenge that can only be explored in future research. In particular, it raises the additional question of how to accommodate similarly disadvantaged farmers living in mainland areas across the Shenzhen River. Will it likewise be possible to include them in the remaking of tradition, so that their plea to also farm the borderlands will not be reduced to one of nationalism or traditionalism?

Perhaps it is necessary to review how tradition operates by examining 'Whose tradition?' is at work and on what grounds. The ongoing task then would be to search for a more inclusive process of engaging tradition in a way that might be generative rather than deadening (Felch, 2005, p. 55). It would enable multiple communities to participate in and, more importantly, to ensure that the ground of tradition remains fertile and productive.

Notes

- The land practice allowed for 'bottom-soil' rights, which gave the owner a fixed rent from a plot of land without any right to remove the renter or control use. See more in Watson and Watson (2004).
- For example, Pok Fu Lam is such a village, dated to at least the eighteenth century. See more in Caritas Communities (2012).
- 3. Minutes of DOO Meeting of 10 June 1971, in Hong Kong Record Service (HKRS 563-2-39), p. 2.

- 4. Legislative Council Sitting Record, 27 November 1902, pp.70-71. Available at: http://www.legco.gov.hk/1902/h021127.pdf.
- The resale soon led to an additional clause being added in 1976 to prevent villagers selling to outsiders within 5 years of obtaining a Certificate of Compliance. An amendment in 1979 permitted this non-assignment clause to be waived as long as the full market premium was paid.
- The Agriculture, Fisheries, and Conservation Department created the Agricultural Land Rehabilitation Scheme in 1988 to encourage use of otherwise idle agricultural land for productive farming.
- 7. See another recent case documented by Elaine Yau (2014).

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