

## **Emerging Issues in Policing in Asia: Civil Unrest in Hong Kong in 2019**

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### **Abstract**

The prolonged protests in Hong Kong since June 2019 have drawn the attention of international media to China's Hong Kong Special Administrative Region. Reports and commentaries on policing episodes in Hong Kong have appeared in the headlines of most well-circulated newspapers. This article examines news databases and identifies three major policing issues to which scholars of Asia have turned their attention. First, the issue of police legitimacy and accountability has emerged following the dramatic drop in public trust towards the Hong Kong police. What legitimises a law enforcement unit in the eyes of the public, and what delegitimises it? How does it lose public confidence? Second, the issue of protest management has gained urgency due to the increasing frequency of territory-wide police–protester confrontations. How do we assess protest/riot policing strategies? What insights can we gather from the dynamics in Hong Kong? Third, the issue of the criminal justice system is becoming increasingly complicated. How should we understand arrests and prosecution in light of the debates over the possible “way outs” of this saga? Are they characteristic of the criminal

justice system in Hong Kong? This article provides preliminary answers to these frequently asked inquiries and suggests avenues of further research on Asian policing.

**Keywords:** *policing, Hong Kong, civil unrest 2019, Asian policing*

## **1. Introduction: Hong Kong Civil Unrest and Studies of Policing in Asia**

Historically, policing in Asia has not attracted much attention from scholars in the Eurocentric discipline of policing studies. This limitation is due to language barriers and information inaccessibility (Wong, 2010; 2011). The civil unrest in Hong Kong in 2019 has generated public and scholarly interest. Comparative studies of policing can help us understand the regimes and socio-cultural characteristics of Asian countries that inherited the legacies of colonialism in the 20th century.

The saga in Hong Kong in 2019 was triggered by a proposed bill that was tabled by the government that had sought to amend the arrangement for the extradition of “fugitive offenders” in Hong Kong. Under the “One Country Two Systems” principle, the Hong Kong Special Administrative Region (HKSAR) has an independent immigration policy and a high degree of autonomy. Hong Kong is a single legal jurisdiction that practices the common law system it inherited as a British colony. Taiwan’s jurisdiction adopted continental legal system, and Macau, another SAR, inherited the Portuguese continental law system. In mainland China, the PRC legal system and the code of laws do not align with the abovementioned legal entities, though all are composed of ethnic Chinese populations. The situation is complicated by the factually asymmetrical power relation between the governments of Beijing, Hong Kong and Macau. In accordance with the

Constitution of the People's Republic of China (PRC) and the Basic Law of the HKSAR, "One Country Two Systems" guarantees that Hong Kong can enjoy a high degree of autonomy, as Hong Kong people have administered Hong Kong since the handover in 1997. The 2019 unrest in Hong Kong has brought attention to several topics on policing research of intellectual and practical value. The topic of police management includes personnel alignment and training, psychological well-being, stipends and incentives, and disciplining officers. Police–community interaction touches on the oversight mechanism, community policing initiatives, propaganda, and media relations.

Policing in Asia should be considered academically significant, but it remains under-researched for several reasons. Both academics and practitioners tend to make assumptions about policing in Asia, but most of their notions are inaccurate. While they believe that an informed, in-depth analysis of policing in different jurisdictions is essential and would facilitate intellectual debates over governance, their discussions of democracy and liberty over-generalise in the context of Asia. Researchers and observers suggest the importance of historical legacy on the transformation of the policing system in Asia; however, they tend to view policing in Asia according to the rubrics of "authoritarian" or "democratic" systems developed in Western democracies. This kind of dichotomised analysis over-simplifies the reality. Some democratic policing features, indeed, reflect the aims of traditional "authoritarian regimes" as defined in the policing literature. However, overt state coercion and the infringement of civil liberties also appear in democratic policing in Asia.

Several aspects of the literature have kept scholars from comprehensively understanding the organisational features of policing systems in Asia. Some studies have been too "thematic", concentrating on the discussion of very specific dimensions of policing or criminal

justice systems. Others have been too descriptive at the expense of in-depth comparisons of policing systems across the continent. In the last decade, more scholarship on Asian policing has been published, particularly in the context of two offshore Chinese societies, Taiwan and Hong Kong. Martin (2019) and Cao *et al.* (2014) researched the transformation from authoritarian to democratic policing in Taiwan. Ng and Wong (eds.) (2017) and Wong (2019) analysed policing protests in the era of China's Hong Kong SAR. However, the discourse on policing in other Asian jurisdictions has been confined to government and politics, only touching on policing issues.

