6. Ngo m sik (I don’t understand)

The Chinese used to have quite a high regard for the English language. In their own country it was the hallmark of modern education to be able to speak a few words of English; nevertheless, it was always a barbarian language, a language for science and not for culture. The Chinese language has always been the language of ancient civilisation and culture.

Hong Kong is different from the rest of China in that it is a Colony. Here, English has always been to the Chinese the key to the civil service, a job offering security but demanding no initiative. Here, English represents the old imperial system, like that of the Manchus, but even more foreign. Respect and hatred for English may be one reason for the apparent apathy found among Chinese civil servants, but there are many other causes for the apathy found in this Colony.

Many of the Chinese who settled in Hong Kong after World War II knew very little English, but they saw it as the golden gate to the future for their off-spring. English schools mushroomed all over the Colony, and almost anyone who knew A B C could readily find a job teaching English to those who knew even less than that. What some of these English coaches taught their pupils still eludes the imagination. But as no education was provided for squatters and underprivileged children in those days, perhaps knowing A B C was better than no education at all. As one official of the Education Department said: “We’ve had enough trouble about their hous-
ing; they can't expect education as well." They didn't. The generation that would expect education was still in its infancy. Instead, the squatters tried to find their own teachers in the back alleys.

Students rushed to learn; mothers starved themselves to pay for the bad education of their children, believing it was the lucky charm that would change their present hell into a future paradise.

But students soon found out what their parents had not realised: that English is not an easy language to learn; unlike Chinese it has many intricacies of grammar, and sounds that the Chinese, unaccustomed to consonant endings and multi-syllabic words, find hard to pronounce. Any teacher of English can guarantee to meet the same errors in primary school, and persisting even to University and beyond. The average Chinese boy or girl will always answer "Yes" to a question giving an alternative such as "Do you like Chinese food or English food?" — to the exasperation of the teacher. He will also answer "Yes" to the negative question, "Don't you like coffee?". Of course he doesn't like it, and "Yes" means that it is true he doesn't as the question asked him. From such errors spring a multitude of misunderstandings. An English teacher with no knowledge of Chinese complained angrily that her students had lied to her when she asked them, "Haven't you finished your exercise?", but refused to pass in their books after answering "Yes": yes, it was true that they hadn't finished, and there was no lie; but confidence on both sides had been undermined. Substitute a more serious situation and you have the basis for
serious misunderstanding.

Yet more than 98% of the people of Hong Kong are expected to understand laws written in a foreign language. I never understood why in some countries there are revolutions over language, until I saw the problems created by language in Hong Kong. Of those who do know English, probably only 5% can be called truly conversant with the language. This is one reason why colonialism is always a sin, and all colonies come to a bloody end. Language creates a privileged class and leaves the vast majority frustrated and resentful.

Some laws are easy to understand because they are a matter of conscience. In any language it is wrong to commit murder and robbery, and this the Chinese understand better than many Europeans. But how could anyone know that it is unlawful to erect a hut to shelter your children, yet quite lawful for armed men in Government uniform to come and smash down your hut, leaving your children shivering in the cold, miserable in the rain, or scorched in the sun? How can an illiterate hawker (not all hawkers are illiterate of course) know that it is illegal to sell meat on a hawker stall, when meat is sold in exactly the same conditions in Government markets? Or understand when the hawker discovers that if he had paid a uniformed man $5 a day his meat could be counted wholesome? How could he understand that regulations made for him do not apply to any Government Department? The hapless man concludes that all laws are aimed at catching him out one way or another,
until he has paid the required bribe, after which the law disappears from official sight.

No wonder men in Europe a century ago fought and died for constitutional Government that would create laws to be applied equally to all, ruler as well as ruled!

To return to the subject of language; even if you are English by birth, it is not easy for you to understand legal language; but in Hong Kong, the devious ways of avoiding the requirements of laws that in the colony's circumstances could never be carried out anyhow, make them even harder to grasp.

Several years ago a private school in Shamshuipo registered, and had operated for two years when a new fireworks shop opened beneath the rooms where small children sat at their studies. Fearing for their safety, the principal of the school reported the danger to the Fire Services Department. Imagine his surprise and shock when that Department confirmed the danger and ordered the school to close. When the principal protested that the fireworks shop had just opened and should be the one to be removed, he was threatened with court action unless he closed at once. The powers-that-be argued that a fireworks shop needs no permit to operate anywhere it likes; the principal was accused of endangering the lives of the children. In vain did he reason. Only when he managed to get the ear of a European "troublemaker" did the matter get investigated; after some hard words on both sides,
the school was finally permitted to remain open. The principal himself could not have won his case: for one thing he did not know enough English to argue; nor did he know that with some bureaucrats only strong, plain-speaking can penetrate the skin.

