

Invited Article

Legitimization & De-legitimization of Police: In British Colonial & Chinese SAR Hong Kong*

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Abstract

The Hong Kong Police have been regarded as 'Asia's Finest' law enforcement unit for its professional outlook since the 1980s. It was gradually transformed to a 'well-organized', 'efficient' and 'less corrupted' police force before the sovereignty retrocession to China in 1997. However, there has been increasingly public frustration over its professionalism, neutrality, and competence of individual officers, accompanied by political vehemence emerging from controversies of electoral reforms since the 2010s. Rather than the 'politicization of society' and the 'institutional decay of the police', this paper argues the phenomenon could be explained by the abrupt and fundamental change of policing context accompanied by the realignment of Beijing's Hong Kong policy under the One Country Two Systems framework since 2014.

From 'Asia's Finest' in 1994 to 'Distrusted Law Enforcers' in 2019?

Hong Kong was under British colonial rule for more than 150 years. Authorities established a paramilitary policing system stressing the capacity of internal security management to ensure the 'law and order' of the territories (Sinclair, 2006; Ho & Chu, 2012). The concept of 'policing by stranger' could be seen when scrutinizing the police and community relationship in colonial Hong Kong: the hierarchical police force was headed by expatriates and had limited interaction with the local Cantonese population (Ng, 1999). The police force was widely considered as 'corrupted and incompetent' in its early years of operation (Sinclair & Ng, 1994). The Hong Kong Police (HKP) was hierarchically commanded, its relationship with citizens was not closed, and public trust towards it was very weak.

After the outbreak of two great disturbances in Hong Kong in the 1960s, the government introduced structural reforms to professionalize the police force,

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to eradicate syndicated corruption, streamline its operation, improve the quality of its personnel, and attempt to strengthen its ties to the community (Ho & Chu, 2012). The community policing practices were gradually introduced to promote an image of accountability to citizens in combating public order crime. In 1994, the police launched 'serving the community' pledges as part of government publicity to promote its 'service' to citizens (Lo & Cheuk, 2004). With reference to public opinion polls, public satisfaction to the police steadily maintained at above 50%. It attained a record high figure of 82% in 2005 after the police force's first encounter with transnational protestors in Hong Kong (HKU POP, 2006). Apparently, the Hong Kong Police had evolved from not only a law enforcement unit, to become a police unit responsive and in partnership with the citizens. The situation paradoxically overturned after the early 2010s. The Hong Kong Police were accused of being 'not accountable', 'not professional' and 'not neutral'. This was accompanied by the emergence of mass social conflict due the policy agenda related to the Central- Hong Kong integration. The public questioned for who, what and how do the police 'serve' under its propaganda of 'serving the community with pride and care'.

Colonial Policing: Between Consent and Coercion

Policing literature and analyses of formal social control systems in two major categories. The first is "policing by coercion", emphasizing force and control exerted by a government as it attempts to ensure peace and order. The government develops a strong law-enforcement apparatus to manage public order. The police would operate as a military or paramilitary force and use violence to control those who intend to disrupt the social order. The second approach

is "policing by consent.". The police would seek a collaborative partnership with citizens. The police are a civic department that aim to 'serve the community'. Violence is avoided and firearms are not considered necessary when discharging general duties (Sinclair, 2006, pp. 1-5).

Colonial policing is assumed to follow the "coercive policing" paradigm, in which both hard power (physical force) and soft power (autocratic legislation) would be adopted to secure the interest of colonial master. However, researches have suggested that some colonial administrators may not be overly coercive when managing subjects (Neep, 2012, p. 179). The colonial authorities used "divide and rule" tactics to avoid confrontation with local communities and maximize the effectiveness of colonial governance (Sinclair, 2006, pp. 1-15).