Treating the 2019 Hong Kong saga as an entry point, this article highlights policing issues that have attracted international attention. In the context of Hong Kong, we investigate three issues commonly addressed in policing studies: police legitimacy and accountability, protest policing, and policing and the criminal justice system. We discuss the dynamics in Hong Kong since mid-2019 and use the specifics of the case to better understand the study of Asian policing. Language barriers, the inaccessibility of data, and a lack of urgency have resulted in a dearth of comprehensive academic accounts of research on policing systems and issues in Asian nations. The integration of socio-economic relations and growing human mobility have gradually increased international concern, and scholars are reaching the limits of the Eurocentric discourse when seeking to understand Asian policing issues. In the conclusion, we propose dimensions that need further research.

## 2. Research Methods

This study moves away from the issue-based approach with the aim of conducting a “helicopter” review of the policing agenda that drew the

attention of researchers and practitioners to Hong Kong in 2019. Two rounds of content analysis were conducted. First, we examined the featured articles and analyses of Hong Kong 2019 in several well-circulated English-language newspapers. Two key databases, ProQuest and Wisenews, were examined. The former covers Western newspapers, and the latter covers local Hong Kong newspapers. All the articles were retrieved and categorised according to themes.

Our search then moved into an analysis of the prevailing academic research. We searched scholarly databases and indexed journals to retrieve published papers on policing topics in the context of Asia. Our keyword searches included “policing”, “legitimacy”, “policing system”, and “Asia”. The majority of articles came from two journals: *Policing and Society: An International Journal of Research and Policy and Policing: An International Journal of Police Strategies & Management*. Both are listed in the Social Science Citation Index (SSCI) and are specialty policing journals. Thus, they had the most police research output. We also searched the recommended journals and reference list of each eligible study to ensure relevant studies not retrieved in the original search were ultimately included. We focused on a study by Kim, Lin and Lambert (2014), which adopted an extensive content analysis of policing issues in East Asia, to gather data for the present study. After manually screening the article titles and abstracts, we arrived at a total of 18 relevant articles. The selected articles concerned the systems, structures and blueprints of policing rather than other aspects of criminology. Six of the articles were about police legitimacy, none related to protest management, and twelve concerned policing systems in Asia.

Articles and reports from either database were only included in the analysis if they used the keywords “Hong Kong police” from early June to late December 2019. The newspaper articles had to explicitly cover issues relating to the legitimacy, policing systems, or protest

management strategies of the Hong Kong police. The search identified more than 200 reports about the Hong Kong police, the majority of which focused on the mobilisation of the protests: distrust towards the police and the counterinsurgencies of the HKSAR government. Fourteen articles were retained after the exclusion of items discussing unrelated themes. Of these, seven reported on police legitimacy, covering the injustice process of testimony recording without a lawyer present, and seven examined protest management, such as allegations of the improper use of teargas. Our hope was that the findings would show the “universality” of policing while also highlighting the “uniqueness” of Asian policing. This topic should not be taken for granted, and scholars should not assume that policing in Asia merely replicates or continues the systems of their former colonial sovereign masters.

Currently, most comparative studies of policing are issue-oriented, and the investigators commonly adopt behavioural approaches to generalise their findings. The discussion tends to disregard the impact of geopolitics on policing behaviour. This study aims to report the main arguments in the current discourse on the three areas of policing that emerged from the summer uprisings in Hong Kong 2019: police legitimacy, protest policing strategies, and policing systems.

One limitation of performing a content analysis of the two selected journals is that some research might be missing. Nevertheless, in this exploratory study we aim to provide a systematic assessment of trends in the popular and scholarly literature on policing in Asia. We do not intend to evaluate or explain policing empirically.

