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Policing the 1967 Riots in Hong Kong:
An Alternative Account from Frontline Police Officers

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Abstract

The 1967 riots were widely regarded as the worst civil unrest in Hong Kong. According to the official explanation, the Hong Kong Police, as a para-military and non-localized force, were the most loyal government agency to restore social orders by containing these "political confrontations". In the eyes of the local Chinese leftists, however, the Hong Kong Police were regarded as the "running dog" of the British colonialists who ruthlessly suppressed their compatriots in Hong Kong. Based on archival materials and in-depth interviews with 8 Chinese frontline police officers who were directly involved in suppressing the riots, this research has four major findings.

First, these police officers thought that the prolong disorder were not serious riots but only civil disturbances. Second, regarding their policing assignments as apolitical tasks despite acknowledging the politicization of the riots, they inclined to have a fearless outlook when confronting the protesting crowds. Third, few police officers quitted their job during the prolong riots because they saw it as a police duty to restore the social stability of the territory. They were also attracted by the subsidiary and relevant benefits during the riots. Finally, the frontline police officers tended to fully accept the colonial government's approach in dealing with the riots. In response to the local communist challenge of enforcing "fascist, brutal and hardcore suppression of the compatriots", they generally considered the regime's policing strategy as a carefully-drafted and flexibly-adjusted one that showed greatest steadiness and restraint, thus successfully gaining support from the mainstream local Chinese community.

I. Introduction

A series of riots, originally developed from a labour dispute and then connected with the Cultural Revolution in China, broke out in Hong Kong in 1967. Lasting from May to December, it was widely regarded as the worst civil unrest Hong Kong had ever experienced. During the turbulence thousands of bombs, both stimulated and real, were planted by hooligans. Fifteen people including several police officers were killed and many were wounded.

According to the official explanation, the Hong Kong Police, as a para-military and non-localized force, were the most loyal government agency to restore social orders by containing these "political confrontations". To recognize the contribution of the Hong Kong Police in effectively dealing with the riots, Britain's Queen Elizabeth II bestowed the title "Royal" to the Hong Kong Police in April 1968. In the eyes of the local Chinese leftists, however, the Hong Kong Police were regarded as the "running dog" of the British colonialists who ruthlessly suppressed their compatriots in Hong Kong. Although most academics agree that the 1967 riots have had hallmark impacts on the shaping of the Hong Kong's political and social development, they have contradictory interpretations on the causes, processes and more significantly, the role of different actors in the riots.

The aim of this paper is to provide a primary investigation on how the Chinese frontline police officers perceive and interpret this prolonged disorder. Eight Chinese police officers who resumed frontline policing assignments amid the turbulent period were interviewed. They were invited to review their work and offer their critiques to the varying interpretations on the riots in newspaper reportages and academic publications. Incorporating the direct personal inputs from this unique but significant set of actors through qualitative inquiries, this study attempts to enrich the previous explanations to the 1967 riots in Hong Kong. This exploratory study also hopes to provide a solid foundation for the more in-depth and wide-coverage studies on the policing episodes managed by the Hong Kong Police under the British rule at the height of the colonial era.

II. Current Interpretations on the 1967 Riots

Some previous studies suggest that the British colonialist had already established a sophisticated apparatus to control over the Chinese community before 1970s. Developed to a para-military and non-localized force, the Hong Kong Police Force was generally regarded as the most reliable agency to implement the actions ordered by the British Governor in Hong Kong to safeguard her interests in the territory. However, only very limited studies are available to critically examine this take-it-for-granted proposition. The 1967 riots maybe a good case study to explore the policing tactics maneuvered by the British leaders to consolidate its rule over the Chinese community in the crown colony.

Examining the Britain's discourses on the riots, however, we could sense that the colonial government attempted to downplay the severity of the disorder[1]. There is only a very brief phrase in the annual government report in 1968 when explaining the outbreak of the riots — "it is the all-out confrontations inspired by the communists in Hong Kong" (Government Information Service, 1968). Obviously, this type of brief account could not

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1) The report titled "Events in Hong Kong, 1967"offered a detailed account of all the social disorders from May to December 1967, including the industrial disputes in May; leftists' demonstration and stoppages of work in June and the urban bomb attacks since July. The term "Confrontations", rather than "disturbances" or "riots"were also extensively used to summarize the disorder events in this period. See Government Information Services (1968) Events in Hong Kong, 1967: An Official Report. Hong Kong: Government Printer.

satisfy the scholars and students who are interested in the study of the Hong Kong's societal development as well as the mass who experienced and suffered during the riots[2].

In reviewing the policing work during the riots, the colonial government also intended to emphasize its determination and strength to restore the social order. She down played the disruption in which the riots brought to the Hong Kong society on one hand[3] , whereas repeatedly recognized the contribution of the Hong Kong Police in containing these 'political confrontations'. As the Hong Kong Government 1968 Annual Report wrote: "The force composed by expatriate officers and Chinese subordinate were a united, reliable, professional and integrative institution to restore the law and order of Hong Kong. It exercised their duties with the greatest steadiness and restraint under the severest provocation and effectively dealt with the many and varied situations with which it were confronted during the period from May to December." (Government Information Services, 1968).

In the eyes of the local leftists, nevertheless, the Hong Kong Police were regarded as the "running dog of the British colonialists who took sanguinary suppression of the Chinese in Hong Kong". The Chinese policemen, therefore, were benchmarked as the yellow skin dog working on behalf of the white skin pig (the white British government leaders) to suppress the local Chinese compatriots in Hong Kong. Revisiting the literatures published by the leftist institutions in recent years, we could notice the Beijing's discourses on the "May Upheaval in 1967", a paragraph in a Chinese publication authored by a local leftist read the following: "The Hong Kong Government turned out large numbers of troops, policemen and "riot-police", used tear bombs and other poison gases, barbarously beat up the Chinese compatriots." (Zhou, 2002)[4].

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2) Unlike the cases in 1956 and 1966, the colonial government did not publicize an official account for the outbreak of 1967 disturbance through "independent" investigations. After the Kowloon Disturbance in 1966, the colonial government set up an inquiry commission to look into the cause of the disturbance and propose the remedial actions to disperse the social discontent. Its investigation report outlined the social features before the disturbance, and concluded that there was lack of cohesion in the society in a detailed way. In contrast to the serious approach to review the event in 1966, the colonial leaders did not set up an ad hocpanel to study the disturbance in 1967, which was larger in scale and greater number in casualties as well as having more far-reaching repercussion. See Hong Kong Commission of Inquiry on Kowloon Disturbances 1966 (1967) Kowloon Disturbances 1966: Report of Commission Inquiry. Hong Kong: Government Printer.

3) For example, the government described that the prolonged disturbance was just the communist-initiated confrontation between themselves and the Hong Kong Government and in no sense it was a popular movement

4) Zhou, Y. (2002) Xianggang zuo pai dou zheng shi. Hong Kong: Li wen chu ban (in Chinese)After the initial confrontation developed from the industrial disputes, the leftist unions re-aligned themselves and forming the "All Circles Anti-Persecution Struggle Committee" had declared themselves lunching the "Patriotic & Anti-colonialism struggle" against imperialism and its atrocities. Zhou also asserted that the fascist acts taken by the British colonial authorities included the promulgation of "emergency decrees"; suspension of jobs, discharge, beating, arresting, sentencing and deportation to intimidate the patriotic compatriots.

Table 1: Extracts of Selected Interpretations on the 1967 Riots

Sources	Extracts of Interpretations on the 1967 Riots
The Government Annual Report, 1968	● It is the "communist-inspired" social disturbances. ● It is just the communist-initiated confrontation, between themselves and the Hong Kong Government is in no sense a popular movement; indeed it does not have the support of any significant section of the people, much less of the people as a whole.
The Police Commissioner's Repot, 1968	● It is the "the most serious and prolonged challenge to internal security in the history of the colony". ● It is "an act in which local communist elements did to disrupt the peaceful way of life which Hong Kong had for so long enjoyed".
The leftists' propaganda in 1967	● It is the "heroic and just struggle" and a "vigorous, large-scale anti-imperialist mass movement". ● The British colonial authority launched "flagrant provocation and ruthless persecution to our compatriots". ● A series of large-scale ruthless acts of suppression against our patriotic countrymen which are against imperialism and its atrocities. ● The "struggle"displayed the barbaric and unreasonable actions taken by the British authorities in Hong Kong, which took sanguinary suppression to the patriotic comrades.

Sources: The Government Information Services (1968). Hong Kong: Report for the Year 1967. Chapter 1, "Review: Confrontation". Hong Kong: The Government Printer, pp.1-20 Hong Kong Police Force (1968). Annual Department Report, 1967. Hong Kong: Government Printer Commonwealth Office and Foreign and Commonwealth Office: Hong Kong and West Indian Department 'C' and Hong Kong Department: registered files, Hong Kong and British Honduras (HW and HK Series)] [microform]. FCO 21/ 40 / 45/ 204

Loopholes also existed among the academic presentations on the 1967 riots. The majority of their discussions suffer varying limitations as failure to draw a balanced representation in their account on the riots. Discussions from the local academics were principally built on the official discourses in the British colonial archives; together with the personal interviews with the colonial bureaucrats retired from the government since 1980[5]s. Their relatively narrow spectrum of reference sources, understandably, drew endless doubt, challenges or even criticisms to their presentations.

This paper will report and summarize the key points from the narrative presentations of cluster of eight Chinese police officers who had substantial frontline exposures on the riots policing work in 1967. The interviewees were invited to present their experiences in policing street confrontations and shared their impression on riots. Two sets of specific questions were asked in the hope of soliciting their perception towards the dynamics of

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5) A likely explanation for this was the politically sensitive nature of the event. Making remarks on the event were generally considered as diplomatic taboo by both the colonial bureaucrats as well as Beijing's officials responsible for Hong Kong affairs. The social- economic elites in Hong Kong, meanwhile, showed reluctance to talk too much on the disturbance due to diverse reasons. Their arguments in scattered presentations, moreover, were inclined to be in line with the official's interpretations on several social crises appeared in this period.

the riots:

- What is your opinion towards the previous discourses on the 1967 riots? Do they agree the verbal insults from the communists' that the Chinese policemen were the "running dog" of the fascist regime? Did you really tender your unquestionableand unconditional loyalty to the British Queen and alien superiors by suppressing the "Anti-imperialism Struggle" in the crown colony?

- Being a frontline police officer, how do you perceive the policing work of the riots? How did you perceive the development of riots, and their emotional condition and its development throughout the disorder? Any particular episodes you could remember in discharging their duties in the riots period? How did you perceive the policing strategy and its subsequent changes in response to the disorders adopted by the colonial government?

Although it is just an exploratory study with only eight interviewees, attempts have been taken to enrich the coverage and depth of the investigation despite bypassing the stringent validation and sampling process. Police officers with different portfolios were invited. Some interviewees were members of the ex-Police Training Contingent (PTC[6]) (The Riots Suppression Team). A group of police officers came from several patrol units under the uniformed branch of either the Hong Kong Island or Kowloon region. Another cluster of interviewees were composed of the traffic unit. The remaining clients were affiliated with the intelligence unit under the CID's establishment (See Table 2).

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6) The annual departmental report of the Hong Kong Police in 1958 stated the dual objectives of forming the Police Training Contingent were to train personnel of all ranks for internal security duties and to provide reserve units readily available at short notice. The unit was composed of 4 companies with each about 170 officers (one for Hong Kong Island, Kowloon and New Territories respectively; while the remaining one was the Commissioner of Police's reserve and aliased as the "Imperial army"stationed at the Police headquarters (Hong Kong Police, 1958). In reviewing their experience of serving in PTC, two interviewees articulated that the 1967 disturbance was "the first tough test for the contingent since its formation after the 1956 riots".

Table 2: The Portfolio of the Police Interviewees

Interviewees (Martial Status)	Posting in 1967	Major Assignment During the 1967 Riots[7]
Mr. A (single)	PTC, Hong Kong Region	Crowd control, riots dispersal
Mr. B (Married & with a new-born daughter	PTC, Kowloon Region	Crowd control, riots dispersal
Mr. C (single)	PTC, Kowloon Region	Crowd control, riots dispersal
Mr. D (Married & with a police wife)	Police Radio Station, Hong Kong Region	Oversee the Police Radio Station, manpower deployment
Mr. E (single)	CID- Intelligence, Hong Kong Region	Intelligence work – monitoring the activities of leftists unionists in Shau Kei Wan
Mr. F (single)	Traffic, Hong Kong Region	Traffic control and regular patrol
Mr. G (single)	Traffic, Hong Kong Region	Traffic control and regular patrol
Mr. H (single)	Uniformed Branch, Yuen Long Division	Regular patrol

1. Serious Riots or Civil Disturbances?

The first input from the Chinese frontline policemen was their inclination to downplay the severity of the riots. It is interesting to note that all interviewed frontline police officers did not think that the prolonged riots would cause severe damage to the long-term stability of Hong Kong although they agreed that the strikes and violent actions might have embarrassed the colonial leaders. They thought that riots, the most popular term to describe the prolonged social disorder in 1967, could not accurately reflect the situation. Although thousands of bombs were planned by hooligans, few cases were genuine. Even they were real bombs, they were home made by amateurs with firework powders. It is true that there were a number of demonstrations organized by leftists during the turbulent half year. In reality, according to police interviewees, violent, confrontational and bloody episodes were limited. Alternatively, the serial events were just the civil disturbance with minor significant disruption in any of the major sectors.

As addressed by an interviewee, the prolonged social disorder could just be regarded only as "mob activities which were unorganized and without clear objectives". He

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7) It was interesting to notice that most interviewees tended to provide similar answers when asking the reason to join the Force- it offered an early high school leaver with the highest amount of stipend. Comparing their posting history, it also found that almost all the respondents have been a uniformed constable, plain-clothes detective and trainer in the Police Training Contingent.

puts it bluntly: "Honestly, there were very few real confrontations between the so-called rioters and the police on the street. As soon as the rioters saw the police moving in, they ran away immediately. We had no fights. How could you call these social disorders as riots?" (Police Interview, 29 June 2004).

