

Policing Public Order Events in Hong Kong SAR : Issues & Implications

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Abstract

Demonstration is a worldwide and popular strategy for persons and groups to express political, economic and ideological demands. It is the freedom guaranteed by legislations in some countries as an instrument to insure liberty and citizens' right in keeping with the spirit of democracy. However, most demonstrations and protests would affect the ordinary citizens' life or even escalate to social violence, whether demonstrators want or not. In the liberal regimes, their police heads are often frustrated by their dual roles to respect freedom of expression and preserve public order. In modern societies, police policy regarding control of assemblies and demonstration has been shifted from the hardcore 'command and control' approach to the mild policy of 'negotiated management' to balance two missions.

Given the colonial nature of Hong Kong governance and absence from electoral politics in the territories, there were limited large-scale protests in Hong Kong since the 1970s. After the social disturbances in 1967, outcries from community to safeguard the civil and political rights were not apparent, if not suppressed by the colonial government. Only scattered episodes of mass public gathering took place in the territories, and they were mainly non-political, non-protesting nature, like soccer matches, horse racing day and firecrackers display events. Public order policing, at that circumstances, simply means the human resources deployment tactics of the police to manage generally non-provocative crowd.

The situation undergoes significant changes during the 'transition period' between 1985-1997 and after the establishment of the HKSAR. In the early 1990s, several well-known tragedies with considerable casualties occurred on the street that were apparently due to the ineffective policing strategies to crowd management. After Hong Kong returned to China in 1997, citizens are guaranteed for their freedom of speech and assembly under the Basic Law and One Country Two Systems principle. The emergence of civil societies and the mass public gatherings in the millennium years attract not only the spotlights, but also scholarly attention to analyze the civil societies' mobilization and police's demobilization in the socio-political protests. When the police authorities of the HKSAR often appreciated their members displayed professionalism, exercised greatest restraints towards the increasing provocative crowds, and behaved legally in policing actions, the citizens contradictorily accused of the police using excessive and necessary forces that indicating the tightening the control of civic liberties as guaranteed in the constitutional documents.

This study will examine the publicly accessible archives and interview some stakeholders to review the strategies and tactics of public order policing by the Hong Kong Police. Four principal research questions will be addressed: (1) What are the Public Order Events (POEs) in Hong Kong and their nature? (2) How did the Hong Kong Police manage the protests, and how could we understand her tactics with reference to scholarly literature? (3) What are the scholarly and practical implications in which the Asian police counterparts could learn in protest management?

(474 words)

Keywords: *Public Order Policing, Protest Management, Hong Kong*

1 Introduction: Why study Public Order Policing

Protest is a commonly used strategy for the opinion expression of civilians, as some democratic nations have guaranteed the freedom of doing so in their constitution. Yet protest policing may encounter the dilemma of maintaining the social order on one hand, and need to respect the citizens' rights of political participation at the same time (della Porta, 2006). It is not an easy task for the police to strike a balance between the two missions: Protesters may criticize the operation of police in protest as using excessive violence infringing the human rights of the participants, while the police often spot their eyesight on minimizing the potential disturbances to the society caused by the protest activities.

In Hong Kong, protest is the guaranteed right in of Hong Kong. The article 27 of the Hong Kong Basic Law stated that local citizens enjoy the freedom of association, assembly, procession and demonstration. It is frequent to witness the mobilization from different civil groups and their supporting quorum took part in varying types of protesting activities, namely sit-in demonstrations, marches, or hunger-strikes to advocate their opinions on public policy agenda.

Figures from the government showed that the number of protest activities has been increasingly from years since the millennium years, from 2300 events in 2002 to 6878 events in 2011¹. In spite of the sharp elevation, almost all of these protests were held peacefully. Te confrontation scenes between protesters and law enforcers are just tips of the iceberg among thousands of protest events. A number of academic discourse tend to attribute the soaring numbers in protest activities in the past decade o the slow progress of democratization of Hong Kong's political institutions, the polarized economic situation and launching controversial social policies by the government. These factors dominate the theme of the protest activities in Hong Kong. A noteworthy trend is that the activities with "civil disobedience" outcries have been propagating in Hong Kong society in recent years, so as to sharpen the illegitimate SAR leadership and governance, as well as the 'draconian public order legislations' that inherited from the colonial government.

Indeed, the protesting activities in the Hong Kong SAR imply far more than just a social phenomenon. In the perspectives of researchers, politicians and diplomats, government and police's counter-insurgencies towards them simply indicated the practice of "One country, two systems" as promised by the Beijing authorities, a special governing relations between Hong Kong and the Beijing government of the People's Republic of China which ensure the high degree of freedom and autonomy of the city. Therefore, the order management of protest that in charged by Hong Kong Police Force is being concerned and gazed, as the micro level interaction between police and protesters projects the degree of tolerance to the oppositions under the governance of mainland China since 1997 handover. Any interference from the authority, especially the restrictions that imposed by police during protest, can often be enlarged as the tightening of control from the communist regime, and also the threat of freedom in political participation that previously enjoyed in Hong Kong.

There have been divergent discourses on the public order policing in Hong Kong. Different stakeholders, such as police, protesters and media may have their own view on the protest policing, but the related academic studies for Hong Kong experiences are quite few at

¹ Legislative Council Press Release (2012, December 19). Retrieved February 26, 2013, from <http://www.info.gov.hk/gia/general/201212/19/P201212190442.htm>

the moment. This paper intends to provide a comprehensive study of public order policing in Hong Kong recently, which includes analysis of the protest handling strategies, together with the discussion of such policing style in public order events.