Policing in British Hong Kong

The case of Hong Kong is basically consistent with such arguments, albeit within unique historical, political and sociological context. Hong Kong was the British colony from 1842-1997 and London set up the Hong Kong Police Force since 1844 to maintain the social order and safeguard the British interest in the territories. The Hong Kong Police was established under the colonial policing model of the Royal Irish Constabulary featuring a highly centralized command, non-local leadership and segregation with the indigenous population. The police-citizen ratio was high: the force had about 30000 regular, auxiliary, disciplinary and civilian members. The Hong Kong Police (HKP) took up most internal security duties in its early years of establishment, ranging from policing to immigration, fire services, and prison (Ho & Chu, 2012, pp. 122-123). Apparently, the Hong Kong Police is a civil force, but it is equipped with paramilitary capacity to suppress social disturbances

after quick mobilization commanded by the colonial Governor, and the British military could be called upon to facilitate police operations if necessary. After the territory-wide disturbances lasted for six months in 1967, the Hong Kong Police were bestowed with the title 'Royal' by Queen Elizabeth of the United Kingdom, and it was renamed as the Royal Hong Kong Police (RHKP) until Hong Kong was reunited with the People's Republic of China (PRC) on 1 July 1997.

Paradoxically, the Hong Kong Police were harshly criticized in its early days by one governor of Hong Kong as 'the most corrupt and incompetent police force in the world'. However, it gradually transformed to a well organized, efficient and less corrupt police force before the sovereignty retrocession.¹ In 1997, the force did not undergo major institutional reform as widely speculated. Under the 'smooth transition principle, and directly accountable to the HKSAR government. After the World Trade Organization police encounters with the international protestors in December 2005, the Hong Kong Police has got the recorded high public satisfaction, 85%. However, there has been increasingly public frustration over its professionalism, neutrality and competence of individual officers accompanied by the political vehement emerging from the controversies of electoral reforms since the 2010s.

Organizational Features of Hong Kong Police

'Policing by strangers' was the typical organizational feature of Hong Kong policing until the 1970s (Ho, 2014, pp. 83-85). The British commanded the force while Russian, Indian, Pakistanis, Shantung Chinese

and local Cantonese personnel have served as frontline constables. Prior to the Second World War, racial segregation policies were in place in what may be described as 'apartheid' (Ng, 1999). Initially founded for the benefit of the European community, the Police Force was supplemented by a separate District Watchmen Force in 1886 due to Chinese demand. Chinese community groups raised funds along with some government financing. As more Chinese men in good physical health were recruited as watchmen for patrols and arrests, the administration's distrust and fears of usurpation were compounded by complaints from expatriates who found Chinese patrolmen in their segregated communities. Indian personnel were duly brought in (Ho & Chu, 2012, pp. 18-19). The glass ceiling was insurmountable for Indian and Pakistanis and sergeant for ethnic Chinese: ethnicities were independently trained in accordance with varying syllabuses.

Subtler shades of ethnicity were also distinguished. The Hong Kong Police recruited new members from Wei Hai Wei, a British lease in China's northern Shandong Province, before the WWII since 1922 (Ho & Chu, 2012, pp. 25-29). By 1946, there were about 300 recruits, but most were not fluent in Cantonese and could not communicate with the vast majority of residents (Hong Kong Secretary for Chinese Affairs, 1930). Post-war recruitment of local and Cantonese-speaking immigrants coincided with the promotion of some ethnic Chinese Probation Inspectors, but most command posts were still reserved for British colonial servants. Young inspectors without military or overseas exposure were also recruited from Britain and enjoyed better terms and condition of service than their local counterparts. After World War II, millions of Chinese civil war and economic refugees flooded the city and its indigenous population. Most showed

¹ In 1879, the police chief, Henry May, investigated corruption of the police personally. He seized a record of bribes to the police by syndicate leaders and revealed a 42-year history of corruption. Governor McDonald had also exclaimed, 'I had never seen nor heard of any colonial police force could be as corruptive, useless, unreliable and inefficient as the Hong Kong Police.' See Ng (1999)

limited trust towards the criminal justice system, the police, and government authority in general. In the 1970s around 270 Muslim Pakistanis were brought to Hong Kong and employed by the Force, despite their having little or no knowledge of the colony or the local language (Ho & Chu, 2012, pp. 18-25). Officers interacted within and seldom between ethnic cliques, and the situation was similar for the population.

Meanwhile, the Hong Kong Police had since its inception proclaimed political neutrality in its capacity as a law enforcement agency, discharging its duties in strict compliance with Hong Kong laws. Such boasts were severely tested during the 1956 riots between Nationalist and Communist civilians, when the administration questioned the allegiance of its largely Chinese police force under the command of British officers. The government introduced a more stringent vetting exercise for potential recruits to verify that they had no political connection with the Communists in mainland China and Nationalists in Taiwan. Police inspector candidates were even asked to produce two written references from serving civil servants or prestigious persons to prove their allegiance to the Crown (Ho & Chu, 2012, pp. 67-70).