### **3. Findings**

#### ***3.1. Prevailing Commentaries and Reports on Policing Issues***

We found that the primary concern of international media coverage concentrated on the question of the legitimacy and accountability of the Hong Kong police. Articles and commentaries asked, “Who were the police working for?” The coverage included much discussion on “police brutality” and suspicions of mainland police personnel involvement in the policing operations. There were in-depth debates on police accountability both internally among the hierarchy and commandship of the Hong Kong police and externally among Hong Kong citizens. Another important reporting topic concerned protest management strategies. Reporters questioned how and why the police responded to the protesting, or “rioting” scenarios. They wanted to know whether the police reacted with proportionate and necessary levels of force. The final domain did not receive any scholarly attention, but it is academically and practically significant. Policing and the criminal justice system in Hong Kong are deployed for internal security control, and the public should ask how the units are managed and operate on a daily basis. Likewise, how are the arrestees treated, and can the police (government) and citizens find reconciliation under the current criminal justice system of Hong Kong?

To compare the commentaries on police legitimacy and accountability and protest management strategies, we selected three editorial news articles on the policing system. Table 1 presents the information covered in the commentaries. The commentaries are organised according to dimensions of policing issues. In ProQuest, we found that US-based newspapers published most of the commentaries on police legitimacy and protest management, while the dimension of the policing system received less attention.

**Table 1** Commentaries on Policing According to the Three Topic Areas*Police Legitimacy*

	Source	Author	Title	Argument Relating to the Key Concern
1	<i>The New York Times</i>	Karen Cheung	Living in dark mode	The prolonged use of tear gas has affected not only protestors but ordinary citizens.
2	<i>The New York Times</i>	Audrey Eu	Can Hong Kong's court save the city	Hong Kong authorities' use of force cannot be justified regardless of the protesters' escalating violence.
3	<i>The New York Times</i>	Joshua Wong and Alex Chow	The people of Hong Kong will not be cowed by China	Although the Hong Kong police force has repeatedly abused its power and used excessive force, protesters will keep participating in this ongoing mass movement.
4	<i>The New York Times</i>	Roger Cohen	The 'infinity war' in streets of Hong Kong	The protests in Hong Kong are ongoing. Mainland paramilitary police may try to infiltrate.
5	<i>Financial Times</i>	Jamil Anderlini	Beijing will have its revenge on Hong Kong	The government and police struggled to control the protests. However, neither the protesters nor China can back down.
6	<i>The London Free Press</i>	Gwynne Dyer	Hong Kong protesters pushing for reforms China will never allow	China will never compromise on protesters' demands, and the Hong Kong police will ultimately serve the interests of the Chinese government.



**Table 1 (Continued)**

***Protest Management Strategies***

	Source	Author	Title	Argument Relating to the Key Concern
1	<i>The New York Times</i>	Louisa Lim	The battle for Hong Kong is being fought in Sydney and Vancouver	Chinese government treats social media as a weapon, and the police are targeting those who try to livestream the protests and foreign media.
2	<i>The New York Times</i>	Stéphanie Giry	The extraordinary power of Hong Kongers' solidarity	The police did not stop the protesters from breaking into the LegCo, implying the government wanted it to happen.
3	<i>The Wall Street Journal</i>	The Editorial Board	China's Hong Kong crisis	Police deny granting permits for protests or marches routinely, leaving few legal ways for people to express their resentment.
4	<i>The Guardian</i>	Avery Ng	Hong Kong has declared war against its young people	The police stormed into university campuses and employed lethal tactics, such as using live ammunition, on protesters.
5	<i>The Wall Street Journal</i>	The Editorial Board	Beijing moves on Hong Kong – Police arrest democracy advocates and deny permits to march	Police arrested many pro-democracy activists and lawmakers, under the order of the chief executive.
6	<i>The Times</i>	Leading Article	Beijing should rule out the use of force in quelling the demonstrations	The police adopted a range of tactics to arrest protesters, such as storming into the railway carriages, firing teargas into closed spaces, and using facial recognition technology to track suspects.

**Table 1** (Continued)*Policing System*

	Source	Author	Title	Argument Relating to the Key Concern
1	<i>The Guardian</i>	Editorial	The Guardian view on Hong Kong: policing the crisis	Instead of the frontline officers, police commanders should bear the responsibility for the brutal treatment of protesters due to their failure to impose discipline on police who are out of control.
2	<i>The Guardian</i>	Editorial	The Guardian view on violence in Hong Kong: an attack on the idea of democracy	The police failed to address the Yuen Long incident despite their large numbers.
3	<i>The Wall Street Journal</i>	Jillian Melchior	Meet the Hong Kong lawyers working to keep protesters free	Arrested suspects are being pressured by the police to make statements without the presence of a lawyer.