Protest policing in Hong Kong is not simply just as the management strategies of the public order events, but also can reflect the governing philosophy by the authority. The review and analysis of current practices in protest policing, particularly the changes before and after the 1997 handover, may help the study of changes in the governance of Hong Kong. This study will examine the publicly accessible archives and interview some stakeholders to review the strategies and tactics of public order policing by the Hong Kong Police. Four principal research questions will be addressed: (1) What are the Public Order Events (POEs) in Hong Kong and their nature? (2) How did the Hong Kong Police manage the protests, and how could we understand her tactics with reference to scholarly literature? (3) What are the scholarly and practical implications in which the Asian police counterparts could learn in protest management?

2 The Public Order Events (POEs) in Hong Kong before and after 1997

The first question addresses in this paper is the nature and significance of ‘Public Order Events (POEs) Hong Kong. In the territories, public order management is in-charged by the Hong Kong Police Force, a 170 years-old disciplined service which has about 35,000 personnel for the social order maintenance and law enforcement in the 1,100 km² territory. In the police operational terminology, there are two major types of “Public order event”, which are classified based on some criteria.

The first type is categorized as ‘Public Order Events’ (POE), or Public Processions, a neutralized description of marching, demonstration, public gathering and other protest activities, such as annual June 4 Tiananmen Square memorials and annual 1st July protests. Besides, social disobedient in recent years, like the Occupy Central movement and Anti National Education campaign, are also belongs to the category. The second type is categorized as ‘Public Activities’. It refers to the public gatherings in some circumstances, like the annual firework displays, horse racing and the festival celebrations. As these events often involved over ten thousands of participants, it is necessary to deploy the police officers to manage the order of event and ensure the security.

However, public order management seems not the major focus of police in the colonial era. After the politically inspired, territory-wide disturbances in 1967, the colonial government launched a series of ‘draconian legislation’ to outlaw the ‘unauthorized public assemblies’. Citizens also showed limited enthusiasm towards politics and appeals on public gathering. There were absent from mass demonstrations and gathering until the outbreak of a number of administration scandals in the public sector, like the arrest of corrupted Superintendent of Police Peter Godber; the chiseling scandal of Golden Jubilee Secondary School; and the dedicated patriotic students protest against Japan’s seizure of Diayutai Islands. In 1989, there were over million of citizens assembled in the Hong Kong Island and showed their support towards the student movement in Beijing. These subtle, small to mega-scaled public demonstrations and rallies all get significant attention from the Sociology, Political Science scholars and intensive analyses on their causes and implications are available in literature databases. However, no in-depth intellectual discussion tries to concentrate on the ways and rationale did the police authorities respond to these events, particularly why limited vandalism activities took place in that territory-wide march in Central Business District area

of Hong Kong with more than 1 million citizens' participation. It was not until the outbreak of Lan Kwai Fong tragedy in 1993, casualties due to over-congested of the crowds gathered at the CBD's entertainment zone to countdown and celebrate new year, public order policing in rallies and gatherings have become a specialized topic for both scholarly and law enforcers' concern.²

Stepping into the Hong Kong SAR period in 1997, it witnessed the increasing frequency of the mass demonstrations, rallies and gatherings mobilized by different civil groups so as to protest against particular public policy suggestion/ decision as well as the governance. On the day of Hong Kong returned to the jurisdiction of Beijing government, the local organized big rally and staged protests outside the Hong Kong Convention and Exhibition center to oppose to the Beijing's infringement of One Country, Two systems' promise. Since the half a million rally in 2003, after the SARS outbreak, the First of July Rally has become an annual event gathering the grievance citizens to show their discontents towards the SAR governance.

Figures from the HKSAR government in 2012 shows that there are about 7500 public processions³, which means on average there are about 20 protests take place in the seven million population city every day. Such a huge figure can be attributed to the slow progress of democratization of Hong Kong's political institutions, the polarized economic situation and launching controversial social policies by the SAR government. The discontent to government performance dominates the theme of the protest activities in Hong Kong.

The public procession in Hong Kong was small in scale (usually less than a hundred of participants) and often held in the form of marching and demonstration, a number of them, however, may mobilize over ten thousands of citizens to join. In addition, the ways of expression in public procession can be in various ways, like sit-in protest, encircle or even occupy a particular site. The order maintenance in public processions, as well as during public gatherings, is in charged by the Hong Kong Police Force. Here are 5 major public processions taken place after the millennium year.

The 1st July Rally in 2003 and onwards

Half million of Hong Kong citizens had participated in 1st July 2003 march, which was the largest protest since the 1997 handover. The enactment of Article 23 of Hong Kong Basic Law⁴, chaotic management of government during the outbreak of SARS⁵, and the

² The Hong Kong government set up an investigation panel head by Mr. Justice Kemal Bokhary to inquire the Lan Kwai Fong tragedy and a report titled 'Lan Kwai Fong Disaster' was released afterwards. The Investigation Panel listed 10 major items of suggestions to the government, particularly the Royal Hong Kong Police and the other disciplinary forces, to professionalize the management of public gatherings in future. Suggestions included 1) To increase awareness of crowd order management in RHKP; 2) To take careful considerations for the no. of police deployed; 3) To evaluate the maximum capacity of the zone and control the flow; 4) To better equipment to the frontline officers for communication; 5) To provide first aid training to the frontline officers; 6) to strengthen the cooperation between emergency services; 7) To consider with some fringe issues of crowd management; 8) To deal with the fire safety problem of the pubs; 9) To change in attitude of crowd management; and 10) To improve public educations on public order management.