Legitimization: Institutionalization of Policing by the Colonial government after World War II

There were 'events-driven' reforms of the Hong Kong Police in response to post-World War II social crises that undermined the force's legitimacy among the local population. The undesirable anti-riot action in 1956 exposed various issues: improper tactical training among officers for internal security management, outdated or insufficient police facilities and firearms,

and miscommunications amongst police stations and squads as well as between authorities and the citizenry. The military were called up for reinforcement and casualties resulted from the delayed and improper control of the disturbances (Lee, 1995).

In the following year the Police sought to modernize and strengthen its paramilitary capacity to deal with large-scale disorder by setting up the Police Tactical Contingent (PTC). Four companies, each with about 170 anti-riot police officers, served three key regions. New anti-riot tactics such as platoon formations were taught to PTC members in order to improve flexibility and effectiveness of crowd management. In addition, the practice of delegating riot drill training to each police division was revised on account of lax adherence, with the PTC assuming responsibility for training all frontline policemen in anti-riot tactics.² Logistics were better coordinated across the force, from such basic amenities as accommodation, and meals to processing large numbers of arrestees and keeping track of equipment and ammunition. The new Force would shortly find itself embroiled in the largest civil unrest in the colony's history, detailed in the coming pages. Ironically, the trigger for the deadly riots of 1967 came not only from across Shenzhen River in the vast expanses of China, but also from across the Pearl River in a peaceful Portuguese enclave.

The colonial police force was distant from the local Cantonese community, doubtful in personnel integrity, and limited trust from the public. Praise from overseas counterparts was attributed to the successful structural, almost missionary, reforms launched by British leaders after two territory-wide disturbances in the 1960s. Attempts were made to eradicate syndicated corruption in the police force and to improve relationships between the government,

² The old platoon could only break up into individual sections, and each section was equipped with only one type of riot weapon. Each officer could 'choose' whatever position he wished to take up. The new regime assigned each officer to a fixed post carrying a designated weapon.

the police, and society. After ratification of the Sino-British Joint Declaration in 1984, the Hong Kong Police Force reduced the number of overseas inspectorate recruits, sent aspiring officers to the United Kingdom immersion and secondment,³ and commenced official liaisons with the Public Security Police of China. It also introduced a 'service-oriented culture' in 1992 after the arrival of the last colonial governor, Chris Patten. These steps increased the operational capacity of the RHKP and gradually won the trust of the public, which came to view the force as professional and competent.

Professionalization Attempts since the 1970s

The Hong Kong Police Force was professionalized and embarked on a series of structural reforms since the 1970s. Consequently, it attained satisfactory outcomes towards bridging the force with the community and branding the Hong Kong Police as one of the most efficient, effective and accountable law enforcement units in Asia. The British Hong Kong administration made highly public attempts to eradicate syndicated corruption in the police force and attempted to improve relationships between the government, the police, and society.

The city-wide riots of 1967 exposed the necessity and urgency of policing reform, resulting in capacity

enhancement, command structure reorganization and the introduction of community policing practices. This brought crucial transformations to police organizations, and the relationship between the police and society at large. As a spill-over of the Cultural Revolution in China from 1966, rising revolutionary sentiments among leftists in Macau led to a general strike after a police-commuter disputes in Taipa. There was outcry to paralyze the colonial Portuguese administration and 'liberate' Macau.⁴ Eventually the Portuguese administrators in Macau 'surrendered', and it motivated the dedicated leftist counterparts in Hong Kong to duplicate the 'struggle with the British'.⁵ A territory-wide industrial action commenced in May 1967, turning to an appeal for a general strike in June and escalating to urban terrorism in July. The police were fully mobilized against leftist groups: encountering the mass protests, conducting raids and arrests in schools, presses, and unions. Government statistics stated that at least fifteen people were killed and many more were wounded.⁶