**3.2. Prevailing Academic Discourses on Policing Issues**

Another focus of this study is the coverage of policing in Asia by academics. We adopted content analysis to examine the topic areas. The 18 selected articles on policing in Asia were published from 2001 to 2012. In general, the studies were few compared with the number focusing on European or American contexts. Table 2 presents the numbers of articles on the three major themes by continent.

**Table 2** The Number of Studies Conducted in Each Continent

Continent*	Topic 1: Police Legitimacy	Topic 2: Protest Management	Topic 3: Policing System	Total
Asia	6	0	12	18 (6.2%)
Europe	55	19	64	138 (47.2%)
America	41	10	54	105 (36.0%)
Africa	14	2	15	31 (10.6%)

Note: N = 292.

\* To locate articles on policing issues in Europe, North America, and Africa, we searched *Policing and Society: An International Journal of Research*. Search terms included police legitimacy, protest management, policing system, Asia, Europe, America, or Africa.

Most articles focused on Europe (138 out of 292, 47.2%), especially the United Kingdom, Ireland and the Netherlands. Many considered North America (105 out of 292, 36.0%), especially the United States, Canada and Mexico. The studies conducted in Asia comprised only 6.2% of the findings.

### ***3.3. Police Legitimacy and Accountability***

We reviewed six articles directly related to the theme of police legitimacy in Asia. Their contexts included Thailand, Cambodia, Japan and Hong Kong. Half of the articles examined how police legitimacy is affected by macro- and micro-factors in Asian countries (Boateng and Buckner, 2019; Jackson *et al.*, 2014), factors in protest policing (Hui and Au, 2014), and police responses to anti-government protests

(Sombatpoonsiri, 2017). Table 3 demonstrates the categorisation of the articles.

**Table 3** Articles on Police Legitimacy in Asia

Article	Author	Year	Country/ Region	Article Type	Journal
1	Boateng and Buckner	2019	Asia	Factors	<i>Policing and Society: An International Journal of Research and Policy</i>
2	Broadhurst and Bouhours	2009	Cambodia	Public perception	<i>Policing and Society: An International Journal of Research and Policy</i>
3	Sombatpoonsiri	2017	Thailand	Factors	<i>Journal of Asian Security and International Affairs</i>
4	Hui and Au	2014	Hong Kong	Factors	<i>Asian Education and Development Studies</i>
5	Jackson <i>et al.</i>	2014	Pakistan	Public perception	<i>The British Journal of Criminology</i>
6	Tsushima and Hamai	2015	Japan	Public perception	<i>Journal of Contemporary Criminal Justice</i>

A quantitative study conducted by Boateng and Buckner (2019) in 28 Asian countries confirmed the influences of macro- and micro-factors on police legitimacy. At a country level, democracy and peacefulness showed a significant positive link with legitimacy. In contrast, institutional corruption and terrorism demonstrated a negative relationship. It was also found that micro-level indicators such as media exposure, coverage of the police and police portrayals in the movies impacted police legitimacy. Studies focusing on specific countries or

cities examined the interplay between many features of the locations and police legitimacy. For example, polarisation of society could hinder the sustainability of police legitimacy in Hong Kong (Hui and Au, 2014) and police reactions and responses to anti-government protests influence police legitimacy in Thailand (Sombatpoonsiri, 2017).

Half of the articles focused on public perceptions of policing practices and legitimacy, examining how people view the police in a post-conflict era (Broadhurst and Bouhours, 2009) and people's confidence and belief in police legitimacy (Jackson *et al.*, 2014). Broadhurst and Bouhours (2009) found that despite a decline in the crime rate in Cambodia, confidence in the police did not improve. Cambodians expected more professional community-oriented policing practices. They also found that people in rural areas had less trust in the police than did people living in urban areas.