³Cheung, S. (2013, January 30). Tech Crimes Surge But Cases Prove Tough To Crack. *South China Morning Post*, CITY1.

⁴Article 23 of Hong Kong Basic Law stated that "The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies". The SAR government proposed to enact the

incompetence of the principal government officials led to about one twelfth of Hong Kong citizens joined the march and express their discontent to the authority. Despite of these, the march was still orderly took place, without any major disturbance happened.

The Protests against WTO Sixth Ministerial Conference in 2005

The trans-national protest during the WTO Sixth Ministry Conference in 2005⁶ had provoked the massive scuffles in Hong Kong, or even being defined by the Hong Kong Police Force as a riot. Fortification was strengthened during the conference, featured by the deployment of 9000 police officers at the frontline to ensure the order and security of the city. However, citizens in Hong Kong were still shocked by a series of violent clashes between police and protesters, particularly the experienced Korean peasants who are well planned for their protest strategies and dared to confront with the law enforcers. The greatest one broke out on 17 December 2005: Thousands of protesters clashed with the police and break through their cordon lines in Wan Chai, and the police were then response with coercive strategies by using the pepper spray, water cannon, tear gas and also the rubber bullet to repress the riot. Police had detained 910 protesters during the operation, and 14 of them were being charged.

Protests against the demolition of Star Ferry and Queen's Piers in 2006 & 2007

The demolition of Star Ferry Pier and Queen's pier had aroused the public concern of heritage protection. Protesters, which dominated by the social activists, had shown their determination of protecting historical piers by camped and occupied both Central Star Ferry Pier and Queen's Pier in 2006 and 2007 respectively, in order to stop the demolition process. However, a series of coercive actions had been done by the police officers in these two events, which include the forcibly removal of the protesters from the site.

About 30 protesters entered the demolition site of Star Ferry Pier on 12 Dec 2006 in order to stop the worker's work. They stationed in the site about half of the day and requested for the meeting with government officials, but were all removed by the police officers finally, plus the arrestment of an occupant. The angered protesters were then encircled a police vehicle and blocked its way, followed by the spent of another 30 minutes to remove these protesters again, in order to leave the demolition site. Another occupation was also held on 14 December in the pier, as hundreds of protesters slipped into the demolition site again. Tens of police officers arrived and removed the occupants one by one.

The major clash between protesters and police in the demolition of Queen's Pier event broke out on 1 August 2007, as all the occupants (less than 40 in total) were forcibly expelled from the site. More than a hundred of police⁷ were deployed, together with nine government departments (e.g. Firemen, Marine Police, Paramedics and the Negotiation Cadre) involved in the operation. Some of the protesters even climbed on top of the pier and located at the

related laws in 2003 based on the Article 23 of Hong Kong Basic Law, but some Hong Kong citizens were worried about the deterioration of "freedom of speech" after the enactment of such laws.

⁵The outbreak of SARS (Severe Acute Respiratory Syndrome) in spring 2003 led to the loss of 299 Hong Kong people's lives.

⁶The conference was taken place at the Hong Kong Convention and Exhibition Center, which is located in Wan Chai district, the center of the city.

⁷Most of the newspaper in Hong Kong described that there were about 100 police mobilized in the event; while Apple Daily pointed out that there were about 500 cops mobilized: 兩示威者被控襲警 (3.8.07) 。蘋果日報，A8。

roof's edge to struggle against the police, but were caught eventually. Police officers had spent over 10 hours to remove all the protesters (31 people in total) from the pier.

The Bar bender's strike in 2007

Unlike the political issues-driven protests, the bar benders' strike was a labor movement which aimed to fight for better treatment (acceptable wage increase and reduce of working hours) of workers. These bar benders' were not simply as the ordinary strikers: They were indeed the pillar of the local construction industry and hard to find other workers to replace them in the short period of time. Indeed, developers suffered a significant economic loss during the strike.

These bar benders were led by trade union leaders and performed various means to strike for their goals, including protests in construction sites and blockage of entrance at these places. In addition, 300 workers had even blocked the Queen's Road Central on 11 August 2007 for several hours, which disturbed the traffic and business in the heart of city. Yet, to avoid situation being worsen, police had generally performed a passive role in these series of confrontations.

The Anti-high speed railway construction project protest in 2010

The Anti-high speed railway protests was dominated by the "Post-80s generation" protesters: not only the social activists in this time, but also the involvement of passionate youngsters. They rejected the government proposed high speed railway construction plan, and they demand for the cease of Choi Yuen Village demolition. Besides, these youngsters were the supporters of pan-democratic camp in general and distrust both local and mainland government. They were also dissatisfied with the law makers from the Functional Constituency, as they enjoyed the voting privilege.

It was obvious that the "Post-80s" protesters often tried to use violent actions to voice out their stands or achieve their goals, such as blocked the main road or clashed the cordon during protest. Thus they were being labeled as the "radical youngsters" by the media. On the other hand, they tended not to cooperate with the police officers in the protest. Major clash was broken out on 16 Jan 2010 night, as 1200 police mobilized in the operation, versus thousands protesters scattered in various protesting zones on Des Voeux Road and Chartered Road. Protesters confronted with police officers and blocked the exit of the former Legislative Council Building. The government officials and pro-establishment camp law makers were therefore trapped for several hours.