Governor of Hong Kong, Sir David Trench, introduced a series of reforms to the police (it was renamed to the Royal Hong Kong Police after its 'achievement' suppressing the riots in 1967). Apparently, the government noticed the legitimacy crisis of the police force during the crisis- in particular its anti-riot capacity, allegiance of Cantonese officers, and integrity of personnel. In fact, the general public were sympathetic to the strikers' calls for fair

³ After the mid-1980s, Hong Kong Superintendents were nominated for official duties in a UK force in order to expose them to the latest trends in policing. See Ho & Chu (2012, pp. 122-123)

⁴ On 3 December 1966 (hence 12-3), Chinese leftists confronted the Macau Police in a protest against government disapproval to the building of a 'patriotic' communist school in Taipa. The Portuguese government deployed anti-riot police to disperse the crowd, only to sign an extremely humiliating agreement with the 'people of Macau' after Beijing intervened. The agreement strictly limited the powers of the incumbent administration and marked the dawn of Beijing's direct influence on Macau. See Ho & Lam (2017).

⁵ Jin Yao-ru, the chief editor of pro-Beijing Hong Kong-based newspaper Wen Wei Po and member of Hong Kong and Macau Work Committee of the Chinese Communist Party in 1967, recalled that 'his comrades in Hong Kong's leftist organizations were encouraged by Macanese developments, and thought they could follow the footsteps of these leftists, ultimately triggering a struggle with the British colonial government' (Jin, 1998).

⁶ The colonial government's account said that the riots in 1967 should be understood in three developmental stages, with reference to the sequence of the following events: (1) Demonstrations to gain public support; (2) Stoppages of work to paralyze the colony's economy; and (3) Urban terrorism to undermine citizens' morale. See Hong Kong Police, Annual Departmental Report, 1967 (Hong Kong: Government Printer, 1967). On the strengths of leftist organizations in Hong Kong. Government Information Service Hong Kong (1968) & Ho (2010).

treatment from employers. They granted 'conditional support' to the police to restore to social order until the disturbance worsened to indiscriminate urban terrorist bombing that caused numerous casualties. The reforms aimed at tackling syndicated corruption in the police force, rationalizing the police force, and increasing police and citizen communication, were launched by the new Commissioner of Police, Charlie Sutcliffe, in 1969 (Ho, 2010, pp. 189-190).⁷

To enhance internal security capacity, a regular anti-riot unit, the Police Tactical Unit (PTU) was set up. Policemen regardless of rank would be gradually and periodically called upon to undertake the anti-riot training and they would be immediately mobilized for crowd control or anti-riot assignments if necessary. A set of less confrontational public order control tactics learnt and developed from the 'negotiated management' protest policing philosophy in western democracies was taught to anti-riot squads and adopted in crowd control (Ho, 2010, pp. 194-197).

The police organization was also streamlined to devolve authority and responsibility to the lowest practical level (Jones & Vagg, 2007). The independent line of command of the Criminal Investigation Division (CID) was abolished and the plainclothes and uniformed officers were placed under the collective command in police stations (Ho & Chu, 2012, pp. 89-91).⁸ The structural reorganization effectively eradicated the powerful conglomerates inside the CID, which were generally regarded as borderline corruption syndicates (Ho & Chu, 2012, pp. 89-91).

Another key dimension of reform was to gain public recognition of the government, and not only the police. The government attempted to canvass and provide channels for the public to air their grievances about the administration. The Government

Information Service (GIS) was established. City district officers tasked with coordinating community liaison work were appointed, Chinese was recognized as an official language, and Cantonese elites were absorbed into newly established advisory and consultative committees in public policymaking process. This was an 'inclusion strategy' to improve the government's capacity to rule via 'administrative absorption' of politics, along with other proactive accommodative approaches by the formerly aloof state (Scott 1989; Jones & Vagg 2007).