The findings of this content analysis indicate that the area of police legitimacy remains understudied in Asian countries. Few studies directly discussed police legitimacy. The remaining studies focused on the accountability and effectiveness of police. The antecedents of police legitimacy are unknown in the Asian context. The content analysis results also demonstrate that most extant scholarship considered one of two areas of police legitimacy, reflecting a need for more substantial contributions. Studies on police legitimacy in Western societies have investigated a variety of issues, such as the enhancement of police legitimacy, the role of community policing, and the importance of legitimacy to the police. There is a need to advance the area of police legitimacy in Asia and pay more attention to different dimensions of police legitimacy. There is a need for more empirical evaluations of whether the practices and perceptions of police legitimacy differ among countries.

### ***3.4. Policing and the Criminal Justice System***

Among the 12 articles on the policing system, 4 distinctive topics emerged. First, the topic of characteristics or context discussed the role or ideology of the policing system. The second topic included policing strategies (community policing and arrest strategies) and the third concerned the impact of officers' perceptions of the system and their implications. The fourth topic involved the evaluation of a specific system or mechanism. Table 4 shows the data from the articles covering the area of policing systems. The most common topics concerned characteristics (33.3%) and policing strategies (33.3%).

The most frequent topic among the 12 articles on policing systems in Asia was policing strategies (33%). It included factors on the functions of the criminal justice system and the philosophy behind the community policing strategy. Three studies discussed community policing in China or Hong Kong, and one investigated police arrest strategies. Wong (2001) and Chen (2002) investigated the philosophy, principles and practices of the systems of social regulation and crime control in China. They argued that the uniqueness of the Chinese policing style was due to mass participation and cooperation in crime control, which differs from typical Western practices. Lo and Cheuk (2004) discussed the contexts, arrangement and performances of community policing strategies in Hong Kong. Another article discussed the influences of political and economic structures on the functioning of the criminal justice system and arrest strategies in China (Zhang and Liu, 2004); in particular, the authors found that social positions significantly impacted the swiftness of police action because of China's official-centred culture.

**Table 4** Articles on Policing System in Asia

Article	Authors	Year	Country/ Region	Article Type	Journal
1	Prateepornnarong and Young	2019	Thailand	Evaluation	<i>Policing and Society: An International Journal of Research and Policy</i>
2	Cao, Huang and Sun	2016	Taiwan	Characteristics	<i>Policing and Society: An International Journal of Research and Policy</i>
3	Lo	2012	China and Hong Kong	Characteristics	<i>Policing and Society: An International Journal of Research and Policy</i>
4	Wong	2010	Hong Kong	Evaluation	<i>International Journal of Comparative and Applied Criminal Justice</i>
5	Martin	2014	Taiwan	Characteristics	<i>Crime, Law and Social Change</i>
6	Nalla and Mamayek	2013	Asia	Characteristics	<i>Police Practice and Research: An International Journal</i>
7	Wong	2001	China	Policing strategies	<i>Police Quarterly</i>
8	Zhang and Liu	2004	China	Policing strategies	<i>Policing: An International Journal of Police Strategies &amp; Management</i>
9	Chen	2002	China	Policing strategies	<i>Policing and Society: An International Journal of Research and Policy</i>
10	Lo and Cheuk	2004	Hong Kong	Policing strategies	<i>Policing: An International Journal</i>
11	Chiu	2012	Hong Kong	Evaluation	<i>Policing: An International Journal</i>
12	Lee, Kim and Kim	2010	South Korea	Perception and impact	<i>Policing: An International Journal</i>

Four articles focused on the context and characteristics of policing systems. Martin (2014) compared the police ideology and cultural qualities of policing in Taiwan with those of the United States, Britain and France. Martin found that in Taiwan, police emphasise “policing through virtue”. Another study on Taiwan policing examined its role and characteristics before and after the lifting of martial law in 1987. The authors contrasted the role of the Taiwan police in three dimensions: political neutrality, democratic control and social impartiality (Cao, Huang and Sun, 2016). The third article focused on the changing policing context of China and Hong Kong. The authors examined how mainland China police officers absorbed Hong Kong policing experiences and the implications (Lo, 2012). The last article examined whether democracy guarantees police accountability in Asia (Nalla and Mamayek, 2013).

Articles that evaluated police systems discussed their development, contexts and effectiveness. Critiques of the police complaint system in Thailand were presented (Prateppornnarong and Young, 2019), as well as the prevalence and distribution of police power checking in Hong Kong (Wong, 2011). Chiu (2012) analysed the development, implementation and effects of the performance management system among Hong Kong police officers.