Interestingly, controversies almost emerge in each of these POEs as seen from the reportages of mass media. Accusations from the civic libertarian groups to the police authorities are common, with the evidence of the law enforcers using excessive and unnecessary violence when maintaining the order in the events. Some outcries directed to the infringement of protestors' human rights, suppression of freedom of expression human rights etc. In response to the critics from the civil groups, the police authorities usually claimed their policing actions are all with legal foundations; praised the 'excellent performance' of the front-line officers displaying 'maximum restraints, used minimum forces in operations; and their policing work generally get high satisfaction rate among the public. They defended that the critics from civil libertarians are ungrounded and exaggerated, and some officers were humiliated when exercising duties

Table 1 The Public Order Events in the Hong Kong SAR

POEs	Background	Demand	Significance on protest policing
<i>The First of July March (2003)</i>	<p>Dissatisfaction with government performance</p> <p>(1) Dealing with SARS</p> <p>(2) Enactment of Article 23 of Basic Law</p> <p>(3) Dissatisfy with the performance of the principal government officials</p> <p>Collective grievance in the society after the outbreak of SARS</p> <p>500,000 participants, from different walks of life in the city</p>	<p>Against the enactment of Basic Law Article 23</p> <p>Step down of the Chief Executive Tung Chee Hwa</p> <p>Account for the policy failure of some principal officials</p>	<p>The greatest protest in Hong Kong since 1980s, with about one twelfth of Hong Kong citizens joined</p> <p>Despite of the great number of participants and the collective grievance in the society, the march was organized peacefully</p> <p>Protesters were generally obedient to the instructions of police, and the interaction between protesters and police was well</p> <p>A typical, yet remarkable example of the public order management in millennium era, which shows the capability of crowd management of the Hong Kong Police in a steady event</p>
<i>The WTO MC6 Protest (2005)</i>	<p>Transnational protest, involve thousands of foreign protesters</p> <p>Dominated by the Korean peasants</p> <p>Against the economic inequality of the world, as the organization symbolize the economic exploitation towards the developing countries</p>	<p>Against the WTO</p> <p>Demand for a fair trading relations between countries</p>	<p>This was the first time that Hong Kong experienced such a massive transnational protest</p> <p>The new protest tactics and strategies challenged the capability of Hong Kong Police Force, as the actions of protesters are dynamic</p> <p>Full mobilization of police officers in the event to ensure the social order and security</p> <p>Violent confrontation existed in the event, where the police officers need to use both coercive and negotiation tactics, together with information strategies to control over the chaos</p> <p>A valuable experience to Hong Kong, which the police had tactically manipulated the negotiated management policing style in the case</p>
<i>The Protest Against Demolition of Star Ferry Pier (2006)</i>	<p>Demolition of the historical pier, due to the reclamation project in Central</p> <p>Dissatisfy with the government policy in heritage preservation</p> <p>Led by social activists</p>	<p>Against the demolition of the historical piers</p> <p>Demand for the preservation of the heritage</p>	<p>A local protest event with the invention of some new protest tactics (e.g. occupy a site)</p> <p>Dominated by social activists and significantly drew the public attention, which sparked the beginning of a series of social movements in the next few years</p> <p>Police were failed to manage the protest skillfully and tactically in this event, under the new protest strategies</p>
<i>The Protest Against Demolition of Queen's Pier (2007)</i>	<p>Demolition of the historical pier, due to the reclamation project in Central</p> <p>Dissatisfy with the government policy in heritage preservation</p> <p>Led by social activists</p>	<p>Against the demolition of the historical piers</p> <p>Demand for the preservation of the heritage</p>	<p>Another site occupy demonstration that dominated by the social activists. Again, it caught the attention of the media and public</p> <p>A more tactical practices of protest management of Hong Kong Police in such the new confrontation strategies, and also marked the adaption of police towards the protest that led by the social activists</p>
<i>Bar bender's strike (2007)</i>	<p>A labor strike</p>	<p>Demand for the increment of wages</p>	<p>The 36 days strike not only drew the public attention, but also seriously affected the</p>

	<p>Participants were the bar benders in construction sites</p> <p>The wages of bar benders have been frozen for over ten years, cannot enjoy the benefits of the economic growth</p>	<p>Demand for better treatment and working conditions</p>	<p>construction works in Hong Kong</p> <p>The emotions of strikers were not stable and fluctuated easily, depends on the result of the negotiation of their wages (e.g. angered strikers blocked the Queen's Road Central</p> <p>Police on one hand need to maintain the order during strikers' demonstration, but at the same time their tactics should not be too coercive, in order to prevent the emotions of strikers were being triggered</p> <p>The bar bender's strike showed that how the police tackle with the emotional protesters and to de-escalate the chaos</p>
<p><i>The Protest Against the Construction of High speed railway (2010)</i></p>	<p>Disagree with government's planning of infrastructure development</p> <p>Construction of the railway cost \$66.9 billion</p> <p>Demolition of Choi Yuen Village is required in the construction plan</p> <p>Resentment to the voting privilege of the legislator in Functional Constituency</p> <p>Thousands of social activists and youngsters (post 80s generation) are mobilized</p>	<p>Against the construction plan</p> <p>Against the demolition of Choi Yuen Village</p> <p>Dissatisfy with the pro-establishment camp legislators</p>	<p>A massive social movement in Hong Kong, dominated by the so called "Post 80s generation". Marked the beginning of the active participation of the political events by youngsters in Hong Kong</p> <p>Some of the participants in the event were being criticized as "radical" in actions, as they were generally mistrusted to the authority, particularly the frontline police officers</p> <p>These young protesters often disobedient to the law enforcers and unwilling to cooperate with them, which increase the difficulties of the law enforcement work of the police</p> <p>The protest management works of police was being challenged in the case, as the obedience and trust on police of the protesters were relatively low, which increase the difficulties of protest management</p> <p>The management philosophy in this event was adjusted, in order to have an effective controlling over the protest in such circumstances</p> <p>The protest policing in High Speed Railway was also the model of the management practices in latter social movements</p>

