4. Witnesses will be prossectued

Policy can be a blackmailer and a strumpet. Anyone reading the policy on hawkers could be excused if he expected to see tens of thousands of hawkers jogging around the streets with two baskets on the ends of bamboo poles. That is what the vast majority of hawkers are, to this day in the year 1971, legally permitted to do. For their pedlar hawker licences they pay $20 a year, and this permits them only to be mobile: if ever they wanted to embarrass the authorities, they could do it simply by keeping the law and circulating in their tens of thousands in the streets, causing major obstructions with their poles and baskets.

This has been the policy since the ancient days in Hong Kong; talk of changing it has gone on for years; but a practical policy suited to the times would give rights to "these people" and cut out corruption that can be squeezed only when policy is impracticable; changes have therefore never gone far beyond talking point.

Some hawkers do have fixed pitch licences: theoretically these are, for the most part, handicapped people. In practice they are not: handicapped people are all too often used in applications for these more valuable licences by unscrupulous strong-arm men.

Anyone with half an eye and no brain can see that very few hawkers can possibly operate according to the licence conditions. So most of them have become illegally static: as such they are only "tol-
erated” by the powers that be. To recognize them as legal would cut out a lot of corruption, and it would also be considered a bit too generous: as one official of the Social Welfare Department said a few years ago: “We must not allow these hawkers to think they have rights.”

And that is why I began by saying that Policy is a strumpet: what the licence cannot do for the hawkers, money can. If anyone doubts the truth of this he should visit any resettlement estate where nearly all hawkers are operating illegally, and ask himself how they can exist contrary to the law.

Hawkers have to eat, and so have their children. The only goal of the hawkers is, therefore, to “wan sik” (look for a living), and for this in the absence of rights they are prepared to pay those who have the power to stop them eating.

The powers that be have always tried to persuade the uninitiated foreigners in Hong Kong that hawkers and others “like” to pay bribes (“Tea-money”) for their privileges, and “privilege” in Hong Kong seems to include the right to live at all. Even members of the Advisory Committee on Corruption (a committee set up to give goodness-knows-what advice to the Anti-Corruption Branch of the Police) have in the past tried to convince me that hawkers “like” to pay tea-money. In the face of out-dated policy that no one can carry out, what choice have they? Hawkers make no bones about it: they pay because otherwise they must starve. They joke about it with bitterness. They know that policy is never on
their side, that they can never win.

Hawkers used to grumble about the police: they still do in places where police control them. When the Hawker Control Force was set up to replace Police in an attempt to stop police graft among hawkers, the hawkers grumbled even more. The reason for this is best stated in their own words: "The police have many dishes to choose from, but the Hawker Control Force has only one — us hawkers." But the police and the Hawker Control Force are not the only ones who squeeze them: there are health inspectors, and thugs.

A few years ago some hawkers decided to take the Chief Justice and others out of touch with the facts at their word and report corruption. Hawker leaders in all parts of Hong Kong and Kowloon listed the places where corruption existed and handed them to the writer. One area was chosen as a test case and all details were given to the Anti-Corruption Branch, including the names of those collecting the money; the names of the informants were deliberately omitted — fortunately for them as it turned out.

It took exactly a year for the Advisory Committee on Corruption to produce a report on this case. When it came, this report said that corruption had been found among the lower ranks of the Hawker Control Force (the truth of this is doubtful, though it is usual for the lower ranks to be the scapegoats), but pointed out that before action could be taken it would be necessary for those who had laid the charges to come forward. "The Police could not proceed with the case unless the informers were interviewed." Fair enough, but here's the rub: "The
Police could not give a guarantee that the informer would not be prosecuted because if it should be disclosed that he had committed an offence, the Police were bound by law to take action.’ The “offences” liable to prosecution under this law were named: “More serious offences such as the offer of a bribe or membership of a triad society might have been committed, in which case the Police had no alternative but to consider prosecution”. So much for the hypocrisy of the authorities in asking for information on corruption. Potential witnesses are thus blackmailed by the police into silence by threats of prosecution for “offences” that can invariably be framed up. Every hawker has to pay bribes, and it would not be difficult to find someone to say that a bribe had been “offered”; moreover, in most cases the bribes are collected by members of triad societies (“Ma Chai” of the police), making it simple to prove that the hapless hawker has paid membership dues to such a society. Charges of bribery and membership of triad societies need no genuine proof, and in the secret Tribunals under the Deportation and Detention Regulations, where such cases are sometimes tried, hearsay evidence by a single policeman without witnesses or means of defence for the victim, may result in years of detention for the informant on corruption.

In this cat-and-mouse game the hawker cannot win since he is always the mouse: the best he can hope for is to pay up the squeeze demanded and keep his mouth shut. If he opens it, he will almost certainly at some time in the near future find himself being prosecuted for an offence he has never committed.