The interviewees pointed out that most of the "rioters" were mobilized or hired by the leftist establishments to organize attacks. There was a noticeable increase in the number of school children who were arrested for the connection with riots. Pupils from the communist schools were bolstered up to disseminate the anti-government literatures and even to plant either real or fake bombs on the street. Meanwhile, some of them were union marginalists who could get stipends from their respective institutions after taking part in those activities. Remembered by an interviewee who stationed at the Wong Tai Sin Police Station in 1967, some arrestees admitted that they could get the daily stipend from HK$50 to HK$100 from the leftist unions. Some workers joined the strike, after repeatedly intimidated and threatened from the leftist figures, were in fact not enthusiastic with the political agenda in which the "organising committee"advocated (Police Interview, 2 June 2004).

Interestingly, their perception towards the events was alarmingly in congruent with the government's discourse in official publications, which considered that the series of disturbances were limited in area and in scope and were effectively contained by the police force; while the stoppages that were called have had little effect on the Colony's economy (Government Information Services, 1968).

2. Political Loyalty or Apolitical Tasks?

The second intellectual input from the police interviewees was their relatively strong conviction to restore the social stability of Hong Kong during the prolonged social disorder. Despite acknowledging the politicization of the disturbance and disgusted by the persistent street conflicts and bomb attacks launched by the leftists, they inclined to have a fearless outlook when confronting the protesting crowds.

The Hong Kong Police Force was praised by the British colonial authority "exercising their duties with the greatest steadiness" (Government Information Services, 1968).The police interviewees in this study generally showed their agreement with this discourse. Explaining the reasons for their devotion and patience amid the riots, nevertheless, they did not think that this was due to their political loyalty to British colonists. Most of them saw it as a police duty to restore the social stability of the territory. They also admitted frankly that they continued to comply because they were attracted by the subsidiary and relevant benefits during the civil disturbances.

Police interviewees unanimously voiced out that they did not think too much when being ordered to take part in suppressing the riots in 1967. Emphasizing limited knowledge on politics, they were politically apathetic and did not favor any parties in discharging their duties. Before being accepted to join the Hong Kong Police, in fact, all

candidates had to go through a deliberate vetting procedure to make sure that they had no political affiliation with either Chinese Communist Party (CCP) or Kuomintang (KMT) in Taiwan. Chinese police officers

simply regarded their policing assignments as apolitical tasks although the riots broke out at the beginning of the Cultural Revolution in China and demonstrations were largely organized by leftists in Hong Kong.

Despite down playing the severity of the events, most of the frontline police did not deny the dilemma soon after the outbreak of the riots in May 1967. An interviewee confessed that he suffered from three short-lived periods of depression throughout the riots although he determined to continue his police jobs. The first one was the government's decisions to prosecute several frontline policemen for beating the demonstrators. The second issue was the small-scale military confrontations in Sha Tau Kok border area in which three Chinese Police Constables were killed by light machine-gun fire from the Chinese side. The last one was the injury of a Chinese Police Inspector by a bomb explosive in Causeway Bay. The three incidents did frustrate him and his colleagues (Police Interview, 18 August 2004). Nevertheless, most of the police officers selected to uphold the British leaders with the preference of social stability in Hong Kong regardless the possible reshuffle after the changes of regime. For instance, there was no sudden increasing number of police resignations during the riots. Reviewing the figures listed at the Police Annual Report (1967-8), the number of resignation officers was about 400. It did not display any inclining trend comparing the previous figures.

A likely reason for sticking their allegiance to the alien leaders might be that they did not believe that the riots organized by Hong Kong leftists were backed up by Beijing leaders. On the other hand, they were deeply convicted that the London government would take every measure to maintain its administration over the colony. More realistically, Chinese frontline police officers generally satisfied with their working environment during the riots in 1967. They stayed in the crops could be explained by the attraction of good stipend as well as the subsidiary and relevant benefits that they could take from the police job[8]. Despite the pressure from their family members, they inclined to stay in the Force.

As addressed by the interviewees, job affluence and satisfaction were two main contributory factors to consolidate their commitment to their policing job in addition to their confidence towards British initiative to maintain its rule over the territories. As mentioned by two interviewees, the experience of taking part in riot policing did give them great job satisfaction. Having the opportunity to take part in police raid attacks could amuse them. An interviewee described,

It was the first time for us (together with his PTC platoon company

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8) More than one JPO interviewees pointed out the fact that being a police officer in 1960s could enjoy not only the monetary return and privileges far exceeding the items as listed in government's gazettes, due to the prevalence of corruption. As mentioned by an interviewee, he could get an extra of HK$5 dollars daily and enjoy the free reception from a "Won-ton" noodles shop in 1960s. Interview with a retired police officer, 11 May 2004.

members) who were the 20 year-old youngsters to handle the latest model of weapons. I remembered I was so excited when acknowledging that I could aboard the helicopter to join the police raid to the Wah Fung Emporium in North Point. Policing the riots really triggered off my motivation and eagerness to take part in some tasks with great danger!

(Police Interview, 11 May 2004)

Meanwhile, more than one interviewees described that the extra monetary stimulus could effectively boost up the morale among Chinese policemen. In the riots period, each Junior Police Officers (JPO) could get additional allowance in both cash and supplies throughout the riots. The salary of most JPO was HK$330 per month in early 1967. To comfort them during the riot, the colonial government released another HK$23 daily to the JPOs under the name of "special allowance" since May 1967. As the officers would be required to make themselves readiness for commanders' order at any time, meals were arranged and delivered to the police stations daily to all duty officers free of charge. To comfort the officers with dependents, the police authority also strengthened the security of the married quarters (3 Police Interviews, 2 & 29 June and 18 August 2004).

3. Fascist Brutal Suppression: Myth or Reality?

The third intellectual input from the interviewed police officers was their high appreciation to the policing approach adopted by their British leaders in dealing with the 1967 riots. In response to the communists' challenges of enforcing the "fascist, brutal and hardcore suppressions to the compatriots", they generally considered the policing strategy as a carefully-drafted and flexibly-adjusted one which showed greatest steadiness and restraint which thus successfully gained support from mainstream Chinese community. They also unanimously reiterated the greatest patience they offered as well as the minimum violence they exercised amid the riots.

Interviewees illustrated the gradual shift of the policing approach adopted by the colonial government. The public disorder policing policy changed from a "patient-oriented" to a relatively hardcore approach amid the aggravation of social orders when the colonial government found that there was increasingly public discontent towards the leftist activities. Right from the outbreak of industrial disputes in May 1967, they were repeatedly reminded to restrain from taking "over-aggressive" actions when confronting the protesters, dealing the confrontations with the demonstrators who were composed of the laid-off factory workers, students from leftist schools and unionists. As an interviewee recalled: "We were told to continuously show determination in maintaining law and order. We were also reminded to show greatest steadiness to the provocative actions from the demonstrators until further instructions." (Police Interview, 18 August 2004).

Selected episodes recalled by the interviewees also showed that the British government was able to deal with the early demonstrations cautiously. They described that the Chinese policemen generally annoyed by the uninterrupted verbal assaults from

the leftist demonstrators. It consequently caused widespread frustration among the Chinese frontline officers in response to the "tolerance" instruction from their British superiors. Illustrated by an officer who experienced the demonstrating scene outside the Governor's House at the Upper Albert Road, most of his counterparts were infuriated by the "provocative activities" from the demonstrators but felt more upset by the superiors' orders which repeatedly emphasized the necessity of endurance in exercising duties. Their words revealed the fact that the Chinese policemen did not appreciate the policing strategy laid out by the colonial government in the infant stage of the riots[9]. In colloquial expressions, most of their PTC colleagues labeled government's strategy at that time as "wait for luck" approach.

Despite disagreeing with this, most of the interviewees however well accepted the government's move of not introducing pro-active actions to suppress the demonstrations. Most interviewees did not deny that they showed some sympathy to the workers. An interviewee remembered that a cluster of his colleague have experienced some mental struggle when they were deployed at the confrontation scene at San Po Kong. He personally agreed with workers' appeal to get rid of employers' deprivation and considered it as justified and reasonable demands (Police Interview, 2 June 2004). But after extensive and non-stop insults mounted by the local leftists, the mainstream Chinese police officers gradually sidelined their initial sympathy towards the partisans and fully devoted to the violence suppression work under the leadership of expatriate superiors. As described by several interviewees, the passive approach has not been reversed until the appointment of a new Police Commissioner in June 1967[10].   Since then, they were told to firmly exercise the dispersing order to restore the law and order.

4. Public Support and Police Morale

The interviewed officers generally highly regarded the policing strategy worked out by the British leaders. All the interviewees attributed the British success in restoring the social order to its good intelligence system as well as excellent political skills. These, from the view of the interviewees, could be shown from its skilful manipulation of the policing strategy. The frontline officers strongly felt that the British authorities were in favor of 'soft' approach to deal with the leftist figures during the infant stage of the riots.

At the beginning the public generally showed sympathy towards the workers who took part in the strike. However, gradual politicization and development of the riots worried the citizens as they began to feel unsafe after prolong turbulences, especially when they saw innocent people and police officers got injured. The majority of the public started to

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9) According to Government's division of rioting stages, the infant stage was characterized by the industrial disputes and leftists demonstrations. See Government Information Services (1968) Events in Hong Kong, 1967: An Official Report. Hong Kong: Government Printer.

10) More than one interviewee suggested that there has been an abrupt change on government's policing strategy after the change of Commissioner of Police from E. Tyrer to E. C. Eates in July 1967. Interviews with retired police officers, 11 May; 2 June & 18 August 2004.

turn to support the government.

The early "patent-oriented" strategy employed by the colonial government in fact gained most of the public support amid the continuing riots. Spiritual and passionate support from the mainstream citizens consolidated the commitment of the frontline police officers in discharging their policing duties. With the public support, the government eventually took a more hard-core approach to deal with confrontations in a later period. A typical example frequently cited by interviewees to show the community support was the Police Education and Welfare Trust established in May 1967. Aimed to provide monetary subsidies to the police dependents for schooling purpose, the fund was formally established in May 1967 by the Hong Kong Police, accumulating continuous donation from the public and 1 million monetary donations from the Hong Kong Jockey Club (Hong Kong Police, 1967).

In addition to the extra monetary benefits, the colonial authorities also took extraordinary steps to consolidate the morale within the police force. To comfort the possible anxiety among the frontline officers, all the dependents were requested not to leave their quarters in which a special security team was organized to take charge of their safety. An interviewee described, for example, a concrete firewall was constructed outside the police stations and married quarters. Meanwhile, the Police Department would purchase and transport all the basic commodities, like rice, vegetables, to the quarters throughout the riots (3 Police Interviews, 11 May; 2 June and 18 August 2004).

III. Conclusion

The aim of this paper is to explore how Chinese frontline police officers perceived and interpreted the prolonged public disorder in 1967. Based on archival materials and in-depth interviews with eight Chinese frontline police officers who were directly involved in suppressing the riots, this research has four major findings. First, these police officers thought that the prolong disorder were not serious riots but only civil disturbances. Second, regarding their policing assignments as apolitical tasks despite acknowledging the politicization of the riots, they inclined to have a fearless outlook when confronting the protesting crowds. Third, few police officers quitted their job during the prolong riots because they saw it as a police duty to restore the social stability of the territory. They were also attracted by the subsidiary and relevant benefits during the civil riots. Finally, the frontline police officers tended to fully accept the colonial government's approach in dealing with the riots. In response to the local communist challenge of enforcing "fascist, brutal and hardcore suppression of the compatriots", they generally considered the regime's policing strategy as a carefully-drafted and flexibly-adjusted one that showed greatest steadiness and restraint, thus successfully gaining support from the mainstream local Chinese community.

After Hong Kong returned to China in 1997, there has been increasingly number of

the secondary scholarships, primary sources, official British and American documents, and contemporary press reportage on the events and personalities of the 1967 riots in Hong Kong. These written works shared a common characteristic that their presentations were built upon the information and resources obtained through archival mining or personal interviews with retired government bureaucrats[11]. Under this constraint, existing account and discourses on the 1967 riots are often criticized for including quantity of passionate and sentimental arguments "heavily biased" and failing to comprehensively address the dynamics throughout the riots.

This paper records the narrative descriptions from eight Chinese perception of the Chinese frontline police officers for their perceptions towards the 1967 riots disturbance. As an exploratory study, their views may not be comprehensively enough to capture and explain the dynamics arising from the 1967 riots. in which they might inject new dimensions of insight to the present academic analysis and reportages on this under-explored event. Hopefully, this trial study might inject new dimensions of insight to the present academic analysis and reportages on this under-researched event. The words from frontline police officers are likely to enlighten us on how the London administration ruled its crown colony composed by overwhelming Chinese and this may provide us with new impetus to revisit some scholarly paradigms that explained the state-society relationship of Hong Kong during the colonial era.

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11) It witnessed an increasing number of academic theses and non academic publications (e.g. "Inside Story of ..." after Hong Kong's sovereignty retrocession in 1997. Authors generally interview the "patriots who have actively engaged in the struggle with the colonial government" or the retired government bureaucrats in soliciting the relevant data. Typical examples of academic work or reportages included Waldron (1976), Scott (1989) and Wong (2000). Nevertheless, it seems that neither of them has attended to the role of front- line policy implementers during the disturbance, although they all acknowledged the needs to study the role of rioters at the same time.

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An Examination of Chinese University Student's Perceptions of the Criminal Justice System in the United States

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Abstract

This paper examines the perceptions of Chinese university students in Beijing, China who were administered a survey containing both closed-response and open-response items regarding the criminal justice system of the United States. While the sample is small and the controls on the survey process are limited, the outcome of this survey provides some interesting insights into how Chinese students perceive the criminal justice system of the United States as compared to the criminal justice system of the People's Republic of China. In addition to the quantitative analysis from the closed-response items, qualitative feedback obtained from the open-response items is also examined. The researchers also provide qualitative feedback from observations made before, during, and after the administration of the survey. The paper concludes with a section on the limitations of the data and the research design, making note of the unique challenges to conducting research within a university in the People's Republic of China.

I. Introduction

The increased globalization of the field of criminal justice has led to a wider emphasis on comparative criminal justice issues in many academic university programs. Indeed, the inclusion of "comparative" criminal justice courses can be observed throughout the United States. This means that students are taught about foreign systems of criminal justice while in the comfort of their own native country.

The perception that this leaves with students, however, is not necessarily clear. Indeed, the intent of these courses is to create student understanding and appreciation of foreign criminal justice systems. But upon taking such course-work the student is seldom asked to give their opinion about the utility of the foreign system. Aside from individual papers turned in to the class instructor, it might go unnoticed how such courses are affecting these future constituents, consumers, and practitioners of criminal justice. This is an important point.