The last article investigated police officers’ perceptions of organisational structures, such as the philosophy, reward system and decentralisation of authority, and the effects of staff opinions on policing practices in South Korea (Lee, Kim and Kim, 2010). The authors found that the decentralisation of authority, system flexibility and reward system did not have an impact on the day-to-day community-oriented policing activity, whereas open-system feedback did appear to have an effect.



The majority of the articles had their studies conducted according to a specific approach and from a micro-perspective. They focused on a specific task, such as community policing strategies, or police arrests rather than examining law enforcement agencies or organisations as a whole. There is little research from a macro-perspective on the characteristics and organisational structures of policing systems in Asia. Further comparative research is needed on the practices and systems.

#### **4. Discussion: How Should We Understand the 2019 Hong Kong Saga?**

##### ***4.1. Police Legitimacy and Accountability***

The curiosity of international readers towards the 2019 Hong Kong saga appears to have resulted in a “rapid delegitimization” of the Hong Kong police. It has also aroused researchers’ interest in two aspects of police legitimacy. First, how did the Hong Kong police originally gain public support, given Hong Kong’s colonial past? How did it reform in terms of professionalisation and institutionalisation amid internal resistance? Second, why did it lose its popularity at the beginning of the 21st century? The force’s emphasis on “serving the community” does not appear to have changed in terms of police organisation, operation, or outlook.

The “decay” of the Hong Kong police has been rapid. The drop in police popularity is apparent in public opinion polls, and there are several explanations in Hong Kong society, including the politicisation of the police and the emergence of institutional corruption due to the involvement of mainland Chinese officials. The decline of public trust in the police comes from multiple sources, especially the difference in citizens’ expectations of the police (Ho, 2020a). Citizens’ impressions of

the police are determined by their views on institutional and procedural justice in Western democracies (Tyler, 2004). However, the policing context in Hong Kong is different; citizens stress the importance of the police's ability to maintain law and order. The outcomes of police efforts seem more significant than the process (or procedures). In Hong Kong, the colonial style of policing continues to prioritise internal security, and the colonial Hong Kong police force was not close to the community before the 1970s (Lau, 2004; Jones and Vagg, 2007; Ho, 2020a).

The police rapidly modernised and professionalised after the 1970s, when colonial leaders from Britain introduced structural reforms as part of their social re-engineering exercise following the 1967 riots (Lau, 2004; Ho and Chu, 2012; Ho, 2020b). The Hong Kong police have been marketed as “professional, neutral and accountable” since then. They became fully institutionalised and equipped to manage policing more broadly in the 1980s and 1990s. Better qualified personnel were recruited. Syndicated corruption was substantially reduced after the establishment of the Independent Commission Against Corruption (ICAC). Partial amnesty was granted to corrupted officers, remuneration packages were improved, and operations were restructured. Outlooks improved along with better police communication with citizens and enhanced community policing practices (Junior Police Call, Police News at RTHK). These changes corresponded with the public's demands for a relatively stable society shaped by “law and order”. Citizens pragmatically respected the competence of the force to maintain law and order in the turbulent times before the sovereignty retrocession. “Stability and minimal change” were the key appeals of the public, and in exchange, the people trusted the police.

The leaders in Beijing and London agreed to keep “minimal change” in the sovereignty retrocession of 1997. Beijing highly appreciated the institutionalisation (efficiency and effectiveness) of the

civil service system in Hong Kong in the 1990s. The Hong Kong police did not undergo significant structural changes after the great reforms in the early 1980s. The changes in 1997 concerned the localisation of chief officers, halting the recruitment of expatriate inspectors, the formal dissolution of the “political bureau” within the force, and the introduction of service accountability to the public (which began in 1992; see Ho and Chu, 2012). Doubts about police legitimacy and accountability were relatively infrequent, even during the economic downturn from 1998 to 2003 when the Asian Financial Crisis and SARS affected Hong Kong. In December 2005, when the Hong Kong police dealt with transnational protests for the first time, over 80% of people in Hong Kong supported the Hong Kong police, which is the highest rate on record. Since the 2010s, this relationship has been changing due to the outbreak of the conflict between HKSAR and Central over the autonomous power arrangement (democratisation plan on the introduction of universal suffrage); the integration blueprint, which includes high-speed railways, co-location inspections, land use in new territories, the right of abode controversies over babies of non-local parents; and the smuggling activities of individual travellers from the mainland. Accusations have been directed at government leaders for their failure to place Hong Kong people ahead of Beijing interests. When the legitimacy of the SAR government is doubted by the public, it affects the Hong Kong police. The police are regarded as the frontline agent of the SAR government, and structurally, they are positioned to align with the government. The dynamics of police–community relations have emerged in protesting waves since early 2010. In 2014, 2016 and 2019, the tensions between the police and citizens significantly increased, and the legitimacy crisis of the HKSAR government has accompanied the escalation in confrontation.