The 'Smooth Transition & 50-year Unchanged' Principle

Both Beijing and London leaders agreed to keep 'minimal change' in the sovereignty retrocession of 1997. In fact Beijing also highly appreciated the institutionalization (efficiency and effectiveness) of Hong Kong's civil service system in the 1990s. Hong Kong people were also eager to see Beijing's appreciation to the 'status quo'-hope for minimal changes as in the 1980s. The Hong Kong Police, at the same time, did not undergo significant structural change since the above-mentioned reforms in the 1970s. The changes brought by 1997 were mainly in several dimensions- localization of chief officers, an end to recruitment of expatriate inspectors, formal dissolution of the 'political bureau' within the force, and the introduction of service accountability to the public (since 1992). From 1997 to 2014 there was no major structural change. Changes included ending pensionable new police constables and officers due to the financial constraints in 1999, increasing the connection and ties with mainland policing agencies

⁷ See also (Sinclair, 1994)

⁸ Meanwhile another structural transformation wrought by Sutcliffe was the abandonment of the old rank of Staff Sergeant. The holders of this rank were either promoted to officer grade as Probationary Inspector (PI), or re-titled as Station Sergeant (SS). At the same time, a large number of Sergeants were also promoted to SS.

and authorities, and reducing the communication with Commonwealth police agencies. In addition, the Police Training School was upgraded to the Police College, so it could provide more 'professional training' and cooperate with universities for academic credit bearing courses. New functional and specific units, such as the Negotiation Cadre, and the Technological Crime Bureau were also set up.

Delegitimization: Dilemmas under the New Policing Context in China's Hong Kong

Minimal changes after 1997 resulted in initial success at maintaining police legitimacy. However, there were changing public expectations towards the police, not only regarding efficiency and effectiveness of operations but also new 'requests' to include transparency, procedural justice, consistency, and more. Goldsmith (2005) argued that trust in policing cannot be examined separately from trust in government'. The changing expectations towards the police were mainly from the economic integration of Hong Kong and mainland, and thus developed to a fundamental debate on the power arrangement of the mainland and Hong Kong SAR. The police were regarded as the frontline agents of the SAR government. This explains the dynamics of police and community relations since the emergence of protest waves in the early 2010's. Three landmark years for the increasing tension of police and citizens confrontation were 2014, 2016, and 2019. The low level of satisfaction with the police reflected broader anxieties about Hong Kong's future, a broader crisis of governance, and a lack of trust in the mainland Chinese authorities (Ma & Fung, 1999).

Economic Integration & Wave of Protests

The outbreak of tragedy SARS epidemic in Hong Kong in 2003 was the first turning point of mainland China and Hong Kong relationship. The crisis and subsequent legislation work of anti-subversive laws proposed by the government under C. H. Tung's leadership eventually triggered a mass rally on 1 July 2003. To revive the weak economy after the hygiene and then governing crises, Beijing decided to introduce the Closer Economic Partnership Agreement (CEPA), integrating Hong Kong SAR to the Chinese mainland by promoting human mobility and cross-border economic activity. The economic agreement not only brought huge monetary benefits for the retailing and tourism industries in Hong Kong, but also for policing issues as a result of the flourishing of legal and unlawful cross-border activities, including parallel trading, commodities smuggling, money laundering, and bogus marriage. There were controversies over the developmental strategies on the pace and scope of Hong Kong and mainland integration. This extended to the debates over the arrangement of administrative autonomy under the concept of One Country Two Systems, with appeals that included universal suffrage, economic equality, and social justice. A wave of protests gradually emerged since the 2010s.⁹

Mass demonstrations and gatherings after the 1967 riots were infrequent in the transition period since the mid-1980s, except for annual candlelight vigils on 4 June after 1989. Since the handover there was an increase in the frequency of mass demonstrations, rallies, and gatherings. These were mobilized by different civil groups to protest against the Chinese government, the Hong Kong administration, and often specific policy decisions. Police actions in protest management were under heavy public

⁹ Hong Kong government figures have shown an increase in the number of protest activities, from 2,300 events in 2002 to 6,878 events in 2011 (Hong Kong Legislative Council, 2012).

scrutiny as political overtones were projected into every interpersonal interaction between officers and protesters in Chinese Hong Kong. The operations of police were interpreted as the thin end of a communist wedge against long-held freedoms in the city. Extensive media coverage of protest activities was widely available, and civic-libertarian groups often filed complaints or otherwise accused law enforcers of using excessive and unnecessary violence when maintaining order at the events.