It should be pointed out that the idea of measuring student perceptions of

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criminal justice programs is not new. Indeed, this area of research has been previously researched and published by several authors (Benekos, Merlo, Cook, & Bagley, 2002; Bohm & Vogel, 1991; Farnworth, Longmire, & West, 1998). In these cases, student perceptions on various issues such as the death penalty, policy programs, and juvenile law have all been examined.

For instance, Bohm and Vogel (1991) studied 105 undergraduates in Alabama to test student support for the death penalty. The students in the experimental group were enrolled in a course on the death penalty in America, and the control group was enrolled in another course offered at the same time. Changes in attitude toward the death penalty were detected among the students who completed the death penalty course. Upon the completion of a 40-hour course on the death penalty, student support for the death penalty decreased significantly, and opposition to the death penalty increased significantly (Bohm & Vogel, 1991).

Throughout the development of student perceptions on criminal justice, there has been some interest in the differences between students that major in criminal justice and those who major in other disciplines. Among the researchers who have examined this aspect, Farnworth, Longmire and West (1998) found only weak support for differences in attitudes on the death penalty and they found no differences with other policy issues such as the war on drugs. Likewise, a survey conducted with 82 students at a Jesuit University found that there were no differences between criminal justice majors and majors in other disciplines in how they viewed a variety aspects on justice and sanctioning (Wolfer & Friedrichs, 2001).

In another study, Benekos, Merlo, Cook, and Bagley (2002) conducted a study on student perceptions of school violence and the zero tolerance policy toward drugs. The authors provide a discussion of the responses of criminal justice majors and consider various implications of their academic experience on their attitudes about juvenile justice. Further, the authors make note of various trends in juvenile justice that had been well publicized in the media, indicating an interest in how such forms of publicity may affect the views of college students who are presumably more informed than the common public. This is of course relevant to this current paper submission, since it is speculated that recent world events involving the United States and its philosophical sense of justice may be relevant to the perceptions and attitudes of college students in the United States and Abroad.

Farnworth, Longmire, and West (1998) surveyed college students to examine their attitudes toward the death penalty, the war on drugs, and other criminal sanctions to determine differences in "punitiveness"between freshmen and senior level college students. These researchers also examined attitudes of college students who were criminal justice majors with those who were majors in other disciplines. The authors noted that the findings from this type of research is increasingly being used to inform policy-makers and criminal justice educators on crime and crime-control issues.

In fact, some authors have noted that perceptions toward crime, including

international crime, are relevant to reactions from the United States (Ward, 2000). These perceptions may be regional such as with inhabitants of areas along the Mexican-United States border that are linked to illegal immigration into the United States, or they may be international in scope, such as with the War on Drugs and the United States' assistance and involvement in the nation of Colombia (Schiller, Henry-Plotts, Minassian, & Schrock, 2002). Therefore, perceptions on crime in general, and international criminal issues in particular, can prove important both in the classroom and in the real-world environment. This is also true because criminal justice students in the classroom are trained to eventually be practitioners in their society. The perceptions that they develop from within the classroom may ultimately translate to policy-shaping ideologies of the future.

If nations are expected to continue to engage in multinational cooperative crime-fighting, then it is particularly relevant to not only understand criminal justice systems in other parts of the world, but to also know how other parts of the world may view our own criminal justice system. Such perceptions can be fundamental to building relations between two differing societies, especially when one considers the political relevance of policing and other state social control issues.

This point is made even clearer within a commonly used textbook on comparative criminal justice systems. In his text, Philip Reichel (2005) presents a specific incident that, as luck would have it, deals specifically with the United States and China (the focus of this paper). In this example Reichel notes that Americans are often oblivious to the workings of other countries but that it is perhaps equally inappropriate to presume that citizens of other countries are any bit more informed about the workings within the United States. Reichel presents a scenario during a visit to Washington, D.C., where a Chinese general was baffled by the 50 state flags hanging in an atrium at the National Defense University. In response, the general inquired of his American host by saying "I thought this was one country, so why so many flags?" (Reichel, 2005. p. 5).

Reichel (2005) correctly goes on to explain that these types of misconceptions by citizens in one country about life in another country are more than a source of comic amusement. Rather these misconceptions are what could be shaping international military and peacekeeping decisions around the globe. Even without military implications, these types of misunderstandings can undermine the ability of countries to work together effectively, particularly in the crime-fighting arena. This is particularly important when considering recent developments and concerns with transnational crimes such as terrorism, air and sea hijacking, drug smuggling, and human smuggling and illegal immigration. These crimes (and others) are repetitively noted in the criminal justice literature and these same crimes consistently require increasing cooperation between multiple nations.

Given the increased media attention to various components of the United States military and criminal justice segments, perceptions of individuals from other cultures may be useful. Indeed, recent events such as that at Abu Graihb, the use of American police in Bosnia-Herzegovina, the various conjoint policing efforts among a variety of the nations

around the world, make it clear that public perceptions of these law enforcing endeavors may be important in achieving international unity in future crime-fighting programs.

Because of this, it might be useful to determine how students view the systems of foreign nations. Given the current state of American foreign policy and the recent developments internationally, it was thought by the researchers that this would be a particularly appropriate time to conduct research on perceptions of students from other nations toward the United States and its sense of justice. This was the essential groundwork that lead to this small research project.   When embarking on a research project , it should be noted that there is little if any previous research on this topic. Indeed, cross national perceptual research in the field of criminal justice is somewhat scarce, but cross national perceptual research on the perceptions of Chinese student's views on the United States and its criminal justice system simply does not exist at all.

Indeed, it is very rare that researchers from the United States are even allowed to collect data of any sort in the People's Republic of China. Further, it is even more rare that data on such research is published. In fact, if such published research does indeed exist, it was well beyond the ability of the current researchers to locate such published material, whether through standard search processes or through on-line internet activities. Thus, this research is extremely rare and is therefore a truly novel piece of literature that establishes a virtual precedent within the field of comparative criminal justice research. Clearly this research has value simply due to the uniqueness of the research itself, regardless of the methodological problems (after all, qualitative articles are published and the methodology associated with this research is not typically considered as rigorous as data-driven quantitative research). Regardless of the limits on any data-based research conducted, any and all such research is a "step-up" from the prior research (if any actually even exists in the United States).

When deciding upon the specific variables of interest to this study, issues related to fundamental fairness of both justice systems was of central interest. This is because many students in the United States hold the opinion that the People's Republic of China (PRC) has a system that does not place individual fairness as a priority. With this perspective in mind, it was the desire of the researchers to see if Chinese students held a similar view of the United States and its justice system. Related to this were issues dealing with the perceived effect of politics on justice since the United States tends to have a certain amount of graft and controversy within its justice system. While this is true for every criminal justice system around the world, it was determined to be intrinsically related to the issue of perceived fairness discussed previously.

Likewise, it was of interest to see if students in the PRC held the United States as punitive or rehabilitative in nature. This was important because the perceptions of the United States' philosophical orientation toward punishment would speak volumes for the perceptions that Chinese students held of U.S. culture in general. This is important because as will be discussed later, the potential media effects upon Chinese perceptions

of crime and justice in the United States can be detrimental to mutual understanding that practitioners and students will need in the future if they are to work collaboratively in the international community of crime fighting.

II. Method

1. Participants

An undergraduate class of 41 students enrolled in a business/finance course at the Beijing Union University in Beijing, China (35 female students and 6 male students) volunteered for the survey. Volunteers were not givenany incentive for their participation. The age-range of the students was from 19 to 24 years old with a median age of 20. These students were utilized as participants in this study simply due to two key facts. First, these students knew English sufficiently well enough for the researchers to be assured of the soundness of the participant responses. Second, these are the only students who were allowed to participate in the research due to a variety of administrative impediments to further research possibilities.

The data in Table 1 provide a more detailed breakdown of the sample of students used for this survey. Of the 41 undergraduate students, 13 (31.7%) were Freshmen; 17 (41.5%) were sophomores; 6 (14.6%) were juniors; and 5 (12.2%) were Seniors. Since nearly all of these students indicated that they were from a large metropolitan area (presumably Beijing) or a moderate sized city (outlying suburbs and towns adjacent to Beijing) the demographic region of origin was not included in the analysis. The data in

Table 1 demonstrate that the vast majority of the students in this sample were likewise of middle class socioeconomic status. However, the variable relating to family income was still utilized since respondents existed at both extremes of this variable, 2 describing themselves as rich, and 4 describing themselves as poor.

Table 1. Student Characteristics

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	N = 41	Percentage
Classification		
Freshman	13	31.7
Sophomore	17	41.5
Junior	6	14.6
Senior	5	12.2
Gender		
Male	35	85.4
Female	6	14.6
Income		
Rich/Wealthy	2	4.9
Middle Class	35	85.4
Poor	4	9.8
Demographic Region of Origin		
Large City	38	92.7
Medium or Small City	2	4.9
Country or Farmland	1	2.4

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2. Measurement Tool

The device used for measurement was a simple 14-question survey instrument. The first two questions inquired about the age and gender of the participant, and the third and fourth questions asked the respondent to identify general categories that most closely resembled their socioeconomic status and the status of their geographical location. The remainder of the questions utilized a Likert-scale of measurement and pertained to criminal justice issues within the United States and the People's Republic of China.

3. Procedure

While teaching a short course on criminal justice issues in Beijing, China, the instructor/researcher obtained permission from university officials to conduct a survey of these students. The instructor first asked several questions of the students and conducted a pre-test examination of their base-line knowledge of the American criminal justice system. Due to administrative impediments, it was not possible to obtain a complete pre-test of the survey prior to the beginning of the course. Upon completion of the short course overview of the criminal justice system in the United States, the instructor provided each participant with a survey. Two assistants helped the researcher with the administration of the survey.

All students in the class knew the English language sufficiently well to complete the survey. Bi-lingual interpreters were available if language difficulties were experienced, but language issues were not reported to be problematic. Students did not provide their names and the survey was designed to be anonymous in nature. Students turned the survey into the instructor and/or assistants on the last day of the teaching seminar.

III. Results

When these students were asked to respond to the statement, "The American plea-bargaining system seem to be a fair process for the defendant" nearly the same amount of students (11 students) indicated agreement as those who disagreed (12 students). This left nearly half of the students (18 students) indicating indecision with this question. It is interesting to note that none of the juniors or seniors indicated agreement with this statement, therefore perceiving that the plea-bargaining system in the United States is perhaps less than fair (see Table 2).

Table 2. Perceptions on Fairness of American Plea Bargaining
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The American Plea Bargaining System is a Fair Process.
(1 = Strongly Agree; 3 = Undecided; 5 = Strongly Disagree)

	# SA or A	# U	# SD or D	Mean	SD
Classification					
Freshman	4	6	3	3.0000	.91287
Sophomore	7	4	6	3.0588	1.08804
Junior	0	4	2	3.3333	.51640
Senior	0	4	1	3.2000	.44721
Gender					
Male	2	2	2	3.3333	1.36626
Female	9	16	10	3.0571	.80231
Income					
Rich/Wealthy	0	1	1	3.5000	.70711
Middle Class	11	15	9	3.0000	.87447
Poor	0	2	2	3.7500	.95743

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Note: SA or A refers to Strongly Agree or Agree; U refers to Undecided; DA or D
 refers to Strongly Disagree or Disagree.

Table 3. Perceptions on politics and American Criminal Justice
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The American criminal justice system seems to be very political.
(1 = Strongly Agree; 3 = Undecided; 5 = Strongly Disagree)

	# SA or A	# U	# SD or D	Mean	SD
Classification					
Freshman	6	4	3	2.7692	.83205
Sophomore	8	6	3	2.5882	.93934
Junior	5	0	1	2.3333	.81650
Senior	2	3	0	2.6000	.54772
Gender					
Male	4	2	0	2.1667	.75277
Female	17	11	7	2.6857	.83213
Income					
Rich/Wealthy	2	0	0	2.0000	.00000
Middle Class	17	11	7	2.6571	.87255
Poor	2	2	0	2.5000	.57735

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Note: SA or A refers to Strongly Agree or Agree; U refers to Undecided; DA or D
refers to Strongly Disagree or Disagree.

Among the middle-income students, it would appear that only about a third seem
to find the process disagreeable. Half of those that were either rich or poor students felt
the process was disagreeable and ostensibly unfair. The numbers of students who were at
the extreme economic levels preclude any further analysis, but it is still interesting to note
that neither rich nor poor students indicated agreement with the process whereas nearly a
third of the middle-income students found the process agreeable (see Table 2).

It would appear that Chinese students do view the American criminal justice
system as politically driven (see Table 3). Roughly half of the middle-income students
indicate agreement with this idea, and only a fifth (7 students) of the middle-income

students indicated disagreement with this notion. Further, the wealthy students and half of the poor students indicated agreement with none from these two categories indicating disagreement with the idea that politics are an inherent characteristic of the American criminal justice system.

Among the female students, the Mean response was higher (MEAN = 2.69) than for male students (MEAN = 2.17), demonstrating that female students are perhaps less trusting of the American political process involved with crime and justice (values rounded up from those presented in Table 3). Lastly, Mean responses from Freshman, Sophomore, Junior, and Seniors were all under 3.00 indicating that general agreement existed among most all student classification groups. Of the four classifications, it is the Junior grade of students that seemed to be most in agreement on the influence of politics in the American criminal justice system (see Table 3).

When asked if the American criminal justice system is too concerned about the rights of offenders, both male and female students responded in a similar pattern, with near equal numbers responding agreement and disagreement (see Table 4). A smaller minority in both groups expressed indecision on the issue. For whatever reason that may exist, it was found that the Sophomores and Juniors indicated stronger agreement that the American criminal justice system is too concerned with the rights of offenders, this being reflected by their lower Mean responses on the Likert-based scale. As noted earlier, this data was considered important in assessing perceptions of the importance of individual rights in the United States.

Table 4. Perceptions on Offender Rights
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The American criminal justice system seems to be too concerned with the rights of offenders. (1 = Strongly Agree; 3 = Undecided; 5 = Strongly Disagree)

	# SA or A	# U	# SD or D	Mean	SD
Classification					
Freshman	4	1	8	3.3077	.94733
Sophomore	10	2	5	2.7059	.91956
Junior	3	2	1	2.6667	.81650
Senior	1	3	1	3.0000	.70711
Gender					
PRC Male	3	1	2	2.8333	.98319
PRC Female	15	7	13	2.9429	.90563
Income					
Rich/Wealthy	2	0	0	2.0000	.00000
Middle Class	15	6	14	2.9714	.92309
Poor	1	2	1	3.0000	.81650

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Note: SA or A refers to Strongly Agree or Agree; U refers to Undecided; DA or D refers to Strongly Disagree or Disagree.