3 The Scholarly Analyses on the Strategies of Protests Policing

Since 1970s, the western developed countries have gradually given up the strategy of "total control" in public order policing. Police would respond to disorder and ratchet-up their responses in varying public order episodes according to the level of violence of the protestor (King, 2004). In most countries, there have been predominantly in the direction of greater respect for democratic rights, and consequently softer protest policing (della Porta & Reiter, 1998). Having understood that "Escalated Force" would only lead to increased violence from previous experiences, they started to consider some means to diffuse the potential tension with demonstrators when policing protests. Three strategic foundations in public order policing could be identified under the new wisdom. The police would attempt to mediate with the protest organizers; avoid coercive intervention to the protests as much as they can; and perfect the instruments for information gathering (Marx, 1980).

The first strategy is to look for consensus with the protesters. Police will take proactive steps to engineer a favorable physical and social environment protest policing through the

introduction of some counterstrategies aimed to prevent widespread public disturbances. Concrete actions include conducting strategic analysis on various police plans and scenarios, reinforcement of intelligence gathering mechanism and development of paramilitary contingency plans. Under the belief of peace-keeping, complicated procedures of negotiation were emerged with the aim to avoid disasters. In response to public criticism of the hard-line policing approach, public relation efforts were increased. It could witness the growing role of police officers responsible for public relations acting as mediators between demonstrators and the forces of order. Meanwhile, the police pay increasing attention to message dissemination and management. Police authorities would seek public support to legitimize its police actions through media management activities. (Marx, 1998) For instance, before the protest they will explain to the public through media their plan and reason for certain actions in order to win their support. In case of changes, the spokesperson, which has been waiting in the wings, will make explicit the rationale for the actions as soon as possible, to stop the spread of possible rumors and accusations.

The second principle is to avoid coercive intervention by under-enforcement of laws. The police authorities would attempt to avoid coercive intervention as much as possible. Law-breaking tended to be tolerated by the police. Peacekeeping is the predominant concern of the police who aimed to create a 'win-win' situation. The target implied considerable departure from protest policing in the 1960s which attempted to stop all unauthorized demonstrations and a law-and-order attitude in the face of the 'limited rule-breaking' tactic used by the police. Some literature suggested the more force the police used against the protestors, the more resistance they would meet. Worse still, this would attract even more protestors. They would use radical means in the demonstration in order to attract more media attention. For example, Kraska & Paulsen (1997) explained the danger of militarization in public order policing. They pointed out that the military policing approach represents a more uncompromising, standardized, proactive and violent means to suppress disturbances. The hardcore style is more likely to bring in 'catastrophic' result in public order policing and there would be more casualties.

The police would adopt a non-confrontational approach to anti-rioting, for example, designating specific demonstration zones etc, to give permissible ways for the public to vent their emotions. The police also will not make anti-riot teams and heavy arms conspicuous to avoid irritating the protestors. As long as the situation is under control and unless they are ordered by their super-ordinates, the frontline demonstration-control teams will not take any forceful actions against the crowd. But a number of anti-riot members with hardware will be standing by near the demonstration route for worsened situations.

The last strategic foundation is indiscriminate collection of information and pay regards to the media management work. The police authorities would use of intelligence in the control of protestors received substantial attention. The police force would compile files and use them to deter the protestors. Police would place heavy emphasis on the risk assessment prior to the protest and will carry out "Negotiated Management and "Intelligence Collection". Risk assessment is done in every aspect of the forthcoming demonstration and they communicate with the organizing bodies of the demonstration in hope to reach agreement on the route and other issues. The police also collect updated information from the organizing parties to inform more than one contingency plans. Second, the police will assume the role of "Facilitator". On the one hand, they allow the protestors to put forward their complaints and on the other hand, they have to vigilantly watch out for any disturbances to citizens' life and any risks of vandalism and theft.

Under the new belief, the police authorities attempted to manage the public order events by using the same principles and techniques developed through the management of crime, namely, intelligence gathering, analysis and targeted actions (King, 2004). In general, the tactical tendencies of protest policing in western countries since 1980s was shown by the greater respects to the civil rights and thus the principle of ‘control’ was replaced by ‘facilitation’ in protest policing. Some adopted “containment strategy’ to isolate the demonstration crowds so as to minimize their disturbances to citizens’ life. But most of them tended to embrace the ‘conciliatory’ strategy to facilitate protests and provide platform for demonstrators to express their views freely. Comparatively low levels of force were used. Designated public protests areas might be set up; The anti-riot squads would not be deployed unless absolutely necessary; liaison works with the protesting groups and their delegates were undertaken before the protest; and unarmed or female police officers were deployed to the frontline. Meanwhile, some media management actions were done to counter-mobilize the demonstrations.⁸

Table 2 Three Recent Scholarly Literature analyzing the Protest Policing Strategies