## **4.2. Protest Management Strategies**

The second topical point of discussion emerging from the 2019 Hong Kong saga concerns the policing of protests. Several analyses articulated the strategies of protest management, including “escalated force”, “negotiated management” and “selective incapacitation”. They explored the tactical characteristics, rationales, relative strengths and limitations in different districts. They also discussed the evolution and adoption of different jurisdictions over the past few decades. Many questions were asked about how to understand and assess the policing strategies responding to protests and rioting in different neighbourhoods.

We identified no clear-cut strategy for examining the strategies adopted by the Hong Kong police to deal with the street protests arising from the extradition bill since June 2019. The police stuck to the “Negotiated Management” strategy discussed in the scholarly literature on protest management in the early phase of the encounters. “Negotiated Management” refers to an emphasis on pre-protest communication with protest organisers; that is, seeking consensus with organisers on routing, picketing arrangements, gathering, dismissal times, and venues. The main aim is to facilitate the public’s right to “peaceful and orderly” freedom of expression. Many districts, types of confrontations, clashes, and degrees of violence, from verbal assault to arson, have been shown.

The police claimed that they work “professionally, in line with laws, and with greatest restraints in dealing with violent protesters”. They were significantly empowered by the government’s announcement to activate the “Emergency Regulations Ordinance”, which was drafted and passed in the British colonial era and was considered “draconian legislation”. However, some policing episodes have proved highly controversial in the Hong Kong community and have caused public suspicion of the “professionalism” of the police. Suspicious scenarios include raiding shopping malls, arresting protestors in Shatin, retreating

the anti-riot squad from the Legislative Council chamber, delaying actions to the MTR station, and firing tear gas and rubber bullets at protesters from a high position. These events led to a quick drop in the public trust of the police (Lee *et al.*, 2019).

### ***4.3. Policing and the Criminal Justice System***

The third dimension that emerged from the 2019 Hong Kong saga was the policing and criminal justice system in Hong Kong. A spotlight fell on the management of arrestees, the prosecution and the proceedings afterwards. Some Asian counterparts were surprised by the low prosecution rate and lengthy litigation process for all cases. Even more were concerned about the possible “way out”. How would the HKSAR constitutional and administrative frameworks resolve the saga that had fundamentally destroyed the trust between the government/police and the community?

Of the 9,216 people arrested in connection with the Anti-Extradition Law Amendment Bill (Anti-ELAB) protests, 1,972 were prosecuted. Six hundred and fifty-three of them were charged with rioting, which can result in 10 years of imprisonment (Hong Kong Police Force, 29th July 2020). Up to June 2020, about 40% were students. A lengthy period of litigation for all cases might stir up more rounds of street confrontation in the coming years. Eventually, some arrestees were not charged, and some were found “not guilty”. Some may interpret the phenomenon as the benevolence of the government in granting “a chance to the minor and juvenile offenders”. Others may consider it an example of the inefficiency of the judicial system, emphasising due diligence and the presumption of innocence in Hong Kong. Others may find it to be evidence of indiscriminate and ungrounded arrests, exemplifying the abuse of power by the police.

The criminal justice system in Hong Kong inherited the concept of the separation of powers. The police force engages in law enforcement, investigation and evidence gathering, which is the “entry stage into the criminal justice system” before forwarding cases to prosecutors to make decisions. Unlike other Asian jurisdictions, where the continental law system is practiced, prosecutors are also responsible for the investigation. Under the common law system in Hong Kong, police have to gather evidence and seek advice from the Department of Justice for prosecution. Before being convicted guilty by the court, suspects have the right to legal representation (Chui and Lo (eds.), 2016).