With respect to Parole, it would appear by the Mean average of responses that no particular classification of student is likely to be greatly for or against the use of such a form of offender supervision (Table 5). If a particular tendency could be determined, it would generally be in the direction of either indecision or disapproval of such a program.

Table 5. Perceptions on Parole
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The use of parole seems to be a good program to use when prisons are full.
(1 = Strongly Agree; 3 = Undecided; 5 = Strongly Disagree)

	# SA or A	# U	# SD or D	Mean	SD
Classification					
Freshman	6	0	7	3.0769	1.25576
Sophomore	7	3	7	2.8824	1.26897
Junior	2	1	3	3.3333	1.21106
Senior	2	1	2	3.0000	1.58114
Gender					
Male	2	1	3	3.5000	1.76068
Female	15	4	16	2.9429	1.16171
Income					
Rich/Wealthy	2	0	0	2.0000	.00000
Middle Class	13	5	17	3.0571	1.25892
Poor	2	0	2	3.2500	1.50000

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**Note: SA or A refers to Strongly Agree or Agree; U refers to Undecided;
DA or D refers to Strongly Disagree or Disagree.**

However, it should be noted that male students indicated less agreement with the use of parole than did their female counterparts. Male student's responses (MEAN = 3.50) were much more pronounced in level of disagreement with the use of parole than were female students (MEAN = 2.94). With regard to income level, it would appear that middle-income students are fairly mixed in perceptions, 13 students agreeing with the practice and 17 not agreeing. Again, given that there were only 2 students classified as wealthy, the fact that both of these students favor the use of parole is no better than anecdotal. Similar to middle-income students, poor students seem fairly split in their

perceptions as well with 2 students being in favor and 2 students being against the use of parole. The reasons for this are unknown, though one would speculate that it would likely be the wealthy who would not favor parole and that it would be the less affluent (presumably because they have fewer options economically) who would favor parole. However, exactly the opposite occurred with this data.

It is very clear that Chinese students do not see their criminal justice system as similar to that of the United States. What is unusual is that Sophomores and Juniors disagree most passionately on the similarities between the two systems. On the other hand, Freshmen and Seniors, while still believing that the two systems are quite different from one another, hold such views with less intensity than do their Sophomore and Junior counterparts. It would appear that this disagreement is fairly common across all income levels and between both genders as Table 6 would indicate. It would be unusual if participants did not disagree with this statement. However, this statement provided a base-line on the perceptions that these students have regarding the United States system of justice. This simply ensured that other questions were answered with the perception that the two systems are indeed different; this is important to establish rather than operating from any sort of presumption.

Table 6. Perceptions on CJ systems in China compared to the United States
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The American criminal justice system is very similar to the Chinese criminal justice
 system. (1 = Strongly Agree; 3 = Undecided; 5 = Strongly Disagree)

	# SA or A	# U	# SD or D	Mean	SD
Classification					
Freshman	3	1	9	3.5385	.96742
Sophomore	1	0	16	4.0588	.65865
Junior	1	0	5	4.0000	1.09545
Senior	0	3	2	3.4000	.54772
Gender					
Male	0	1	5	4.0000	.63246
Female	5	3	27	3.7714	.87735
Income					
Rich/Wealthy	0	0	2	4.0000	.00000
Middle Class	5	3	22	3.7714	.87735
Poor	0	1	3	4.0000	.81650

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**Note: SA or A refers to Strongly Agree or Agree; U refers to Undecided;
DA or D refers to Strongly Disagree or Disagree.**

From the data in Table 7, it can be seen that there is general agreement with the
use of the death penalty among all grade classifications of students. However, it is
unusual that students who are Juniors indicate indecision on the issue whereas those who
are Seniors give unanimous agreement on the death penalty practice. Further, it is very
clear that male students greatly favor the death penalty, while female students show
support as well, though their support is not as strong as that evidenced by male students.

Table 7. Perceptions on the Death Penalty
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The American use of the death penalty is a good idea.
(1 = Strongly Agree; 3 = Undecided; 5 = Strongly Disagree)

	# SA or A	# U	# SD or D	Mean	SD
Classification					
Freshman	10	1	2	2.2308	.92681
Sophomore	9	4	4	2.7647	1.14725
Junior	1	3	2	3.0000	1.09545
Senior	5	0	0	1.4000	.54772
Gender					
Male	5	1	0	1.5000	.83666
Female	20	7	8	2.6286	1.05957
Income					
Rich/Wealthy	0	1	1	3.5000	.70711
Middle Class	21	7	7	2.5143	1.09468
Poor	4	0	0	1.5000	.57735

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Note: SA or A refers to Strongly Agree or Agree; U refers to Undecided;
DA or D refers to Strongly Disagree or Disagree.

Lastly it seems that general support for the death penalty exists in the middle income and poor economic sectors, though this is not true among the wealthy. Again, given that there were only 2 wealthy students in this sample, one cannot make any safe deductions from this observation.

Table 8. Perceptions on Money and American Justice
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Money is a very important issue in the American criminal justice system
(1 = Strongly Agree; 3 = Undecided; 5 = Strongly Disagree)

	# SA or A	# U	# SD or D	Mean	SD
Classification					
Freshman	13	0	0	1.6923	.48038
Sophomore	15	2	0	1.8235	.63593
Junior	6	0	0	1.5000	.54772
Senior	5	0	0	1.4000	.54772
Gender					
Male	6	0	0	1.6667	.51640
Female	33	2	00	1.6857	.58266
Income					
Rich/Wealthy	2	0	0	1.5000	.70711
Middle Class	33	2	0	1.7429	.56061
Poor	4	0	0	1.2500	.50000

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Note: SA or A refers to Strongly Agree or Agree; U refers to Undecided;
DA or D refers to Strongly Disagree or Disagree.

When students where asked about the importance of money in the American criminal justice system, it was clear that Freshmen, Sophomores, Juniors, and Seniors alike viewed money as highly important in that system. Indeed, there is a basic trend for this perception to become even more intense as students gain seniority in their studies, with Seniors indicating the strongest perceptions of money affecting the criminal justice system of the United States. In fact, the agreement was nearly unanimous among all the students, with only 2 female middle-income students not indicating agreement. Even these two students indicated indecision on the issue rather than disagreement. Thus, it is

clear in the minds of Chinese students that the American system of justice places a great deal of importance on financial factors.

Lastly, it is clear that Chinese students viewed crime a serious problem in America (see Table 9). Roughly 90% of the student indicated agreement when presented with the statement "From what I hear and know about America, crime is a serious problem." This is important for several reasons that will be discussed in the subsequent section.

Table 9. Perceptions on Seriousness of the Crime Problem in the United States
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From what I hear and know about America, crime is a serious problem.
(1 = Strongly Agree; 3 = Undecided; 5 = Strongly Disagree)

	# SA or A	#U	# SD or D	Mean	SD
Classification					
Freshman	13	0	0	1.4615	.51887
Sophomore	13	2	2	2.1176	.92752
Junior	6	0	0	1.3333	.51640
Senior	5	0	0	1.8000	.44721
Gender					
Male	4	1	1	2.0000	1.26491
Female	33	1	1	1.7143	.66737
Income					
Rich/Wealthy	2	0	0	1.5000	.70711
Middle Class	32	2	1	1.7429	.56061
Poor	3	0	1	1.2500	.50000

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Note: SA or A refers to Strongly Agree or Agree; U refers to Undecided;
DA or D refers to Strongly Disagree or Disagree.

Only four students did not agree with this statement, and two of them were undecided. Thus, only two students actually disagreed that crime was a serious problem

in the United States. The data in Table 9 shows that two of these students were male and two of them were female. Thus, the perception among these students is that America is a crime-ridden nation.

It should be noted that prior to being administered the survey, these students were observed watching a graphically violent video movie entitled "Kill Bill," which is filmed as occurring in America. Interestingly, most of the actors in this film are Asian in descent (being largely Japanese) and much of the violence portrays Katana fights between various actors within the movie. It is not certain how directly this could have affected the results of this survey, but it is suspected by the researchers that this viewing may have affected the responses of some of the student respondents.

IV. Discussion

It is clear from the survey that Chinese students viewed the American criminal justice system as being affected by economics. It was not clear if such beliefs centered around the American system of defendant representation (public v. private attorney) and offender incarceration (poor in prison more frequently than rich), or if these students perceived the American criminal justice system to be corrupt with graft. However, the notion of capitalism, with all of its influence on American culture, is also perceived to affect the ideals of justice in America. This is important as was discussed previously in this paper because these perceptions could affect the potential for combined efforts between the People's Republic of China and the United States in years to come.

One interesting finding in this survey was that wealthy students indicated favor for the parole system while poor and middle-income students showed substantially less favor with the use of parole. This is intriguing, because in the United States, the poor and middle class have fewer economic options than do the wealthy. However, it may be that since the Chinese criminal justice system is not driven as strongly by money Chinese students of a lower socioeconomic status do not see how this mechanism provides the powerless with a vehicle from over-lengthy incarceration.

Whether Chinese students perceive American justice as something to be bought and sold is not clear. Indeed, this is a point of debate even among American scholars. However, it is clear that these students do see an inordinate amount of emphasis placed on financial concerns, calling to question the integrity of the system and the decisions that are made therein. This perception is likely to affect the experiences of Chinese who migrate to America as well. Thus, these perceptions may in fact come back to affect the United States in ways not initially clear to the common observer.

Regardless of these points, it is very clear that the Chinese subjects of this study did not see many similarities between the criminal justice systems of the United States and the People's Republic of China. This demonstrates that these students may find it difficult to find effective bridges of cooperation in areas specific to criminal justice, or that

the use of collaborative programs may require substantial negotiation. This feedback also points toward the clear need for comparative courses in criminal justice. Indeed, if these two systems are truly so divergent, it will become increasingly important for student to gain awareness of foreign systems given the trend toward globalization.

Lastly, the students in this sample perceived crime to be a serious problem in the United States. Given the media sensationalism and the affects of American "pop-culture" it is no wonder that Chinese students may have visions of a wild and unruly nation in their thoughts. This is despite the fact that crime has officially dropped in the most recent year or two. One can only speculate with what this perception may do to our national credibility. Such perceptions may also dissuade other countries from placing as much faith in our system of justice when working collaboratively in fighting crime. Also, it is not clear if these perceptions are common to all Chinese or just Chinese that attend college. Such is the case when one is forced to work with such small, and likely unrepresentative samples.

V. Limitations and Challenges

The survey instrument itself is lacking numerous points of interest that typically would be included were the research conducted on a less stringent time-line and under less stringent environmental conditions associated with research at a Chinese university. One of the conditions that was given to the researcher was that the survey could not exceed one page in length. This restricted the amount of information that could be asked. Further, due to the sensitive political nature of some of the issues examined, the researcher had to ensure that questions asked of students did not have religious or political undertones that might violate personal or national sentiments. These considerations did not preclude the ability to do research on student perceptions, but they did constrain the means by which these perceptions could be examined.

The research design for this study was originally intended to follow a classic pre-test and post-test design with a measure before and after the students were taught the course on American criminal justice. However, the finalization of the survey instrument required a longer period of time than originally anticipated, resulting in a "post-test only" design. Whether it was exposure to the course of instruction or the student's prior opinions that shaped these perceptions is impossible to tell. Thus, this paper can only examine the differences in perception of the American criminal justice system between Chinese and American students, with no further speculation being presented.

Another limit of the study was the lack of environmental controls. For instance, on the day that the survey was administered to the Chinese students, the researcher had arrived an hour early to the classroom. This time of the day happened to be a lunch period and students were gathered in the classroom. These students were observed to be utilizing the multimedia equipment to watch the movie "Kill Bill"before class (Tarantino, 2003). It is not clear whether viewing such a film could have had an effect on how these

students answered their surveys. Indeed, it would be of interest to know if Chinese students believe such portrayals of violence in the United States to be accurate. In either event, outside influences such as these were not under the control of the researchers with either group of subjects (Chinese or American).

Another limit of the study revolved around language interpretation. However, as it turns out, the students in the selected classroom all knew how to read and speak English at varying levels of proficiency. Further, the student's English language instructor was present to answer any questions that student might have had regarding interpretation. Because of this, and because of the high quality of feedback contained in the responses to the open ended items of the survey, it is thought that the students had a good understanding of the wording and intent of the survey items.

Lastly, the small sample size greatly limited the types of statistical applications that could be used. There was simply no way to avoid this due to limitations imposed by various environmental, administrative, and linguistic considerations. It must be pointed out that other similar studies on student perceptions regarding criminal justice policies and/or practices have also had relatively small sample sizes (for instance, the study by Wolfer and Friedrichs consisted of only 82 subjects. Likewise, Bohm and Vogel's study included only 105 subjects). Still, if given the chance, further research of this type should strive to have larger sample sizes that are more representative of the population from which they are drawn.

Despite these limitations, and despite the obvious challenges of conducting survey research between cultures that have such striking differences, this study does investigate a topic that is both novel and important in the field of criminal justice. While comparative criminal justice courses are taught at universities around the world, there is scant research available on how these countries, their people, or their social systems view each other. In the field of criminal justice, a field that is becoming ever more globalized, this research will become more frequently important. Indeed, as students continue to obtain criminal justice education and employment abroad, such research can lay the foundational litmus-test of success for programs that teach about foreign criminal justice programs. It is for this reason alone that this study is considered an important step in an area of research that has largely been overlooked.

VI. Conclusion

Some might wonder why the international community often has such negative views toward the foreign policy employed by the United States. This question is hard to answer, but a true examination of foreign perceptions may assist the United States in shaping a more agreeable form of worldwide military and police intervention. Indeed, as foreign military intervention increasingly resembles international acts of policing, these perceptions may become increasingly more valid.

The perceptions, including the occasional mis-perceptions, of non-citizens of the United States demonstrate the need for comparative criminal justice education. Likewise, it is equally true that many citizens and students in the United States are oblivious to the inner workings of the criminal justice systems of other countries (one might even argue that many citizens of the United States are oblivious to their very own criminal justice system!). This then demonstrates the need for comparative courses in all criminal justice curricula and also points toward the need for further research in this field. Additional research is then needed to provide a baseline on the perceptions and attitudes among students and practitioners in the field of criminal justice, a baseline that will continue to be more in demand as distance continues to shorten and communication continues to improve among the members of the international community.