Literature	Major arguments
della Porta (2006)	<p>Protest policing, i.e. control of protest by the law enforcers, accessed in three perspectives: Coercive strategies, Strategies of negotiation and information strategies</p> <p>Two major styles of protest policing:</p> <ol style="list-style-type: none"> 1. Escalated force: Massive use of force to deter protesters’ actions 2. Negotiated management: The emphasis of communication between protesters and police, in order to have a better control <p>Police knowledge was the cognitive process that formed by the internal perception to their roles in society and also the external demanding. It constitutes the police perception of external reality, which shapes the concrete policing on the ground (Della Porta, 2006, pp.186-7)</p> <p>Variables that help to determine the outbreak of disorders:</p> <ol style="list-style-type: none"> 1. Configuration of political power within the specific state 2. Institutional characteristics of the police and their occupational culture 3. Public opinion <p>(Mike & Waddington, 2005, pp.261)</p>
Gillham (2013)	<p>“Strategic incapacitation” in United States since the 911 attack. Rooted in risk management and new penology, emphasis on the incapacitation of the potential offenders in public order events(Gillham, Edwards &Noakes, 2013, pp.83)</p> <p>Practices in strategic incapacitation:</p> <ol style="list-style-type: none"> 1. Spatial redistribution, divide of public spaces into various types of securitized zones 2. Surveillance, collection of related information with the use of technology, in order to incapacitate the future unruly protesters 3. Information management, to manage the information dissemination and production
King (2013)	<p>Policing the riots in the age of austerity with two-pronged strategy: (King, 2013, pp. 34)</p> <ol style="list-style-type: none"> 1. Tactical response. Increase the flexibilities and mobility in policing practices (King, 2013, pp. 35-6) 2. Police-community relations. Highlighted the importance in liaison works of police

⁸ For example, in the policing operations throughout the WTO Ministerial Conference 2005, all the front-line policemen were ordered to exercise their greatest restraints when dealing with the provocative concerted actions from overseas protestors. (Hong Kong Police, 2006)

	<p>officers and the engagement with the community, which may</p> <ul style="list-style-type: none"> - Build up the mutual trust between protesters and police - Disseminate and gather of protest related information, particularly with the use of new social network <p>(King, 2013, pp. 37-41)</p>
Waddington (2013)	<p>Flashpoint model: Explain why some protest can trigger the explosive social reactions and why some cannot. Rooted in explanation of riotous behavior that focus on precipitating incident</p> <p>Six integrated levels of structuration: (King & Waddington, 2005, pp. 256-9; Waddington, 2013, pp.49-50)</p> <ol style="list-style-type: none"> 1. Structural: Refer to material inequalities, inferior life changes and patterns of political impotence which underpin the social discontent 2. Political & Ideological: To view the affection through the way that political and ideological institutions react to the demand of the protesters 3. Cultural: The cultural factors that lead to use of violent actions in a particular situation 4. Contextual: Concern with the dynamic communication process that make it more or less conducive to disorder 5. Situational: Focus on the spatial or social determinants that penetrates the actual settings of the relevant social interactions 6. Interactional: Quality of social interaction between the protesters and police

4 Studying the Policing of POEs in the Hong Kong SAR

It comes to the second question we would like to answer in this paper: How did the Hong Kong Police manage the protests, and how could we understand her tactics with reference to scholarly literature? As mentioned in the previous paragraphs, della Porta (2006) has evaluated the above dimensions into two major protest policing styles: (1) Escalated force policing gives a relatively low priority to the right of demonstration. Such notions stressed on the use of coercive means to control the order and deter the violent actions of protesters. (2) Negotiated management policing emphasized on the right to demonstrate peacefully. In the real practices, police officers in such managing style are featured with a higher toleration of the law breaking acts and close communication with the protesters during protest.

Based on the findings above, the coercive means of police officers in Hong Kong that adopted are relatively “gentle”: Only pepper spray were occasionally used in local issue-related protest. The more coercive weapons, such as tear gas and water cannons, were never applied unless the experienced, trans-national protesters were encountered (e.g. WTO MC6 protest in 2005) in the previous decade. Even though there are scenes of messy confrontations in the protest, tactics of both police and protesters in Hong Kong are relatively less fierce than other places.

The nature of protest policing style in Hong Kong is indeed closed to the negotiation model: limited coerciveness was exercised by the police, in order to cease the law breaking behavior of the protesters. Besides, various “soft” means have been adopted, to ensure the protest will be held orderly and peacefully, include active conversations between protesters and police and non-intervening protest-related information collection works. Commissioner of police in Hong Kong often repeatedly emphasized that the law enforcers have respected the freedom of procession and demonstration, together with the high degree of tolerance to the various opinions of protesters.

Police officers are of course responsible for the enforcement of law when the protesters

breach it, but they should. Indeed, various “hard” and “soft” strategies should be implemented wisely and flexibly and to ensure the smooth operation of the protest activities. Here are some of the tactics that carried out by Hong Kong police in the public order events:

(1) *‘Hard’ tactics*

Weapons, physical forces that applied by the law enforcers are belonged to the “coercive tactics”, as the immediate, painful feelings that suffered can deter their law breaking acts of the protesters. In these selected events, forcible removal of the site occupants had been applied for several times: The interlocked protesters were at first separated by police officers, followed with the picked up of an occupant by several police officers each time. Protesters were hard to struggle against the law enforcers, which terminated their occupation plain, and some of them even claimed that they were being beaten during the removal operation in Queen’s Pier incident.

In addition, pepper spray was applied occasionally in some other local protest activities, such as the protest to President Hu Jintao on 30 June 2012⁹. Such escalated coercive strategies could be used if the confrontation of protesters continues, despite the law enforcers had warned about it and called for cease of such acts. Note that despite the local police had also applied the tear gas and water cannons to transnational protesters in the WTO Sixth Ministerial Conference in 2005, such coercive weapons had not applied in the local issue protest in the previous decade.

