Rising Social Status and Economic Participation of Women in Hong Kong — Review of a Decade

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I. Introduction

Traditional China was a male-centered society. The Confucian scholars taught respect for one's ancestors and laid great emphasis on the continuity of the family line. They viewed the social order as dependent on harmonious family relationships, which in turn were built upon the hierarchies of age and sex roles. Thus, women were subjected to a life-long social discrimination and destined to play only subordinate and supportive roles to the men. It was not until the 1920s that the so-called emancipation of women began; and since the Communist revolution of 1949, many drastic changes have been brought about in their lives by the government. Today, the women in China enjoy far-reaching privileges; their political, social and economic statuses have been elevated to heights which can perhaps only be surpassed by those of the women in Soviet Russia and some countries in northern Europe.

Even though the political and economic life of Hong Kong is so closely linked to China, its social and cultural life is conspicuously isolated from that of the Mainland. Compared to the experience of the women in China, the female population in Hong Kong have gone through changes to a far less extent. In Hong Kong, the political and ideological factors have had very little role to play in raising the statuses of women, whereas the economic factor has been the major cause of change, with educational achievement and demographic trends playing supporting roles.

This paper will focus on the changes in the family, social and economic statuses of women in Hong Kong during the past decade. An attempt will be made to analyse the various forms of marriage existent in the colony prior to the 1970 Marriage Reform Ordinance. Statistical analysis of the patterns of female economic participation, educational achievement and demographic changes will be based mainly on the 1961 Census (the first census taken after the War) and the preliminary published tables of the 1971 Census. Other sources based on both official and unofficial data will provide further insight into the working conditions, employment opportunities, etc., for Hong Kong's female workers, thus underlining the survival of certain discriminatory measures and practices based on sex today.

II. The Marriage Institution and the Marriage Reform Ordinance 1970

In accordance with the British policy of preserving traditional Chinese customs and practices, several different forms of marriage have been practised in Hong Kong since the beginning of its colonial history. As affecting the majority of the local residents, there are the traditional or "Chinese customary marriages", the so-called Chinese "modern marriages" and the "registry marriages". The Chinese customary marriages are marriages said to have been contracted in accordance with Chinese customs and rites that existed in Southern China and were recognized by the British Government in 1843. Such form of marriage raises a host of legal complications due to the fact that no single and authoritative definition of just what constitutes a

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customary marriage exists. It is partly performed according to the Ch’ing Code which, however, is primarily a penal code and does not lay down any prescribed set of minimum ritual requirements. It is also partly based on the Six Rites laid down in one of the Confucian classics, the Book of Rites. Still another part of the Chinese customary marriage is based on the popular consultation of the Chinese almanac.1 The so-called Chinese “modern marriage” is marriage contracted in supposed conformity with the Civil Code of the Nationalist Government of China in 1930. The only essential requisite for such marriage in Hong Kong has customarily been a celebration in an open but otherwise undefined ceremony in the presence of at least two unspecified witnesses. This form of marriage also raises a lot of legal problems since it is never known whether all the other provisions of Articles 980–988 of the Nationalist Civil Code have been complied with in any particular case, (such as the prescribed minimum age of marriage, and the condition of free and mutual consent), and since such a form of marriage does not call for registration with an official body. Finally the registry marriages are those marriages, Christian or civil, contracted in accordance with the provisions of the Marriage Ordinance of the Hong Kong Government, in the Marriage Registry or in a licensed place of worship.

While Chinese customary marriages have been practised mostly by the rural population in the New Territories and also among the conservative part of the urban population, Chinese modern marriages have become rather popular since the 1930s. It was estimated that the total number of Chinese modern marriages contracted in Hong Kong since 1930 have far outnumbered all other formally celebrated marriages. Between 1940 and 1960, Chinese modern marriages roughly accounted for 50% of all the marriages contracted. However, after the 1950s, registry marriages became more and more accepted, so that between 1960–64, registry marriages came to account for half of all marriages.2

Under the Chinese customary marriages, concubinage is legalised. Arranged marriages are common practice. Moreover, the Ch’ing Code gave the husband right to unilateral divorce for what are now considered trivial reasons.3 This type of marriage therefore represents and perpetuates the traditional subordinate position of women in both the family and the society. The Nationalist Civil Code established a system of marriage and divorce by mutual consent. However, concubinage was tolerated under the Nationalist law. It was still possible for the husband to take a concubine or several concubines without infringing the law, provided that his wife connived with him in the act or condoned it afterwards. The concubine(s) would then be treated as member(s) of the family (and not as secondary wives) in the eyes of the law. In Hong Kong, some men have taken concubines even though they have previously contracted modern marriages.

The extent of concubinage in Hong Kong is very difficult to determine. It was probably never too widespread, mainly because of the fact that only the rich families could afford to maintain a large household, including secondary wives and their children. Even among the traditional families in the New Territories, con-

2. See the McDouall-Heenan Report, (Hong Kong Government Printer, 1965). pp. 15–16
3. According to the Ch’ing Code, the wife could be divorced unilaterally by the husband on seven grounds: failure to serve the husband’s parents and disobedience to them, failure to give birth to a son, dissoluteness of manners, jealousy, loquacity (talkativeness and quarrelsome conduct), malignant disease and larceny.