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THE HISTORICAL DEVELOPMENT OF PRIVATE POLICING IN KOREA DURING THE PRE-MODERN ERA

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I. INTRODUCTION

The recent growth of private policing is phenomenal. Private policing has rapidly been filling the gap of public policing and even replacing the role of public policing in some areas (Bayley and Shearing, 1996; Forst and Manning, 1999). For these reasons, there has been an increase in the research on private policing. Many researchers tend to have an interest in private policing with a specific focus on the extent, authority, regulation of private policing, or the relationship with the public police. However, these efforts are only concentrated upon the modern era. Few researchers extend their time span of the research beyond the modern era, which prevents having a deeper insight into private policing.

The purpose of this study is, therefore, to identify the organizations that might perform the similar functions of the modern private police, if any. Then it attempts to look into the authority and accountability of the private police at that time. It also seeks to consider the relationship between private and public policing. Therefore, this study is concerned with the following research questions:

(1) Were there organizations similar to private policing in historical Korea? If so, what were the extent and function of the private police?

(2) What authority was given to the private police to perform their functions? On what basis did they perform the function?

(3) How were the private police accountable for their misconduct? Were there any specific methods by which the private police were responsible for their activities?

(4) What was the relationship between private and public policing and how did public policing develop in Korea?

II. THE EXTENT AND FUNCTION OF PRIVATE POLICING IN THE PRE-MODERN ERA

1.   A Period of Unified Silla

In a broad sense, private policing might have existed in Korea before the state was formed. However, there were no written records on private policing until Silla, one of Three Kingdoms, unified the Korean Peninsula in 676 AD. Not long after Silla unified, however, Silla had experienced strong resistance from the aristocrats who undermined the authoritarian power of the throne. The aristocratic elites had joined forces, but they soon

found themselves torn by internecine strife. Political turmoil began with the rebellion of Daegong in 768 AD, which developed into endless political strife (Sung K. Min, 1997). In order to seize political power, some aristocrats utilized their huge economic resources to create private armed forces, arming their slaves and recruiting the landless peasants who roamed the Silla countryside (Ki-Baek Lee, 1994).

There was no public independent policing institution in the Unified Silla period. Policing was in the hands of private agents. The privileged class or aristocrats could afford to possess private armed forces, while the rest of the people had to rely on self-help efforts such as self-defense or vigilantes. Fortunately low mobility of this period helped informal crime control system to work efficiently. The government drew attention to the crime waves that could escalate into riots. The absence of a public policing institution forced the government to mobilize the army to suppress them. Although the army was created for national defense against other states or nations' military threats, the army was often called out to carry out policing functions due to the lack of policing forces. Thus the distinction between the army and the police was blurred during this era. Since the mid-19th century when modern police institutions were created, the army's role of policing has remarkably been reduced, but the army is still performing a role as a backup force of the police in domestic emergencies.

As mentioned above, the private armed forces in this period were created for policing purposes due to the lack of public policing. They were typically performing the function of protecting private property and interests of the aristocrats or privileged class. However, they were sometimes mobilized for political purposes such as suppressing rival political units' coup attempts or initiating such a coup in order to take a throne. Thus they were usually either military or semi-military organizations. In this sense the private armed forces in this era could be termed either the private army or the private police, depending upon their primary role. There was no clear distinction between private army and police in this period. However, the forces were apparently different from the mercenaries who fought for any state or nation, in that the private forces were only carrying out the function of protecting personal or private interests not national or state interests, and controlled and paid by private persons. Particularly in this period, it was political leverage and armed might that became decisive in determining succession to the throne. The politics of Silla's late period was distinguished by the pivotal role played by aristocratic forces. It was evident from the fact that during 150 years of late Silla more than 20 kings were enthroned but most of them were killed in political strife (Sung K. Min, 1997, p. 26).

Around the middle of the ninth century there appeared new power centers. The strict bone-rank system of Silla frustrated many people who had political ambition but lacked nobility. They had to seek other ways, including maritime trade. Such an undertaking reflected and also increased their economic and military power. Trade prospered with T'ang China and with Japan as well. The threat of piracy to Silla's thriving maritime trade caused to create a succession of garrisons at important coastal points. Chonghae Jin (Chonghae garrison) was regarded as the most important of these. It was established in

828 by Chang Pogo. Chonghae Jin was on Wando, an island just east of the southwestern tip of Korea and a key place at this time in the trade between China, Korea, and Japan. From this vantage point ChangPogo became a merchant-prince with extensive holdings and commercial interests in China and with trade contacts with Japan (Reischauer, 1955, p. 100)

Chang Pogo does not seem to have come from the privileged class for the reason that his family and place of birth were not noted on historical documents. Chang had an ambition to become a government official, but it was not possible because of his underclass origin. Since Silla had maintained a strict bone-rank system, he had no choice but to go to China which had more flexible rank and file system at that time. In addition, Silla's losing control over local powers and perennial famines during the ninth century drove many people who were hopeless in Silla to emigrate to T'ang China, which was relatively open to foreign immigrants (Kun Y. Choi, 1989).

Soon after Chang moved to T'ang China, he entered the Chinese army and was promoted to the level of a general. While he was serving in the Chinese army, he witnessed Korean people who were being kidnapped by Chinese pirates and sold into slavery. Although piracy was rampant in East Asia at that time, either the Chinese or Silla government was not able to control it due to inner political strife and lack of policing resources. Infuriated by the piracy and the government's inability to control it, Chang Pogo came back to Silla to fight against the pirates and to protect maritime trade. He persuaded the king of Silla and was permitted to control the private armed forces to sweep away the pirates. In 829 he was appointed Commissioner of Chonghae-Jin with the mission of curbing piracy in that region.

Historical documents such as B. S. Kim's (1145) Samguk Sagi (History of Three Kingdoms) noted that the king of Silla provided Chang Pogo with ten thousand soldiers for the control of piracy (Samguk Sagi Vol. 10, Silla Part No. 10). However this could not be true because Silla of the period was so weakened that it could not have afforded such forces (Deok H. Roh, 1982; Chong J. Chung, 1999). In addition, the forces under Chang Pogo were largely composed of navy forces, but Silla had no such forces or naval ships. Samguk Sagi also named the forces of the Chonghae Garrison "people" and "populace" (Samguk Sagi, Vol. 11, Silla Part No. 11). Thus Chang's forces seemed to consist of fishermen living around the Chonghae Garrison, which would suggest that they were not national guards but Chang's private forces.

Some historical documents indicate the extent of piracy at this time. According to In. J. Chung's (1454) Koryo Sa (History of Koryo), there were many islands that were the bases for pirates. Silla's decline and lack of policing made those islands the sanctuaries for pirates. Aphae Island flourished as the base of Neung-Chang who might be the most notorious pirate at that time (History of Koryo). Piracy was not the sole problem that Silla had. Japanese History noted that a couple of people were robbed and killed by pirates on their way to Japan in 811 AD. According to History of Old T'ang China, in addition, there were records that Silla people were kidnapped by pirates and sold on the Chinese coast.

For this reason the Chinese government issued an edict forbidding anyone to sell Silla people into slavery.

However, piracy has two faces: plundering and trading. Pirates had to sell loot that was stolen. The ancient maritime tradesmen of Phoenicia, Carthage, Greece, and Rome not only bought and sold goods but also attacked others and stole things from them. Henry Morgan, a famous pirate, later became a vice governor of Jamaica and even fought against the pirates (The New Encyclopedia Britannica, 1998, Vol. VII, p. 1025).

Chang's forces were created to protect people from pirates, but also developed into traders among Silla Korea, T'ang China, and Japan in the 9th century. This was geographically possible because the Chonghae Garrison was situated at the midpoint of Korea, China, and Japan, and also because Chang's naval forces actually dominated the East Asia Sea while patrolling sea-lanes. Based on these advantages, Chang Pogo made a great fortune, which might be collected from a charge for protecting people from pirates and the trades with China and Japan.

Chang's forces could not be the only private armed forces that played a role of private policing during this period. As noted above, powerful aristocrats of the capital city and local powers created their own private armed forces, arming their slaves and recruiting the landless peasants. Taking advantage of the decline of the central government, local powers called themselves castle lords, strengthened their military might, and tried to extend their influence. They controlled their enclaves substantially in terms of administration, tax-collection, and military power. Among those were Wang Bong-Kyu in Kangju region, Jak Je-Kun in Song-Ak area, Lee Un-Mo in Kimju area (Samguk Sagi). They had in-house forces performing functions of body guarding and guarding houses and properties.

The private armed forces were also the major military might that was mobilized to take the throne in political strife. Kim Yang mobilized his private forces to place Kyun Jung on the throne, while Kim Myung and Lee Hong, key figures of the opposite party, also controlled their private forces to defend themselves from Kim Yang's attack (Samguk Sagi, Vol.44, Part of Kim Yang). Thus it seemed clear that Silla's aristocrats relied their powers and privileged rights solely upon their private forces or family forces. The aristocrats' reliance subsequently strengthened the need for the private forces (Won-Ki Hong, 1998, p. 16). Silla's private forces were indicated even on Chinese historical documents. They noted that Silla's aristocratic elites possessed slaves of more than three thousand and armed forces as well (History of New T'ang China, Part of Silla). If necessary, in addition, their slaves could be transformed into armed forces any time.

Based on historical documents, the numbers of private soldiers might be estimated to exceed tens of thousands at least, since Chang's forces alone were recorded to be more than ten thousand. Because local powers and aristocratic elites were said to have thousands of armed forces respectively, the extent of private forces was assumed to be vast, although they were available only to the privileged class. In short, the domination of Chang's forces was attributable to the decline of central government and its losing control

over local powers. In addition it was not possible without advanced technologies in shipbuilding and navigation.

2. A Period of the Koryo Dynasty

The increasing influence of local powers weakened the control of the central government of Silla over the countryside, which led to a civil war. Silla had problem of landless wanderers who were forced to abandon their farms by the severe exactions to which they were subjected. Some of these wanderers were formed into bandits, while others fell to into the slaves of aristocrats. Such changes brought social disorder, then caused rebellion.

The first revolt erupted in the Sangju area in 889, leading to an unending succession of rebellions in every corner of the country. Wang Kon, one of the rebel leaders, defeated other competitors, and eventually got a formal surrender from the last ruler of the Unified Silla dynasty in 935. He established the new Koryo dynasty, making his home area of Kaesong his capital. The establishment of Koryo, however, did not regain the control over the local powers. The castle lords continued to keep up their regional strongholds, by which the influence of the central government did not reach beyond the capital and its vicinity.

It was Koryo's immediate task to weaken the local powers, disbanding their private forces. By transforming his private forces, King Taejo (Wang Kon) thus established the royal guards to protect his throne from the threats of local powers. However, the private forces in the rest of regions remained under control of the local powers. King Taejo (Wang Kon) died without being able to consolidate centralized royal power. King Seongjong tried to weaken the economic and military grounds of the local powers, reorganizing local bureaucrats and sending the administrators to all regions. The sweeping reforms of King Kwangjong (949-975) gave a serious blow to high officials of local gentry origin, including appointments to scholars without a distinguished lineage background but who had passed the state examination. By these consecutive efforts of centralization, kings had success in disbanding the private armed forces of the local powers and putting them under the command of the national guards, Yuk-Wi (Six Divisions). The private armed forces of the local powers in the countryside had at first been brought together under the control of the central government, but subsequently they were reorganized into provincial garrison forces.

The Koryo dynasty created several institutional arrangements, including the examination system and the Stipend Land Law. Although these were designed to restrict the arbitrary exercise of royal authority, they eventually contributed to the preservation of the privileged position enjoyed by the ruling elites. The aristocratic rule in Koryo was based on the principle of civil supremacy by which military officials were discriminated politically and economically. For example, appointments to high command in many cases were given to civil officials. The situation worsened under King Uijong (1146-1170), a monarch only

interested in pursuing the life of the aesthete. He had no thought for the deteriorating condition of the military.

The military revolt broke out in 1170. With officers and soldiers united in common cause, the revolt met with quick success. In the course of the revolt, countless civil officials were massacred, and a second major purge occurred three years later. After their seizure of power the military officials managed state affairs through the central mechanism of the Chungbang, the supreme military council, and they sought to take effect a military monopoly of all government positions, high and low alike.

The military revolt provided military leaders with strong political powers and also economic abundance, which were grounds for the growth of private armed forces. According to Koryo Sa (History of Koryo), military leaders arbitrarily controlled the country and competed to have their own private soldiers, which caused a vacuum of national armed forces (Vol. 81, part of the military). Severe fiscal difficulties forced low ranking officers and soldiers to belong to the private armed forces of the military leaders. These had various names: Ak-So; Sa-Sa Yong-Sa; Jang-Sa; Mun-Gaek; Ga-Dong, etc. Koryo Sa recorded that Lee Ko, Huh Seung and Kim Kwang Lipp, the military leaders, were enthusiastic to gather soldiers for their political ambition (Vol. 100, part of Kyung Dae Seung; Vol. 128, part of Lee Eui Bang). It now had become an age when what mattered was no longer lineage, but only how much force-in-being one could muster. As a result, power shifted again and again from one military strong man to another.

Choe Chung-hon (1149-1219), one of military leaders, finally brought an end to these years of disorder, crushing the competitors of military rule. Getting rid of all who questioned his authority including his own brother and nephew, in the end he succeeded in establishing a personal dictatorship. Even though he preserved the royal authority of Wang and the monarchy, he not only directed the affairs of government himself but also manipulated the throne at will. During his control over the country, Choe deposed two kings and set four on the throne.

The Choe regime relied on its own private armed forces. Eventually, the Choe regime created additional separate units to replace the police and combat functions performed by the Six Divisions of the regular army. These were the "Sambyolcho (Three Elite Patrols)."The economic basis that contributed to the growth of these private armed forces was the personal landholdings of the military leaders. Aristocrats tended to expand private land holding during the early Koryo dynasty. This situation remained almost sameeven after the military revolt. The military officers were eager to expand their private landholding, seizing the lands of civil officers. For instance, Choe took over the whole region of Chinju, a southeastern part of Korea, as his own private landholding.

The extent of private policing was not clearly shown in historical documents. However, some records indicate the extent. Koryo Sa(History of Koryo) noted that the number of private forces under command of Park Chin Jae exceeded several hundreds (Vol. 129, Part of Choe Chung-Hon). Since Park was not one of the main figures during the rule by the military, it could be assumed that other military leaders possessed more private

soldiers than Park did. There was also a historical record that Choe Chung-Hon recruited three thousand Jang-Sa (warriors) for the suppression of the rebel (Koryo SaJeol-Yo, Vo. 13, King Myungjong, 26th Year's Throne). Thus the total number would exceed several thousands.