(2) *‘Soft’ tactics*

On the other hand, police in Hong Kong have extensively used the persuasive “soft” tactics to ease the tensioned atmosphere in the protest. Communicate with the protesters (particularly the event organizers) beforehand can facilitate the mutual understandings of the expectations for each sides, and it is hoped to achieve the “win-win” situation. For example, police was at first reluctant to issue the agreement to bar bender’s march on 18 Aug 2007, due to the uncontrolled behavior of the bar benders previously. However, the prolonged negotiation between organizers and police could come to a compromised solution, as both sides agreed to delay the protest for a day and held in Central. Eventually, the march had carried out smoothly without chaos.

Negotiations in critical moment can lubricate the strenuous circumstances, particularly with the help of some “mediator”: They are often the pan-democratic camp lawmakers who have good prestige among protesters and well-trusted by them. For example, Ronny Tong (Civic Party) had involved in the negotiation of High Speed Railway protest by persuade the protesters to stop the encirclement of the former Legislative Council Building¹⁰.

Not only through conversations, but also the adjustment of environmental settings may help the minimization of conflicts with protesters. The deployment of plainclothes policemen during the High Speed Railway protest can present a friendly gesture to the protesters symbolically¹¹, which can reduce the revival atmosphere of both sides. On the other hand,

⁹Cheung, S. (2012, July 2). Police used stronger pepper spray, say protesters. South China Morning Post, EDT5.

¹⁰警邀做和事老社民連拒絕 (2010.01.19)。香港經濟日報，A10。

¹¹ 反高鐵 - 最英俊警員選舉 Retrieved February 26, 2013, from <http://www.youtube.com/watch?v=vmhOYmRsqb0>

such acts can provide a break time for the exhausted protesters and law enforcers, and may help the re-fortification of police.

(3) Information strategies

Police in Hong Kong may also gather the protest-related information through the intelligence and some other channels for preparation and prevention, as the fortification and emergency planning of police for the forthcoming protest relies on the information collected. Besides, the recent protest activities are featured by the internet mobilization: protesters of Star Ferry Pier, Queen’s Pier and High Speed Railway events had intensively made use the internet platforms, include the web forums, online radio channels or the social networking sites, to promote and propagate the related information of protest activities. As these internet channels can be accessed publicly, police may know the tactics of confrontation of some radical protesters from these sources.

In addition, offenders in the protest are often being identified and arrested after the protest. Such punitive actions are aimed to deter the law breaking behavior of protesters. 3 occupants from the Queen’s Pier event were arrested by police after the site clearance operation and sentenced to jail for several months or performed the community service order¹². Such the harsh punishment could have certain degree of deterrence effect to other protesters for their law breaking acts.

Changes of policing strategies in recent years

Yet, there are doubts and critiques on the claim of chief police officer, as the coercive means are applied more frequently in recent years: It is reported that the pepper spray that applied by police is substituted by the larger volume one, and it has been used in the protest to President Hu Jintao in mid-2012. Police had also introduced the new, long range acoustic device for suppression in the protest, although it has not yet been applied at the moment. However, it is too soon to draw the conclusion that “Hong Kong police are much more coercive” from these clues, as the style of confrontation of the protesters should not be neglected when evaluate the police performance.

Obviously, changes do not merely exist in the police tactics, but also the confrontation strategies of the protesters. The recent protest activities in Hong Kong are not solely happened in the form of large-scale marches (e.g. 1st July march), and indeed some new means have been introduced, such as occupy a particular place or block the main road, just as the selected case shown:

Event	Major clash	Deployed police
High Speed Railway (Jan 2010)	Clash between protesters and police in the protest zone (about 1700 protesters)	About 1200
Bar bender’s strike (Aug 2007)	Block the main road (about 300 protesters)	No information (estimated over 100)

¹² Ma Cho-ming and Fung Ping-tak were sentenced to 4 months and 2 months in jail respectively, charged by the “Offences against the person ordinance” (Cap 212 of Hong Kong Ordinances). Wong Hang-chong was charged by “Resisting or obstructing a public officer or other person lawfully engaged in a public duty” (cap 228 s 23), and sentenced to Community service order for 80 hours.

Queen's Pier (Aug 2007)	Occupy the site (less than 40 protesters)	More than 100 (Apple Daily: 500)
Star Ferry Pier (Dec 2006)	Occupy of the site (30 / 100 protesters)	No information (estimated ~50 each time)

Besides, confrontations were not necessary involved a large amount of protesters in the selected cases. Queen's Pier event showed that despite there were less than forty activists had joined the protest, it can still significantly developed as a public disorder, which can effectively draw the attention and concern by the public. Furthermore, the latest 2013 New Year's Day protest even featured with "mobility" (quick in action, did not stay too long at a point) and "lightness" (not too many people were concentrated at a point). Protesters' confrontation in recent days becomes more dynamic in nature, with the more tactical and flexible means to encounter law enforcer's operation.

On contrary, police often deployed a large number of officers to maintain the order and enforce the laws in recent protest activities. Despite it is meaningless to compare the size of fortification for the selected events directly as the nature and number of protesters involved was not the same, but it is obvious that the mobilization of police officers are escalated from time to time: from just about 50 officers deployed in the Star Ferry Pier event in 2006, to 1200 police take charge during the High Speed Railway protest (almost 1:1.4 for the ratio of protesters and police officers). The huge mobilization strategy is therefore to ensure the firm controlled of the protest site by police officers and prevent the chaos occurred.