Language is a big enough barrier in the ordinary things of life, but woe betide you if you get into the hands of the law under suspicion of crime, or even for breaking an irrelevant byelaw. If you are Chinese it is unlikely (unless you are rich enough to engage a lawyer) that anyone will tell you your legal right not to make a statement, or even that you have the right to plead not guilty. At worst you will be beaten and told to make a statement admitting guilt. At best, you will be told to make a statement in Chinese, to be translated into English by people with a half-baked knowledge of the language, and you will then be required to sign the English statement, which may or may not have been translated back to you accurately.

Local people repeatedly complain that they do not know what they have signed, or that they were beaten until they signed. In the absence of proof (and how could the accused ever have proof?) the policeman is always right, so you might as well save yourself the trouble of saying that you had to sign something untrue or something you did not understand. Sometimes the hapless accused does not know the charge against him until he reaches the court. For example, a man who owned two Chinese billiard tables measuring twenty-nine inches square (I measured them myself) was accused of obstruc-
tion for having these tables outside his shop. The summons on the Chinese side stated simply "Obstruction". When he reached the court he was amazed to find the Magistrate asking him about his two table tennis tables measuring six feet by ten. He knew that many others in the area had such tables, but he possessed none, and told the Magistrate so. But the Magistrate did not bother to call for the tables to be brought in evidence; for him it seemed to be enough that a policeman had said they existed. The man was made out a liar and fined $150 which he did not have, or three weeks in prison which would have killed a worried man with liver cancer, as he was. He had a family of ten persons to support, and placed his small tables outside in a cul-de-sac without traffic, to make a few extra coppers. Perhaps the reader would understand the purpose of the exercise if I were to mention that prior to the summonses, this poor man's wife had been reminded by a policeman that others with obstructions had paid their "dues". She failed to take the hint. Departments will cry out that this is no proof why the summonses were issued. Before doing so, perhaps they would consider a suitable explanation why many other and larger obstructions were tolerated in the same block of houses, while this man, with smaller obstructions had summons after summons, all giving a wrong size.

Departmental action on this case proved only one thing: that an injustice had been done, and that all Government Departments were determined to cover it up.
A high official of the Resettlement Department told me that to his knowledge this man never had any table tennis tables, and in any case, he said, they should not have been the subject of summonses when other obstructions were tolerated. He was not prepared to make the same statement officially: perhaps his own job would have been in jeopardy if he had implied injustice against the police.

But the greatest fun came in dealing with the case through the Legal Department, whose main aim appears to be to prove that everyone else tells lies and must be punished for it, but never a Government Department; any mistakes made by the latter are excusable, even if it results in an innocent man going to prison.

Negotiations with this department began early in March, 1969, and when no reply was received, a further report was made four months later. Investigations, I was told, were still in progress. Finally the result was made known on 27th August. Excerpts from this reply will reveal the state of "justice" in Hong Kong:

"At his trial the table-tennis tables were not produced, as you say. But in a case of this kind one would not expect the production of 'real evidence' such as tables cars bicycles etc., and the police would not seize them or the court forfeit them. It is common knowledge what table-tennis tables are like, and the obstruction could be and was proved without having to exhibit them in court."

A new kind of justice when a man pleads he did
not possess the objects, and the case was "proved" without producing the evidence! How nice to be a policeman and be believed like that!

Before one Magistrate (maybe more awake to the conditions prevailing in Hong Kong) some of the summonses against this man were dismissed — summonses brought by the same policeman. The reason given is: "The Magistrate dismissed the summonses because there was no evidence of ownership. As regards the measurement of the tables, the P.C. described one table as 3 x 5 feet and two tables 6 x 10 feet. In re-examination at the end of his evidence he agreed with the prosecutor that the total area of two tables should be 30, not 60 square feet, and that he had made a numerical mistake. My feeling is that this was an error anyone might make, let alone someone of limited education like the P.C. As regards the ownership of the tables, the P.C. never said to whom they belonged although he had done so in the earlier cases. But this might have been because he was not asked to whom they belonged. Thus the prosecutor seems to have overlooked the necessity of asking such a question and the magistrate never cleared up the point himself. Mr. S’s solicitor could also have cross-examined the P.C. about it. But instead he raised it for the first time as a technical point in his final speech, which, of course, he was entitled to do. However, the magistrate made no finding that there was discrimination or that Mr. S did not possess such tables, as you suggest."