Of note was the creation of Do-Bang and Yabyolcho which were the most powerful organizations that the military leaders made. The Do-Bang was the first organization created by Kyung Dae-Seung to protect himself as he was threatened by his political rivals. Koryo Sa recorded that the forces of the Do-Bang lived under the same roof, being always on the watch for any attack from rivals (Vol. 100, Part of Kyung Dae-Seung). Choe Chung-Hon, Kyung's successor who won the political struggle, had once abolished the Do-Bang, but revived it when he also needed to protect himself and his families. Choe continued to increase his private armed forces, while oppressing other military leaders not to have the private forces. Choe's forces were estimated to exceed three thousand, mostly consisting of Jang-Sa or warriors. The size of the Choe's forces was vividly described in Koryo Sa that recorded that the multiple rows of Choe's private forces extended to 4 miles when he inspected his forces (Vol. 129, Part of Choe Chung-Hon).

3. A Period of the Chosun Dynasty

Yi Seong Gye, one of military leaders in the late Koryo dynasty, ousted the king and seized political power. Then he established a new dynasty, Chosun Dynasty. The political instability in the early Chosun dynasty brought about military struggles between powerful figures, particularly Yi Seong Gye's (King Taejo) sons. King Taejo's close staff members sought to centralize military authority for the purpose of debilitating the Dynastic Foundation Merit Subjects including the king's sons.

The princes who worried about the weakening of their private forces resisted this effort and killed key staff members of the king, mobilizing their private forces. Then, the princes themselves competed with each other for hegemony and sought to gain control over the other, which led to the a military collision between Prince Bang-Won and Prince Bang-Gan. Prince Bang-Won, later King Taejong, won the battle and prohibited everyone else from maintaining private forces called Ga-Gap, Byol-Pae, Siwi-Pae, Ban-In, or Saban-Dang (Annals of the Chosun Dynasty, Cheogjong Sillok, Vol. 4).

The private forces abolished were absorbed into the national guards. Disbanding private armed forces seemed to be common in the early days of new government or dynasty that needed the centralization of military authority (Hyun K. Min, 1984). Due to lack of public policing, however, the need for the private forces for protection was recognized, and they were permitted to keep up to 10 persons (Annals of the Chosun Dynasty, Taejong Sillok, Vol. 16).

The early Chosun dynasty witnessed frequent natural disasters famine, flood, typhoon, etc., which turned a number of people into the hands of bandits, causing a crime wave. Due to the lack of public resources, the government could not control the crime but

mobilize other sources for policing private armed forces. The government removed the civil duties of the private forces in return for their service in patrolling at night to prevent crime (K. B. Lee, 1990).

With regard to private policing during the Chosun dynasty, Pobusang (or Pubosang) should be mentioned. The Pobusang, the peddlers' guild, which was so called as they were carrying wares on their backs, played a significant role in private policing. Pobusang was said to originate in the 6th century and was gradually developed into a merchant guild.

They were a peculiar band of traveling merchants, something like a caravan in Asia, which made its spontaneous appearance as an underdeveloped commercial organization in an ancient state prior to the establishment of order in transportation and industry. They grew into a powerful society before or after the unification of the Korean peninsula and carried on trade not only in their homeland but also in Japan and China by making travel rounds.

Moreover, judging from the historical facts recorded in "Chong-Up-Sa" (a popular song of Paekche, one of the Three Kingdoms) and in the story of "Mangbusok" (A woman who stood on the mountain waiting for the return of her peddling husband eventually turned into a life-like stone statue with a heartrending emotion on her face), "Pobusang" originated in the remote past. However, the Pobusang's organized activities were specified in the Chosun Dynasty.

From the Chosun Dynasty, a group of Pobusang established military merits with extraordinary valor in times of national emergency to defend their country against foreign invaders and domestic rebels, thus expressing loyalty toward their kings. To reward these patriotic deeds the successive monarchs gave them the privileges of monopoly of commodities and other commercial rights as supervisors of markets. They could be compared with the merchant guilds of Europe. The Pobusang had similar characteristics and important features of those of Europe. But Pobusang had some unique features because it sometimes performed the function of militia in times of national emergencies.

Since the Pobusang managed the markets and visited private homes they were suited to perform scouting duties to collect information, official or private, for their service to the state. In war or in national emergency the Pobusang established liaisons among the related offices by running on errands, thus performing communication duties. Especially, there was an express system, known as "porcelain bowl communication" in which the names of the minutemen were written on a piece of white paper in a circle like the brim of a porcelain bowl, and the paper was forwarded in the written order to all related persons in top secret.

The Pobusang sometimes performed the services of protecting government officials, convoying them in traveling. The Pobusang also kept vagrants at bay in markets. Hansungbu Wanmun, the official document of the Pobusang, recorded that they patrolled the markets, keeping thieves from stealing something in the market and also monitoring criminal deals between merchants (J. G. Cho, 1997). The Pobusang's policing activities

were also witnessed by H. N. Allen, a missionary at that time.

A Pobusang, a peddler guild, is composed of 150,000 peddlers who travel all over the country in their business. They were helping the King by acting as detectives. When a culprit is wanted, for instance, his description is given to Pobusang men who write it in a book and pass it along. It soon traverses the whole country, as these fellows are everywhere with their wares. The man is sure to be found. (Allen's Diary, Part I, December 26, 1884)

These activities were performed primarily because the Pobusang members were awarded a business monopoly, though their loyalty to the King was also a contributing factor.

Major foreign powers in the late 19th and early 20th century were interested in securing concessions for such important resources as railroads, mines, forests and fisheries, particularly gold mines. This was because Korea was known for a long time as a country rich in gold, and because gold played such an important role in modern capitalistic setup as the means of setting trade transactions and those of reservation in currency issuance. As a result the foreign powers were eager to obtain mining concessions from the Chosun government.

Beginning in 1895 with granting a mining concession at Unsan gold mine in northern part of Korea to the United States, the Chosun government conceded mining rights to Germany in 1897, to Britain in 1898, to Japan in 1900, to France in 1901, and to Italy in 1905, respectively. The Unsan gold mine was known to be the biggest mine in term of its estimated gold deposits. The Oriental Consolidated Mining Co., an American company, employed more than 2, 000 Korean miners a day, which produced some problems in managing them. These included employee theft, labor tension because of the discriminatory treatment of Korean miners, and conflict with local residents. For the purpose of guarding its assets and overseeing its workers, the U.S. company employed Japanese inspectors and later Korean police officers. The company paid 12 police officers 12 Korean wons a month to supplement its guarding and inspecting forces and facilitate control over the Korean miners (Diplomatic Notes of the Korean Empire, Section of the U.S., Vol. 2, No. 2024, June 27, 1899).

III. THE AUTHORITY OF THE PRIVATE POLICE IN THE PRE-MODERN ERA

For the pre-modern era, unfortunately, there were no statutes and mandates prescribing the authority of private armed forces. However, the private policing forces for this era appeared to have no legal authority because those were strictly prohibited except when the political power of a monarch was challenged. Inasmuch as the power arena was highly centralized and singularized, there was no room for the private armed forces (Hahm, 1986). Only in the late Silla dynasty, the rule of the military in Koryo dynasty, and late Chosun dynasty, when the power and prestige of royal authority declined and became politically unstable, were the private policing forces recognized and maintained on a large

scale. During the rule by the military in Koryo dynasty, the authority of military rulers rested on the strength of their own private armed forces, which elevated the status of the forces. Not surprisingly, the regular army of this period deteriorated, which forced its most able men to opt for services in the private army. Most illustrative might be the case in which Kyung Dae-Seung, a military leader in this period, pardoned one of his private soldiers who killed a civilian (Koryo Sa, Vol. 100, Part of Kyung Dae-Seung). Although the government's attitudes toward private policing constantly remained hostile, a very limited number of the forces were permitted only for the purpose of protection of person and property. Particularly in the Chosun dynasty the private forces were permitted up to ten persons (Annals of the Chosun Dynasty, Taejong Sillok, Vol. 16).In these cases, the private forces seemed to derive their authority from their employers.

IV. THE ACCOUNTABILITY OF THE PRIVATE POLICE IN THE PRE-MODERN ERA

  Since private forces were formally prohibited, it is hardly likely that formalized accountability procedures existed. In fact, no historical records were found with respect to the accountability of the private police during this era. Given no basis for governmental regulation and civil suits, the private police at this time must have been controlled by self-regulation. In other words, there seemed to be no formal mechanisms for accountability of private policing. Only the aristocrats controlled and disciplined the forces. Concerning compensation, it was not likely that compensatory damage was awarded to victims because the private armed forces were hired by the aristocratic elites and local powers. As demonstrated in the case of Kyung Dae-Seung's private guard who killed a civilian but was pardoned, the private armed forces were often regarded as "untouchable." Even worse, some of the forces were recruited from villains, rogues, or bandits who roamed the countryside.

  The misconductor troubles the private forces created during this time were recorded here and there in historical documents. As the name indicated, Ak-So (Bad juniors) behaved so arbitrarily that people made a stream of complaints against them (Dae J. Kim, 1993). Because the military leaders were competitively recruiting private soldiers, even bandits or fugitives could join the forces, which produced lots of problems. However, few cases were investigated and punished due to their lords' political power and influence.

  In the Chosun dynasty, private armed forces such as Siwi, Byul-Pae, or Sa-Ban, were criticized for their misconducts. The troubles they caused brought about complaints by various sources, from the Office of Inspector-General to the public. The Inspector-General raised the issue of the problems of the private forces and suggested the abolition of the forces to prevent them (Annals of the Chosun Dynasty, Chungjong Sillok, Vol. 4). However, the political power of the merit subjects was strong enough to disregard such threats and petitions until the need for centralization of military authority was increased and the promulgation of the abolition of the private armed forces was

made. However, Pobusang in the Chosun dynasty maintained strict rules and high standards of discipline. Any member of the Pobusang who violated its code of conduct received a severe punishment. The strict observance of discipline by all members was possible because of their solid unity. Delinquents were subject to prescribed penalties, even death, according to their codes (Won S. Park, 1965).

In the late Chosun dynasty the concession of mines to the major foreign powers brought a number of complaints from the people, especially from local residents who lived on mining, which led to the conflicts between the foreign companies and local residents. Most illustrative was the incident happened on May 23, 1899, in which an American employee shot and killed a farmer who was mistaken for a thief (Diplomatic Notes of the Korean Empire, Section of the U.S., Vol. 2, No. 2021, 2022, June 19; June 23, 1899). The farmer died on the spot, triggering fierce protests and complaints from the local residents. Even the Korean government was upset and ordered the U.S. consul to capture the suspect and hand him over to the Korean authority. However, Sands, the U. S. consul at that time, denied the accountability of the American, and argued that it was a justifiable defense (Diplomatic Notes of the Korean Empire, Section of the U.S., Vol. 2, No. 2024, June 27, 1899). The Korean government had no means to enforce sanctions against foreign powers and had to accept the excuses of the U.S. consul, dismissing a local administrative official in order to meet the U.S. consul's demand.

V. THE RELATIONSHIP BETWEEN THE PRIVATE POLICE AND THE PUBLIC POLICE IN THE PRE-MODERN ERA

As noted in the review of literature, the Silla dynasty did not appear to have an independent public policing system. No historical records were shown regarding the existence of the public police during this period. Many researchers assume that the army must have played the role of policing as well as defending national security, and that there was no distinction between the armed forces and the police at that time (Nam O Huh, 1998; Hyung J. Kim, 1991; Ki-Baek Lee, 1994; Kun Y. Choi, 1989). A historical record indicates that King Hunduk ordered army soldiers to capture robbers in 815 A.D. (Samguk Sagi Vol.10). According to Samguk Sagi, there was the Reebang-Bu, a bureau that administered tasks concerning criminal law adjudication of criminals and administration of justice (Samguk Sagi, Vol. 38, No. 7). However, it consisted of no more than tens of officials, thus one might question the enforceability of the bureau. Both Guseo-Chong and Siwi-Bu played the role of preventing crime, while defending the capital city (Hyung J. Kim, 1991). The public police performed the function like the military police.

Silla's military system was based on conscription. However, Silla's late period witnessed the collapse of national armed forces, except for a small number of king's guards (Ki-Baek Lee 1994). Since the unification of the Korean peninsula, the kings tried to strengthen their power over aristocrats. Thus King Mun-Mu, who unified Korea, issued an

edict disarming all people, ordering to make farming tools by melting arms (Samguk Sagi, Vol. 7, Part of King Mun-Mu). But it was futile on the contrary, the aristocrats and local powers kept on building up their private forces.

Even though the private armed forces functioned as hands of aristocrats and local powers during the Silla dynasty, they also performed the function of law enforcement because of the lack of public policing. They were often regarded as police officers, thus they caught criminals and were mobilized to put down the rebels. In short, they were not only the military might used for rebelling but also the main forces to subjugate the rebels. The relationship between the private forces and the government could be summarized into both complementary and conflicting.

As noted above, the distinction between private army and police was unclear, particularly during the rule by the military in Koryo dynasty. Because most military leaders needed private forces who could protect them and their interests, which might indicate the characteristic of private policing. However, some of the private police were in fact national guards and included in Six Divisions, but also worked for their military leaders, which was analogous to police officer's moonlighting. The desperate political struggle among military leaders brought about the vacuum of national defense, because the military leaders appropriated human resources for national guards. As a result, the private police during this period performed both policing and defending the nation when needed, especially in times of war.

The military system had been in a chaotic condition ever after the Chosun dynasty succeeded to the Koryo dynasty. Many powerful figures still retained personal armed retinues, which frustrated King Taejo's effort to centralize military authority in the hands of the government. It was King Taejong, Taejo's son, who resolutely abolished those private armed forces in 1400. King Sejo (1455-1468), a son of King Taejong, established Five Military Command Headquarters to defend the capital, and gave it authority over the fivefold division of the forces that garrisoned the capital. The troops that formed the core of the Five Commands were professional military men selected through tests of their military skills.

The military routinely performed the function of public policing, although a public policing institution was later established in the middle of the dynasty. The Chosun government established the Podo-Jang (Constabulary) in 1471 to control the increasing crime, assigning two lieutenants and 40 officers (Annals of the Chosun Dynasty, Sungjong-Sillok, Vol. 9). In 1544, the Podo-Jang was expanded and reorganized into Podo-Chong, focused on policing in the capital and its vicinity, and leaving provincial areas to the armed forces for crime fighting. Such lack of resources for public policing eventually aroused the need for the cooperation with the private policing, mainly through community councils.