In response to the critics from civil groups, authorities usually claimed legal foundations for police actions; praised the 'excellent performance' of the front-line officers displaying 'maximum restraint', using 'minimum force' in operations; and referring to favorable public approval ratings of the police. Their defense stated that accusations are ungrounded and exaggerated, and some officers were humiliated when exercising duties. However violent confrontation between the police and protestors was not prevalent until the eruption of the 'Umbrella Movement' (or 'Occupying Central' civic obedience campaign) which lasted for 79 days starting in 28 September 2014.¹⁰ The saga in 2014 started triggering public doubt towards police accountability. They began to question who, what, and how the Hong Kong police served.

Skepticism over the Police Professionalism, Neutrality, and Accountability

Democratic policing is a type of police practice where political neutrality holds in domestic conflicts and a civilian democracy prevails (Manning, 2010). There are three major indicators of democratic policing

in prevailing literature and they explain how police obtain legitimacy: political neutrality (loyalty to the constitution, professional police culture and clear and defined mission of maintaining law and order etc.); democratic control (legislative and civic participation oversight and transparency of police activities) and social impartiality (demilitarization culture and reconciliation for the past abuse).

The Hong Kong policing system in the colonial era definitely had an 'authoritarian' nature, and the current system that inherited the post-reform features is also far from 'democratic'. The police establishment has exhibited its inheritance from a colonial policing model that could be very coercive. Police in the 1960s escalated their use of force for territory-wide suppression. Police authority, which could be overtly coercive under 'draconian legislation' was not illiberally used. The structural reforms carried out from the 1970s onwards brought in some community policing practices and successfully rebuilt the image of Hong Kong Police-less corrupt, more effective, more efficient, and apparently accountable. However, the reforms did not fundamentally change the nature of the police force. The traditional wisdom for institutional legitimacy for policing, in particular the appeal for procedural justice & transparency, was not fully realized in Hong Kong. The legitimization could be explained as 'conditional'-it satisfied public expectations towards policing in the territories.

This era of low expectations was accompanied by a successful marketing strategy, as well as the timely reforms introduced in the 1970s. With the intention of Beijing to clarify the 'spirit' of One Country Two Systems since 2012, the era of ambiguity was prematurely finished. The emergence of controversies over the police's professionalism, neutrality, and

¹⁰The official press release issued by the Hong Kong SAR government did not use the term "Umbrella Movement" to describe the seventy-nine-day territory-wide mass demonstration that captured the attention of international media. The official line was that the demonstration and subsequent sit-in protests constituted "illegal occupation activities." It was emphasized as an offence that obstructed the law and order of Hong Kong beyond freedom of expression. The discourse was mirrored by Beijing's propaganda.

accountability challenged the deposited public imagination of the police- which was not principally formed by personal policing experience but rather from impressions derived from media and films. From 1997 to 2007, the public dissatisfaction of Hong Kong Police's performance was kept at a very low rate (below 10%). However, the public have become less satisfied since 2007. From 2013 to 2015, there was a rapid drop (10%) and the lowest public satisfaction (51.4%) towards HK police, with a rapid growth of dissatisfaction (13.6%). The highest rate of public dissatisfaction appeared in 2018 (28.1%) (HKU POP, 2018).

No Longer Unaccountable?

During the saga of 2014 there was a lot of accusations towards the police regarding improper use of force and irrational prosecution of protesters. Since those events, the media and public paid increasing attention to police misbehavior, so the professional image of Hong Kong Police (HKP) has been damaged. According to the Independent Police Complaints Council (IPCC), from 2014 to 2018, the average allegations it endorsed per year was 3282. Of these, 48.2% were charges of neglect of duty, 34.6% were charges of misconduct, improper manners, or offensive language, and 8.1% were charges of assault. From 2015 to 2018, a total 152 serving police officers were arrested. Among of them, 23 cases involved theft, 9 cases involved preventing the course of public justice, and 9 cases involved wounding or serious assault (Independent Police Complaint Council, Hong Kong, 2015 & 2017).

The Hong Kong Police Force has the power to investigate itself. Under Hong Kong's two-tier police complaints system, the Complaints Against Police Office (CAPO) receives reportable complaints, conducts investigations, and submits investigation

reports to the Independent Police Complaints Council (IPCC). The IPCC then reviews investigation reports by discussion and query. This has been criticized as the IPCC does not have power to investigate. It instead remained as an advisory and oversight body since its establishment in 2009 (Independent Police Complaint Council, Hong Kong, 2017).