The disputes have continued, and society remains polarised. Appeals from the community asked that the government consider offering amnesty to juvenile arrestees. However, the authorities immediately rejected them, because doing otherwise would send the wrong message to the public that illegal behaviour does not incur legal responsibilities. However, in late November, the media reported that the government was considering pardoning convicted protesters after the whole judicial process had been followed. However, pro-establishment elites disagreed with the idea, arguing that it would demoralise the police, and contravened Basic Law Article 63, which states that the Chief Executive should not intervene in the criminal prosecution decided by the Secretary of Justice.

#### ***4.4. The Way Out: Independent Investigation?***

A more pressing concern regards the way out. Both local and international communities have been keen to see how the Hong Kong saga will be settled. Several commentaries have suggested following the experiences of other decolonised or demilitarised regions that have experienced police–community confrontations.

Since the 1980s, the Independent Police Complaint Council (IPCC) has reviewed investigation reports submitted by the Complaints Against Police Office (CAPO), which is part of the Hong Kong police. The mechanism is similar to the civilian oversight model practiced in some Western democracies. It allows non-police practitioners to supervise the investigative work of the CAPO to increase “police accountability” to the public. However, the IPCC is a “toothless tiger”, as it only has limited statutory power and no direct interaction with the complainants or accused. All members are appointed rather than elected from the community. Its capacity to perform a “check and balance” function is highly dependent on the individual motivation of members. If cases are about technical and syndicated offences rather than individual misbehaviour, the “semi oversight” mechanism usually cannot handle them.

There are three more means in addition to the CAPO and IPCC. The Legislative Council has the statutory power to establish an inquiry panel through the Power and Privilege Ordinance. Police have to comply with their requests by providing documentation and presenting as witnesses in the hearing. This has happened in some territory-wide issues, but NOT in policing. It has proved difficult to arrange hearings as pre-establishment lawmakers can reject the resolution to do so.

Another means is the establishment of a Special Commission of Inquiry (COI) following Hong Kong law to investigate the saga. Hong Kong law gives power to the Chief Executive to exercise his or her prerogative to form a panel of appointed members. The Commission has full power to investigate a specific issue. A similar case was the 1966 Kowloon Disturbances Inquiry. Many elites called for the mechanism to investigate the 12th June police operations (and those of 21st July). As this mechanism falls within Hong Kong law, more objective members

(most likely retired judges and well-known professional elites) would gain public confidence and acceptance.

## **5. Conclusion and Implications for Policing Studies in Asia**

This study examined the international news coverage of the 2019 Hong Kong saga. We identified three major dimensions relating to policing that have drawn international concern. We also reviewed the relevant literature in the context of Asia. The organisational features of the policing model in Hong Kong and its evolution from the colonial form into the current form have been questioned in the literature. Another concern is how to understand the “hybridity of the civil and paramilitary model of policing” that operates in the Hong Kong SAR under China’s sovereignty. A key debate concerns the paths toward the legitimisation of the Hong Kong police and that of its delegitimization in 2019. How can police–community relations be “rebuilt”?

The curiosity of the international media has extended to debates over protest management strategies. What are the best tactics for different neighbourhoods? What is the appropriate use of force? Which guidelines should the police follow? Some have wondered whether the 2019 saga in Hong Kong has revealed the “radicalisation” of protesters despite the advocacy of “peace, rationality, and non-violence”. How should the police respond when encountering this type of protest? The Hong Kong SAR government empowered the police and legal authorities by activating the colonial emergency regulations ordinance in September 2019. However, street confrontations and violence have continued. Which reconciliation strategy will restore society to normalcy? What lessons can Asian counterparts learn from Hong Kong?

This article describes patterns in the research and news coverage of policing in Asia. Rather than providing empirical findings, we aimed to



identify the significant issues and trends that have aroused scholarly attention. We began by reviewing reports and commentaries in news databases and the relevant literature on policing in Asia. Three major dimensions were identified: police legitimacy and accountability, protest management, and policing systems. We have presented the arguments within these three streams of research and highlighted their focuses and research objectives. We found that most studies consider European or American contexts. Those focusing on Asia are fragmented and varied, reflecting the scarcity of research on this geographical context. Further, the range of policing issues covered is too narrow. Therefore, we have suggested various future research directions throughout the article to advance the study of policing.

## Notes

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# *Social Strain and Political Dynamics*