VI. CONCLUSION

Private policing might be defined as peace-keeping activities such as guarding and protecting solely for profit. The commercial nature of private policing particularly emphasizes the professionalization and specialization of its services. In a strict sense, the private policing in a pre-modern era does not seem to meet such a standard. The private policing forces were usually recruited from aristocrats' slaves or landless peasants. They had little training for their duties. Thus it is difficult to believe that they had full knowledge of their duties, functions, and responsibilities. Furthermore, they were sometimes mobilized for political purposes such as frustrating coup attempts or launching such a coup in order to take a throne. They were usually either military or semi-military organizations. There was no clear distinction between private army and police in this period. Thus the private policing forces had the characteristics of both private army and police. Despite such pre-modern characteristics, however, it should be noted that the forces truly performed the function of private policing which included the protection of the private interests of those who hired them.

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Law and Order in Cyberspace: A Case Study of Cyberspace Governance and Internet Regulations in Hong Kong

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Abstract

This research project is a first attempt to study cyber space governance and computer crime control in Hong Kong. The report begins with a discussion of the nature, prevalence and distribution of computer crime in Hong Kong. It then embarks on a comprehensive review of Hong Kong Government's cyber space governance philosophy and computer crime control policy. The article closes with a number of recommendations in improving Hong Kong cyber space governance.

I. Introduction

As an international finance center, Hong Kong enjoyed many of the benefits of the new Information Age. The Internet allows people to communicate with each other on demand in real time and anonymously anywhere in the world. The Internet is a much better way to do business. As one Hong Kong IT consultant puts it:

> The promises held out by the Internet are at once compelling and confronting. The Internet promises to lower costs, streamline logistics, and shorten production cycles. The Internet holds out the promise of reaching new markets and new customers by eliminating the tyranny of distance. And the Internet promises to eliminate intermediaries. Those who move fast stand to gain a significant competitive advantage (Lovelock 1999).

The Hong Kong economy is increasingly and irreversibly relying upon Computer Mediated Communication (CMC) (Cyber space Center 1997). In 2002 "A Self Assessment of Hong Kong's Readiness for E-Commerce"found that PC penetration was growing fast. It has grown from 34% in 1998 to 50% in 2002. There were over 190 ISPs offering very competitive pricing and services. Consumers used the Internet to send e-mail, surf the cyberspace, conduct research and do shopping. Businesses used the Internet for marketing and customer support. The Hong Kong Government (HKG) used the Internet to conduct business and delivery services (Hong Kong Government 2002).

The Internet has also become a catalyst for Hong Kong economic reform, social

development and political change. The import, impact, influence and implication of the Internet in Hong Kong go far beyond what has been contemplated. The history and legacy of computer development in Hong Kong is still being written.

The phenomenal growth of IT penetration and computer usage in Hong Kong has been accompanied by an increase in computer-related crime since the late 20th century (Carlson 2000; Bowan 2001). This has led to a call for critical review of cyber space governance philosophy, law and practices (Beryl 1993; Kwan 1999).

The study of cyber space governance in Hong Kong is still in its infancy. Policy studies are few (Hong Kong Monetary Authority 1977; Hong Kong Security Bureau 2000 ("HKSB"). Academic publications are also rare (Lau, Lam, Cheung 1966; Chan 2000). This paper is an attempt to fill this research gap.

This project investigates computer-related crime and control in Hong Kong; its philosophy, policy and practices. Particularly, the article will investigate the following questions: What is the nature, incidences, prevalence and distribution of the computer crime p in Hong Kong? What is the cyber space governance philosophy and computer crime control strategy in Hong Kong?

This paper consists of five sections. After this brief "Introduction,"Section II: "Researching Hong Kong Cyber space Governance" discusses various computer crime research problems. Section III: "Nature, Prevalence and Distribution of Computer Crime" provides an overview of the background nature, extent, distribution of computer crimes in Hong Kong. Sections IV: "Cyber space Governance in Hong Kong" explores HKG's approach to the control of computer crime and regulation of cyber space. Section V, "Conclusion," summarizes the key findings of this research, ending with recommendations in improving cyber space governance in Hong Kong.

II. Researching Hong Kong Cyber space Governance

There are four major problems with cyber space governance research in Hong Kong. First, there is a problem in defining computer crime. Second, there are difficulties in ascertaining the nature and extent of computer crimes. Third, there are difficulties with obtaining valid and reliable computer crime data. Fourth, there is a lack of computer crime research in Hong Kong.

1. Problem with defining computer crime

There is no commonly agreed upon definition of what computer crime entails in Hong Kong (Hong Kong General Chamber of Commerce 2001). Two issues are involved, namely: What is the meaning of "computer" and what is "computer crime"?

What is the meaning of "computer"(HKSB 2000: 3.7)? There are two concerns for legislation. First, is the term "computer"specifically defined enough to give notice to criminal violators to fulfill deterrence and due process functions? Particularly, does the term "computer"include other systematic electronic application of data features beyond

the stand alone computer set, i.e. monitor, keyboard and central processing unit? For example, does the term include Wireless Application Protocol (HKSB 2000: 3.8)? Second, is the term "computer"general enough to include any anticipated future computer technology-related crime (HKSB 2000: 3.7)?

After reviewing 35 Hong Kong ordinances and examining 76 sections, the "Inter-departmental Working Group on Computer Related Crime Report" recommends defining "computer" as "information system, as defined in the Electronic Transactions Ordinance (Cap. 553) (HKSB 2000: 3.10). Electronic Transactions Ordinance does not define "computer" per se but use the term "information system" (instead) to mean: "a system which:

(a) processes information;

(b) records information;

(c) can be used to cause information to be recorded, stored or otherwise process in other information system (whatever situations); and

(d) can be used to retrieve information, whether the information is recorded or stored in the system itself or in other information systems (wherever situated).

What is "computer crime"? "Inter-departmental Working Group on Computer Related Crime Report" acknowledges that: "The terms "computer crime" and "computer related crime" are rather amorphous…." (HKSB 2000: 3.9). They can refer to crimes directed at the computer (like hacking), crimes using computer as the medium (such as Internet gambling), and crimes where the computer play a minimal role, (e.g. online pornographic advertisement).

Within the IT field, the term "computer crime" generally refers to three kinds of crime, namely, computer crime in the strict sense, computer-related crime, and computer abuse. According to Parker, pioneer in computer security, computer crime cases may involve computers playing in any one or more of the following roles (Parker 2000: 349 353):

1. Computer as object - such as destruction of computers, data or programs;

2. Computer as subject- such as illegal change of financial data in fraud cases;

3. Computer as instrument - such as using the computer to generate false credit card numbers;

4. Computer as symbol- such as using non-existent computers for intimidation or deception.

The difficulty with defining computer crime becomes more apparent when applied. For example, if a computer is stolen to obtain proprietary data or operational software, it is not classified as a computer crime. However, if knowledge of computer technology is used to access and download the data from the same computer it is a computer theft. Yet both of them involve the theft of property (electronic data) in common law terms, i.e. "taking,

carrying away, property of another, if intent to permanently deprive the owner thereof."Traditional computer crime concepts also might not cover emerging criminality with the use of other new digital technology, e.g. theft of software in a camera or illegal interception of telecommunication services.

2. Difficulties with ascertaining the nature and extent of computer crime

Hong Kong faces difficulties in ascertaining the nature, extent and distribution of computer crime. This has made preventing and controlling computer crime more problematic. The main problem is in capturing "dark figures"undetected, unreported and/or unrecorded instances – of cyber space crime (Mitchell and Banker 1998: 699). For examples, the FBI's National Computer Crime Squad estimates that between 85 and 97 percent of computer intrusions in the United States are not even detected (Kabay 2001: 1.2.1), still less are reported (Kabay 2001: 1.2.2). Richard Power experimented with attacking 8,932 U.S. Department of Defense computer systems. He discovered that only 390 (4.37 percent) of the attacks were detected, of which only 19 (4.87 percent) were reported (Government Accounting Office 1996).

Hong Kong faces similar dark figures of computer crime problems (Chan 2000). Computer viruses enter surreptitiously and are well hidden within the computer architecture, waiting to be exploited at will or to explode in designed time. In most cases, the owners or users are not aware of an ongoing attack, still less be able to ascertain the scope and extent of the damages until months and years afterward (Icoye, Seger, VonStorch 1995: 3).

Most computer crime victims choose not to report computer crimes. Many corporations especially those in personal and financial service sectors are reluctant to report because reporting means betraying trade secrets, revealing clients' confidentiality, registering insecure e-business platform, reflecting poor internal control, and more generally undermining good will.   In the United States, the 2002 annual FBI/CSI Computer Crime and Security Survey uncovered the following reasons for non-reporting of computer crime: negative publicity (76 percent) helping competitors (67 percent), lacking awareness (57 percent), preferring civic remedies (51 percent) (Power 2002).

In Hong Kong, non-reporting of computer crime results from a number of factors: ignorance of crime or harm; lack of confidence in criminal justice system, expensiveness of detection measures; fear of consequences; concern with public image; concern with revelation of weaknesses, concern with exposure to civil liabilities; difficulties in assessing loss of information; lack of motivation; deem as internal business vs. external criminal matter, and too late to report. Many IT and business professionals believe that the most cost-effective way to deal with computer crimes is not through the criminal justice system but with self-help. As of now, the private sector has little confidence in the Hong Kong government's ability or capacity to deal with computer crime problems (Chan 2002: 123-4).

3. Problem with accessibility to data on computer research

There is a need for valid and reliable data to support theoretically driven and empirically based computer crime and cyber space governance research in Hong Kong. Computer crime data in Hong Kong is maintained and reported by a number of agencies, including the Information Technology Services Department, Hong Kong Police (HKP), and the Customs and Excise Department. There is, however, no uniform computer crime reporting system like that of the FBI Uniform Crime Report in the U.S. Questions related to Hong Kong's computer crime situation abound: What is the nature, extent and distribution of computer crime in Hong Kong? More importantly, what are the causes, impact and implications of computer criminalities in Hong Kong?   Effective cyber space governance awaits the development such a valid and reliable database.

III. Nature, Prevalence and Distribution of Computer Crime

In this section, we will describe the nature, incidence, prevalence and distribution of computer crime in Hong Kong.

A. The emergence of computer criminality

In 1996, there were only 21 cases of computer crime in Hong Kong, made up of four hacking cases, six instances of publication of obscene articles and seven others (Table 1). This was increased to thirty-four cases in 1998 and 317 in 1999, namely 238 hacking, thirty-two publications of obscene articles, four damages of data, eighteen internet fraud and twenty-five others. The jump in official computer crime rates during this time did not register a precipitous rise in computer crime as much as it showed growing public awareness and increased government attention to computer crime and control (Legislative Council Panel on Security 2000).

Table 1: Hong Kong Legislative Council: Reported Computer-Related Crimes: 1996 – 1999

Case Name	1996	1997	1998	1999
Hacking	4	7	13	238
Publication of obscene articles	6	6	13	32
Criminal damage of data	4	3	3	4
Internet shopping fraud	0	2	1	18
Others	7	2	4	25
Total	21	20	34	317

Source: Legislative Council Panel on Security, "Computer Related Crime"LC Paper No. CB2 1187/99-00(04) (March 2, 2000).

According to Hong Kong Department of Justice data, 1999 recorded the highest computer-related crime reported in Hong Kong history, since records were kept from 1993. Computer crime increased from 4 in 1993 to 317 in 1999. This is a jump of 7825 percent.

Table 2: Department of Justice: Reported Computer Related Crimes: 1993 2000

	1993	1994	1995	1996	1997	1998	1999	2000
Hacking	1	5	4	4	7	13	238	38
PABX Fraud	0	3	4	5	5	4	0	0
Publication Obscene Articles	0	0	1	6	6	13	32	0
Criminal Damage	0	1	2	4	3	3	4	1
Internet Shopping Fraud	0	0	0	0	2	1	18	4
Others	3	3	7	7	2	4	25	6
Total	**4**	**12**	**18**	**26**	**25**	**38**	**317**	**49**

Source: Mr. Grenville Cross, "Symposium of 'e-Management: Challenges and Opportunities." Organized by Institution of Electronic Engineers Hong Kong (May 26, 2000).

In 2001, there was a slight decrease of computer crime cases to 235 cases. The HKP attributed the decrease to public awareness/self-help and successful law enforcement efforts of HKP. The HKP's assertion was not supported by scientific research or empirical evidence. The drop might have been due to the burst of dot.com bubble and the slow-down of IT industry during the period.

An analysis of the computer crime statistics (Table 3) reveals that more than 75 percent of the cases in 1999 and 2000 were 'hacking' cases. The rest were pornography cases (38 percent in 1998). In recent years, the number of hacking cases dropped while e-banking thefts and e-frauds increased. In 2001, sixty-five cases of electronic deceptions were recorded, including the use stolen identity to obtain goods or services via the Internet. There were also eight e-banking thefts in 2001 involving a total of HK$4.4 million. The HKP is much concerned with e-banking thefts because they pose significant threat to Hong Kong's status as a major international finance center (Hong Kong Police 2002).

B.   The patterns and trend of computer crime

Table 3 summarizes reported computer crime cases between 1996 and 2003 according to the types of offences currently categorized by the HKP. Computer crime in 2003 climbed to 588 cases, doubling that of 2002's 272 cases, and twenty-one times more than those reported in 1996.

In 1993, a majority of those computer crime cases, 60.5 percent (356/588), involved illegal access to computer with criminal or dishonest intent. If unauthorized access to computer cases were added, the percentage goes up to 68.5 percent (403/588). This is an up-surge of 158 percent, from 138 cases in 2002 to 356 cases in 2003, and 4.4 times that of 2001.

The second most prevalent computer crime is "obtaining property and service by deception"via Internet. In 2003, there were 103 such cases, constituting 17.5 percent of all computer crime cases. It is interesting to note that while obtaining property by deception has shown a steady growth pattern, from two cases in 1997 and 10 percent of all cases during that year, to 29 cases and 7.9 percent of all cases in 2002, to 86 cases and 14.6 percent of all the cases in 2003. On the other hand, obtaining services by deception has dropped, from 33 cases in 2002, and 7.12 percent of all the computer crime cases processed, to 17 cases in 2003, and 3 percent of all the cases.