So a policeman may be excused because of his
education being limited. No one asked the education of the victim or excused him on any grounds at all. But if the readers can puzzle out how two tables became three (as mentioned in the quotation), and how the total measurement of two tables was 30 square feet when they were supposed to measure 6 feet by 10, perhaps they would let me know as it still remains a conundrum to me. It should also be pointed out that the dismissal of the later summonses took place after a complaint had been made about the previous conviction, in which no evidence was produced.

Concerning the latter, the Legal Department goes on to explain: "... the P.C. made precisely the same error as to the area of the tables. But there was evidence of ownership and the P.C. testified that Mr. S claimed the tables were his." One wonders why the magistrate did not ask Mr. S whether the tables were his — and in fact, which tables, since none were produced? Mr. S never denied he had two tables measuring 29 inches square.

The whole episode reads like Gilbert and Sullivan, but in spite of all the errors and omissions, the Legal Department spokesman ends by saying: "Accordingly, nothing has transpired to cause me to believe that Mr. S was not properly convicted before Mr. X (the Magistrate who convicted him is named), and I cannot accept that any injustice was committed thereby."

Readers may be interested to know that the matter of providing table-tennis tables for children
was later brought before the Resettlement committees, and it became legal for shop-keepers to provide this kinds of entertainment outside their shops. But to this day, Mr. S has no table-tennis tables outside his shop. He lets out only his two original billiard tables measuring 29 inches square. If ever I was sure of any condemned man’s innocence, it is this one.

And it is not the only one of its kind. A few weeks previously I had tried to fight the case of a woman in a different resettlement estate. She says she was asked for money for the Mid-Autumn Festival, an opportunity that uniformed men of many departments would not miss. She refused the $30 demanded, and after a similar series of summonses and fines for her tables outside her cafe she was convicted and fined $240. As she could not pay the fine she went to prison for four weeks. The old lady was 78, and this was her first experience of prison. When I appealed to the Governor-in-Council on this case I was told: “His Excellency agrees with your implicit suggestion that it is unfortunate, if not tragic, that such an old lady should find herself in gaol, but cannot find any support for the view that she was in the recent cases breaking the law unwittingly or did not bring the event on her own head. ... the Governor has nevertheless considered the grant of a free pardon under Article XV of the Letters Patent but concluded that this is not an appropriate case for exercise of the prerogative of mercy.”

And when I checked this case with the Resettle-
ment Department, the officer expressed surprise. Since the 1967 disturbances it had been taken for granted that tables of this kind were tolerated though not yet legal.

One could go on recording cases of this kind but it seems unnecessary: they all follow the same pattern.

Try to imagine an accused person in the courts of so-called justice in Hong Kong. There he stands accused of a crime, the wording of which he may not understand. He hears the Magistrate speaking and asking questions in a language of which he may not know even one word. What he understands of the proceedings depends entirely upon what the interpreter tells him. The local people, indeed, believe that it is the interpreter who decides whether or not the accused will be found guilty, since some magistrates with no knowledge of Chinese would not be aware of it even if the interpreter translated nothing of what was said. The power of an interpreter is indicated in a recent conversation with a solicitor who said: "If you want to win a case you don't need to make friends with the magistrate you only have to keep in with the interpreter, as he can ask questions in such a way as to bias the evidence in favour of your case."

But even with a good interpreter, can the accused really get the full meaning? Can the meaning of the accused ever really get to the magistrate?

In matters of life and death, the accused's life
is in the hands of a jury; but do the jurymen all know what is going on? It is not uncommon to find jurymen with so limited a knowledge of English that it would be impossible for them to understand the evidence well enough to reach a fair judgment.

Whenever I see the robed parade, I wonder. Justice? Never! Even in ordinary affairs, language makes an underprivileged class. I have a Chinese friend whose husband is English. She speaks both languages well. Sometimes, to keep in touch with things in Hong Kong, she pretends to know no English, and suffers rudeness at the hands of some upstart in the civil service. At other times she goes to the same departments with her English husband, and finds how easy and pleasant it is to belong to the less than five per cent privileged.

Extra-territorial rights were supposed to have been abolished years ago. They have never been abolished in reality. If any justice exists in Hong Kong, it exists only for the English speaking. There is another law for the underprivileged, the non-English speaking.