On the other hand, the innovative confrontation strategies of the local protesters in recent years challenge the managing concepts and practices of the police in protest policing. The occupation of two historical piers and blockage of main road in Central were indeed the new practices to the Hong Kong society, yet the police officers were at first failed to respond and tackle these acts skillfully.

Messy circumstance appeared in the Star Ferry Pier event (on 13 Dec 06), as the relatively low scale mobilization of the clearance operation was resulted of the encirclement of police vehicle by the angered protesters. Besides, there weren't any thoughtful and well-planned procedures of protesters removal process (clumsy and unskillful actions while removing occupants from the demolition site), together with the immediate arrestment of the occupant (Ho Loy) angered the expelled protesters and led to the chaotic scene, which embarrassed the police and disgraced their prestige.

Comparatively, the site clearance process of police in the Queen's Pier incident was much more tactical, as they were well prepared and thoughtful for that: Police and the supporting officers from various government departments carried with advance equipment for the operation, and they had a planned procedure to expel the occupants from the site orderly, together with the later on arrestment of the law breakers. The smooth operation was due to the experience from the Star Ferry Pier incident, as the law enforcers had learnt a lesson from that.

The new protesting strategies have induced the change of protest policing in Hong Kong, which can be seen from the massive mobilization of the police officers and the more tactic procedures and skills in the recent protest activities. Yet, the update of policing strategies also feature with the introduction of more coercive weapons and the relatively harsh managing attitude of the law enforcers in protests, which constitute a more "coercive" image of the

protest policing.

Absence of Trust between Police & Protestors

Police and protesters are not interacting merely in one way causal relations. They are mutually influencing to another side, and evolve their tactics and attitude continuously: Angered protesters clashed with police officers violently in the High Speed Railway incident, and occupants were not cooperating with police's operation in Queen's Pier event. At the same time, police response with coercive actions to encounter protesters' strike in recent years.

D. Waddington's flashpoints model listed several dimensions which may account to the degree of confrontation by the protesters: (1) grievance to the structural features of society, (2) dissent to the political institutions, (3) norms and culture of the police-protesters interaction in a particular place, and (4) communication between protesters and law enforcers (D. Waddington, 2007). Of course, the generally increasing of discontent to the local politics and socio-economic situation driven a large number of citizens to participate in protests recently, but the brutal strategies of police should not be neglected for the worsening relations between police and protesters in past few years. Such conceptual framework can explain the antagonistic attitude of protesters in Hong Kong towards police officers, together with the escalated combats, are indeed possibly because of the coerciveness of protesters.

However, as mentioned before, police's response to the confrontation of protesters with coercive tactics gradually. The progression of such forcible means parallels with the new invented tactics of the protesters, in order to ensure the order and stability of protest. Vicious cycle of the police-protesters relationship thus formed, and it gradually evolves to the more strenuous interactions: Harsh treatment of police angered the protesters, which lead to uncooperative and confronting behavior of the protesters next time when encountered with law enforcers in protest, and police are then responded with more coercive means. The cycle looped continuously, result by tensional relations of protesters and police.

Such dynamic and mutual-interacting relationship of the police and protesters do not only lead to change in policing style and confrontation strategies of protesters. Their perceptions of another side, communication and mutual trust between them are also deteriorated in the same way. Police officers are less tolerant to the law breaking acts of protesters, and the hated feelings developed gradually, for the protesters to the law enforcers.

6 Primary Observation

Indeed, the third question we would like to bring in this study is what lessons we could learn from the experience in Hong Kong on the aspect of public order policing in recent years. Policing in protest activities is not merely a concern on managing tactics and real practices in the field. It can also lead to the theoretical considerations to the interaction of actors. Revise of the police tactics in previous years can be observed, which is driven by the new confront strategies of protesters. On contrary, the suppression of protesters by coercive policing tactics may lead to the more violent confronting practices, and the relations of police and protesters are degrading continuously.

Variation exists in the concepts and practices to the "freedom of procession and demonstration". Law enforcers may rank the order maintenance as the superior in protest

management, while the protesters are more concern to the risk of deprivation in citizens' right to political participation. It is believed that such incoherence may attribute to numerous factors, including the ethos of Hong Kong people towards the concept of order and freedom.

If we thoroughly examine the experience of Hong Kong Police in her encounters to the POEs in these years, we may find several important attributes that may explain the dynamics of mobilization from civic libertarian groups and demobilization strategies that continuously worked out from the government and law enforcement authorities. 1) Leaders' determination and how much of human and monetary resources did they allocate to the relevant policing authorities; 2) Maturity of the civil societies- the presence of more uncompromising civil groups in protesting activities, the more likely emergence of unexpected policing circumstances due to uncertainty and thus violence would be escalated. The involvement of transnational protestors in some originally local policy agenda (like the opposition of World Trade Organization Ministerial Conference we noticed the entry of Korean and Indonesian protestors) would also increase the uncertainty of protest development. 4) Wisdom of the police commander in-chief- how do the on-the-spot police commanders react to the behavior of the protesting crowds is also crucial. 5) Legal foundation- in the case of Hong Kong SAR, the increasing emphasis on civic liberty in legislations indeed indirectly put the police into a more accountable position when they exercise the duties in public order management. However, it also witness the liberal use of relevant legislations by the authorities attempting to empower themselves in protest management- like the pre and after the event arrest and increasing number of prosecutions towards the protestors. The erosion of mutual trust between the police and the policed (the protestors) are indeed destroying the already-wakened relationship of both parties and make the POEs more politically controversial in the territories.

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