The IPCC could only use reports and evidence submitted by CAPO when deciding whether endorse the investigation results. It may also request CAPO to reinvestigate a complaint if a report is rejected, but the power of investigation still held by the police. In 2017 to 2018, the total number of allegations was 2,872. Among 1,010 allegations that required full investigations, 41.5% were unsubstantiated, while among 1,862 allegations that did not require full investigations, 47.9% were not pursuable (Independent Police Complaint Council, Hong Kong, 2018).

Hong Kong police have therefore faced criticism over their professional image and doubts on whether they can conduct law enforcement in a neutral manner. The Report of "Police Power and Human Rights on 2014-2015 Umbrella Movement" has concluded 6 types of accusations about police law enforcement, including improper use of force, abuse of the police power to stop and search, indiscriminate arrest, driving away healthcare staff and reporters, police officer misbehavior, and improper prosecution. In 2014, only 48 out of 955 people arrested by the police were prosecuted, a prosecution rate of 5%. Among those prosecuted, the rate of conviction was 34%. Additionally, the rate of prosecution in 2005 (Anti-World Trade Organization Protest) and 2011 (Demonstration against the budget) were 0.6% and 12.2%. Thus, the Hong Kong police were criticized for abusing the power of arrest against protesters during mass demonstrations (Police Violence Database in Umbrella Movement, 2017)

Conclusion: Hybridity of Policing in China's Hong Kong

Policing in Hong Kong inherited paramilitary features in its early days of establishment emphasizing the capacity for 'internal security management'. Although the Hong Kong Police is a civil force in its daily operation, it can be quickly turned to be a force with anti-riot capacity for suppressing disturbances by force. Since 1969, members of the police force regardless of their rank had to undertake anti-riot training and be deployed to the Police Tactical Unit (PTU), a unit that is reserved for anti-riot policing duties. Theoretically all police would be called upon for PTU duty at least once in their tenure of service in the police force, and all members who received promotions would be subject to recall for PTU duty in order to acknowledge the anti-riot tactics of their new roles. This structural design implied that all 30,000 officers in the force were equipped with basic anti-riot skills and could be quickly turned into anti-riot platoons upon receiving a mobilization order from the Commissioner of Police. They would take up a supplementary role in different police regions for the maintenance of law and order in cases when there was not a territory-wide disturbance (Ho, 2019, pp. 224-225). In addition to the strength of police force, the anti-riot capacity of government is also powered up by 'draconian legislation' that substantially empowers police officers in exercising their duties.

This paper intends to respond to a simple but frequently asked and significant research question about Hong Kong policing- Why did the citizens perceive the police as accountable, professional, and neutral in the final chapter of colonial rule and the first decade of SAR era, but then have a drop in the satisfaction rate to below 20% in August 2019? (HKU POP 2019). While popular discourses highlighted the 'politicization of society' and 'institutional decay of the police', I would argue that this paradoxical

phenomenon could alternatively be explained by the abrupt and fundamental change of policing context accompanied by the realignment of Beijing's Hong Kong policy under the One Country Two Systems framework since 2014. The post-occupied context triggered reflection in Hong Kong society and thus demystified the public imagination of the HKP's 'professionalism', 'neutrality', and 'accountability'. With the redefinition of the Beijing and Hong Kong SAR relationship, the new policing context is no longer constituted by the 'politics of ambiguity' of the old days. The incorporation of the western managerial concept of 'accountability' got mutual exclusion with the fundamental nature of colonial paramilitary policing model inherited from the colonial Hong Kong.

References

- Goldsmith, A. (2015) Disgracebook policing: social media and the rise of police indiscretion, *Policing and Society*, 25:3, 249-267, DOI: 10.1080/10439463.2013.864653
- HKU POP (2019) *People's Satisfaction with the Performance of the Hong Kong Police, half-year average, 7-12, 1997-1-6, 2019*. Website URL https://www.hkupop.hku.hk/chinese/popexpress/hkpolice/halfyr/hkpolice_halfyr_chart.html, accessed 31 Jan 2020
- Ho, Lawrence Ka-ki (2010) *Policing the 1967 Riots in Hong Kong: Strategies, Rationales and Implications*. Hong Kong: Unpublished PhD thesis at the University of Hong Kong.
- Ho, Lawrence Ka-ki & CHU, Y. K. (2012) *Policing Hong Kong 1842-1969: Insiders' Stories*. Hong Kong: City University of Hong Kong Press.
- Ho, Lawrence Ka-ki (2014) "Policing in Hong Kong and Macau: Transformations from the Colonial to Special Administrative Region" in Campbell, J. & Miller, V. (eds.) *Transnational Penal Cultures: New Perspectives on Discipline, Punishment and Desistance*. London:

- Routledge, pp. 83-85.
- Ho, Lawrence Ka-ki & Lam, Agnes I. F. (2017) Policing Macau: From “the Territory under Portuguese Administration” to China’s “Special Administrative Region” in O’ Reilly (ed.) *Colonial Policing and the Transnational Legacy: The Global Dynamics of Policing Across the Lusophone Community*, Routledge, UK.
- Ho, Lawrence Ka-ki (2019) “Policing Transnational Protests in an Asian Context: The WTO Sixth Ministerial Conference in Hong Kong”. *Contemporary Chinese Political Economy and Strategic Relations: An International Journal*. Vol 5 (1), pp. 224-225.
- Hong Kong Legislative Council (2012) *Legislative Council Press Release 19 December 2012*. Retrieved 10 February, 2020, from <http://www.info.gov.hk/gia/general/201212/19/P201212190442.htm>
- Hong Kong Government (1968) *Events in Hong Kong, 1967: An Official Report*. Hong Kong: Government Printer.
- Independent Police Complaint Council (2019) *IPCC Annual Report 2018*. Website URL <https://www.ipcc.gov.hk/doc/tc/report/2017/chapter2.pdf>, Accessed 31 Jan 2020.
- Jin, Y. (1998) *Zhonggong Xianggang zhengcemiwenshili: Jin Yaoruwushinianxiangjiangyiwang (The Secrets of the CCP’s Policy in Hong Kong)* [in Chinese] Hong Kong: Tianyuan Shuwu.
- Jones C. & Vagg J. (2007) *Criminal Justice in Hong Kong*, London: Routledge-Cavendish.
- Lee, C.H.N (1995) *Society and Policing in Hong Kong: A Study of the 1956 Riot*. Hong Kong: Unpublished thesis at the University of Hong Kong, Hong Kong.
- Ma, E. & Fung, A. (1999) Re-sinicization, Nationalism and the Hong Kong Identity, in So, Clement & Chan Joseph (eds.), *Press and Politics in Hong Kong: Case Studies from 1967 to 1997*. Hong Kong: Chinese University Press, pp. 497-528.
- Manning, Peter (2010) *Democratic Policing in a Changing World*, New York: Routledge.
- Neep, D (2012) *Occupying Syria under the French Mandate: Insurgency, Space and State Formation*, Cambridge: Cambridge University Press, 179.
- Ng Chi-wa (1999) *Establishment and Early Development of the Police System in Hong Kong* (in Chinese). Unpublished PhD thesis, The Chinese University of Hong Kong.
- Police Violence Database in Umbrella Movement (2017) Website URL <https://drive.google.com/file/d/0Bx4UPgWniSxQamFiN184blVBTVk/view>, Accessed 31 Jan 2020.
- Scott I. (1989) *Political Change and the Crisis of Legitimacy in Hong Kong*. Hong Kong: Oxford University Press.
- Secretary for Chinese Affairs, Hong Kong (1930) ‘Report of the Secretary for Chinese Affairs’ in Appendix C, *Hong Kong Administrative Report 1929*. Hong Kong: Government Printer.
- Sinclair, K. (1994) *Royal Hong Kong Police: 150 Anniversary Commemorative Publication, 1884-1994*. Hong Kong: Police Public Relations Branch, Royal Hong Kong Police.
- Sinclair, S. (2006) *At the End of the Line: Colonial Policing and the Imperial Endgame 1945-80*. Manchester: Manchester University Press.
- Wong, C.Y. (2001) *The Communist-Inspired Riots in Hong Kong, 1967: A Multi-Actors Approach*. Hong Kong: Unpublished M. Phil Thesis at the University of Hong Kong.