The third largest crime category in 2003, after unauthorized access and obtaining property by fraud, was publishing obscene materials on the Internet. At fifty-eight cases, this represents 9.9 percent of all the cases.

All told in 2003, three kinds of computer crime cases were most prevalent: unauthorized access, computer fraud and publication of obscene material.

Table 3   Computer Crime Cases in Hong Kong by Various Offenses (1996-2003)

	Title of Offense	2003	2002	2001	2000	1999	1998	1997	1996
	(Yearly Total)	588	272	235	368	318	34	20	21
a	Unauthorized access to computer by telecommunication	47	26	33	53	238	13	7	4
b	Access to computer with criminal or dishonest intent	356	138	81	222				
c	Criminal damage (computer-related)	16	16	27	15	4	3	3	4
d	Obtaining property by deception (online shopping)	86	45	32	29	18	1	2	0
e	Obtaining services by deception (computer-related)	17	19	33	49	26	4	2	7
f	Theft (e-banking-related)	8	6	16					
g	Other miscellaneous theft (computer-related)		15						
h	Others	58	7	13					
i	Publication of obscene articles					32	13	6	6

Sources: Security Bureau for years 1996 to 1999, and HKP for years
2000 to 2003 (Hong Kong Technology Service Department 2004)

While unauthorized access and publication of obscene materials do not need further elaboration, obtaining property and services by deception is worthy of demonstration by an example. In December 2003, that Hong Kong Monetary Authority (HKMA) issued an alert on dubious bank websites (The Hong Kong Standard Reporter, November 3, 2003). Since then, overseas fraudulent bank websites have been increasingly uncovered (Ming Pao Daily News Reporter 2003). Victims include prominent financial institutions in Hong Kong such as Citibank (August 2003), East Asia Credit (September 2003), and HSBC (December 2003).

Finally, Senior superintendent Raymond of the HKP Commercial Crime Bureau observed that the increase in computer crimes might be associated with the large increased computer ownership and use. He also observed an increase in the sophistication and complexity in the computer cases. Many of the cases were completed by children under pressure to impress their peers (Asia Pulse 2001).

C. Computer crime and corporations

In 2003, Hong Kong Computer Emergency Response Team Coordination Centre (HKCERT), Technology Crime Division of Commercial Crime Bureau of HKP, and Information Technology Services Department (ITSD) conducted a survey of Hong Kong registered companies to ascertain their experience with computer crime. The survey

investigated Hong Kong companies' experience with computer attacks; information security awareness; computer security technologies and strategy employed and information security expenses. The survey showed that over half of the respondents (56.2 percent) have installed servers and/or websites, of which 23.3 percent experienced computer attacks within the last 12 months (2003). Computer virus attack remains to be the most dominant mode of unauthorized computer attacks at 94.5 percent. This is followed by hacking (13.5 percent) and denial of service (5.6 percent). Unauthorized computer attacks impact smaller companies greater than big ones; attacks on small companies resulted in a higher percentage of PCs being affected. Only about 12.2 percent of unauthorized attacks were traceable to local origin. The remaining 43.4 percent is still unaccounted for. Finally, 44.4 percent of the attacks were discovered to be originating from overseas (HKCERT, HKP and ITSD 2003).

The total financial loss resulting from computer attacks was about HK$1.22 million in 1993, HK$1.84 million in 2002, and HK$1.52 million in 2001. The decline in 2003 of computer-related financial loss is due to a drop in the reporting ratio by the respondents, as revealed by financial impact interviews.

Table 4   Information Security in the Business Sector (2000 2003)

	Descriptions	2003	2002	2001	2000
a.	Total no. of computer crime incidents	943	1,095	1,387	1,510
b.	Change in percentage as compared to previous year (+/-)	-13.9%	-21.1%	-8.1%	n/a
c.	Average no. of attacks per victimized company	2.4	3.4	3.5	2.6
d.	Change in percentage as compared to previous year (+/-)	-29.4%	-4%	+34.6%	n/a
e.	Total no. of PCs affected	4,098	5,460	5,366	4,733
f.	Change in percentage as compared to previous year (+/-)	-24.9%	+1.8%	+13.4%	n/a
g.	Average no. of PCs affected per incident	4.3	5	3.9	3.1
h.	Change in percentage as compared to previous year (+/-)	-14%	+28.2%	+25.8%	n/a
i.	Total financial loss estimated (HK$)	$1.22M	$1.84M	$1.52M	$1.38M
j.	Change in percentage as compared to previous year (+/-)	-33.5%	+20.5%	+10.8%	n/a
k.	Average financial loss per victimized company (HK$)	$3,116	$5,632	$3,888	$2,461
l.	Change in percentage as compared to previous year (+/-)	-44.7%	+44.9%	+58%	n/a

Source: HKCERT, HKP, and ITSD 2003.

Finally, between 2000 and 2002, four major concerns prompted the HKG to take aggressive actions to regulate cyber space, i.e. increase in computer-related deviance, increase in breach of computer ethics, violations of information privacy, and threats to electronic commerce.

VI. Computer Crime Control and Cyber space Governance in Hong Kong

A. View on Computer crime legislation

In providing for law and order in the cyber space, the HKG has pursued strategies that are broadly consistent with traditional Chinese values and established governing philosophy, i.e. small government, positive non- interventionism, individual voluntarism, community activism, and social pragmatism (Lau 1982). In 2000, Legislative Councilor Sin Chung Kai of Information Technology articulated four basic principles of cyber space legislation in Hong Kong: First, apply current law to cyber space. Second, avoid undue legislation. Third, support and promote predictable, consistent and minimum legislative regime. Fourth, introduce laws only when necessary (Sin 2001: Slide 3).

Consistent with the above governing philosophy and legislative principles, the HKG recognizes a long-term need to reduce the "artificial" barrier between computer crime and street crime legislation. The thinking within the HKG, reflecting the community's point of view, is that a crime is a crime, no matter how it is perpetrated and where it occurred:

> Our law should ideally be able to cater to the requirements of the information age without regard to whether an act is done via traditional means or in the cyber world. New legislation or amendments to existing legislation should be drawn with an eye to the requirements of the information age. As far as possible, legislation should be technology- and medium-neutral. Given the constantly evolving nature of the cyber world, we cannot afford to stand still in our effort to curb computer crime (HKSB 2000: 14.3 14.5).

This view about inseparability between street vs. virtual (computer) crime is based on the venerable Chinese understanding that crime is a challenge to heavenly order ("tianming"). Specifically, crimes are disturbances ("luan") of "heavenly order" embodied and personified in the Emperor's rule to be suppressed at all costs (Kang 1998: 37). People perpetrating crime and causing chaos are "bad" elements. Local officials who failed to maintain order within their jurisdiction were disciplined. Finally, emperors who experienced civil disorder were deemed to be unfit to rule and deprive of their legitimacy from heaven.

B. Cyber space Policy

Hong Kong is considered one of the most dynamic economies in the world. The Digital 21 Strategy entitled "Hong Kong: Connecting the World" promulgated in May 2001, has articulated five key objectives to improving Hong Kong's competitive advantages, one of which is to enhance Hong Kong's world-class e-business environment (ITTB 2001).

Computer security has been a real concern, especially in the earlier days when the HKG had yet to refine its regulatory regime. For example, as recent as 2000, flagship companies based in Hong Kong were debating whether to run their business online. Cathay Pacific Airways was one of the first companies to convert to online service model to improve upon cash flow management, information interactivity, decision making and just in time operations and system maintenance. This allowed Cathay Pacific to operate between five continents, across twenty different locations and with twenty-eight revenue currencies cost centers. However, HK & Shanghai Bank, with seventy subsidiaries overseas, has preferred to rely on its traditional cash management system. Likewise the Mass Transit Railway Corp (MTRC) was concerned enough about cyber risks and information security, especially unsecured authorization features, to delay embarking on e-commerce (Lee 2000).

The HKG, realizing the importance and vulnerability of the information highway for global trade, has taken an active role is in keeping the information highway free and safe. In the words of Peter Lovelace:

> Hence our position ⋯e-commerce in Hong Kong will continue to lag until the government becomes more involved in providing the necessary 'soft' infrastructural development for commerce by cyber space. By this we mean the legal framework for e-commerce, the regulatory framework for banking and securities trading, the security framework for merchants, and for copyright and data protection, and a new, more appropriate, emphasis upon education, training, research and development (Locklove 1999: 1).

Accordingly, the Hong Kong Security Bureau has established a strategy to enhance HKG's capacity to deal with emerging computer crimes; pledging "to strengthen present monitoring of and response to computer crime trends and developments"(Locklove 1999: 2).   The HKP was charged with the implementation of such a strategy to make Hong Kong one of the safest and most stable, business-friendly societies in the world.

The private sectors and various business associations, not satisfied with the HKG's approach, have called for a more aggressive approach and assertive presence by HKG. For example, Hong Kong Coalition of Service Industries and Hong Kong General Chamber of Commerce in response to the "Digital 21 consultation document"have called for a more robust and focused IT development plan, including: increasing IT education and training, strengthening intellectual property rights protection, upgrading communications infrastructure in the Pearl River Delta region, conducting structural review of the regulatory framework for broadcasting and telecommunications, appointing a champion to coordinate regulatory policies and industrial involvement across the information industries (Hong Kong Coalition of Service Industries and Hong Kong General Chamber of Commerce. 2003).

C. Cyber space policy in action
Unlike mainland China, HKG does not monitor and regulate the flow of information on

the Internet (Wong and Wong 2004). The right of free speech is firmly secured by Article 27 of the Basic Law: "Hong Kong residents shall have freedom of speech, of the press and of publication⋯." (Basic Law of Hong Kong (1990). As a result, Hong Kong people have enjoyed unimpeded free expression and privacy rights on the Internet. However, this yearning for freedom clashes with an emergent concern for the protection of intellectual property rights, computer security and fair competition in cyber space. It also challenges entrenched traditional Chinese values of proper moral education for the younger generation in a cyber space age.

Just as in mainland China, HKG has placed much effort in promoting healthy, ethical and moral use of Internet (Wong and Wong 2004). The approach in Hong Kong, however, is more de-centralized and communalized. Education efforts have not been centrally coordinated and much depends on community voluntarism and individual self-help, e.g. having computer associations to lead security awareness and information ethics education efforts.

Since 2000, HKG has taken an aggressive leadership role in spearheading the teaching of computer ethics (HKSB 2000: 106-116). The Inter-departmental Working Group has recommended joint public and private sectors efforts in promoting public education in computer security awareness and information ethics (ICAC 2001). For example, on August 15, 2003, The HKP, Education and Manpower Bureau, Television and Entertainment Licensing Authority, with the active participation of Information Systems Audit and Control Association (Hong Kong Chapter), jointly organized a computer ethics promotion program for youth.

The HKG also takes a pro-active approach in fighting computer crime. In this regard ICAC has taken the lead to work with thirteen local businesses associates to developing good ethical guidelines to prevent computer crime and related unethical, corrupt and criminal activities from happening (ICAC 2001a). The guidelines include ICAC's investigation files illustrating common patterns of computer crime in business organization. The ICAC guidelines also offer an ethical management model with practical tips to help managers to prevent work place computer crime from happening. Likewise, The HKMA routinely sent security circulars and guidelines to alert bank management and operatives to new structural security problems (HKMA 2004) or emerging security risk issues (HKMA 2004a).

D. Computer Crime Legislation

The Computer Crimes Ordinance in Hong Kong was enacted in 1993 through amending the Telecommunications Ordinance (Cap. 106), Crimes Ordinance (Cap. 200) and Theft Ordinance (Cap. 210), with some new offenses created and the coverage of existing offenses extended.

Table 5 below summarizes the relevant provisions of Hong Kong law being used to combat computer-related crimes and their maximum penalty (HKSB 2000: 2.2). The Inter-departmental Working Group once considered an option to capture all legislative

changes regarding computer crime in one ordinance, but finally decided to leave the discretion to the law drafters for an appropriate vehicle.

Table 5 Provisions of Computer Crimes Ordinance in Hong Kong

Law	Provisions	Maximum Penalty
Cap. 106, S.27A	Prohibiting unauthorized access to computer by telecommunication	Fine of $20,000
Cap. 200, S.59	Extending the meaning of property to include any program or data held in a computer or in computer storage medium	Not applicable
Cap. 200, S.59 & 60	Extending the meaning of criminal damage to property to misuse of a computer program or data	10 years' imprisonment
Cap. 200, S.85	Extending the meaning of making false entry in bank book to falsification of the books of account kept at any bank in electronic means	Life imprisonment
Cap. 200, S.161	Prohibiting access to computer criminal or dishonest intent	5 years' imprisonment
Cap. 210, S.11	Extending the meaning of burglary to include unlawfully causing a computer to function other than as it has been established and altering, erasing or adding any computer program data	14 years' imprisonment
Cap. 210, S.19	Extending the meaning of false accounting to include destroying, defacing, concealing or falsifying records kept by computer	10 years' imprisonment

Source: HKSB 2000: 2.2

Given the trans-border nature of computer crime, the Working Group had completed a comparison study of our existing legislation with reference to the "Convention on Cyber-Crime"of the Council of Europe (COE 2001). The COE has identified four major categories of offenses and recommended they be incorporated into the substantive criminal law of participating countries. The four categories of computer crimes are: offenses against the confidentiality, integrity and availability of computer data and systems; computer-related offenses; content-related offenses; and ancillary liability and sanctions.

Table 6 below presents an analysis of computer-related offense provisions, based on the COE classification of offenses as defined in the Convention (HKSB 2000: Annex 12; Urbas 2001: 58-85). Altogether, the Working Group has presented a framework with fifty-seven recommendations of legislative and administrative measures to improve the Hong Kong regime in tackling computer crime.

Table 6   Analysis of Computer-Related Offense Provisions in Hong Kong Based on the Council of Europe Classification of Offenses

	COE Classification of Offenses	Hong Kong Ordinance	
a.	Illegal access	Crimes Ordinance Cap.200 Telecommunication Ord. Cap.106	Cap.200, s161 (5 yrs max.) Cap.106, s27A (fine of HK$20,000)
b.	Illegal interception		
c.	Data interference	Crimes Ordinance Cap.200 (extending 'criminal damage to property' to include 'misuse of a computer') Theft Ordinance Cap.210 (extending 'burglary')	Cap.200: ss59,60,63 (10 yrs max. or life imprisonment if property intentionally destroyed so as to endanger life) Cap.210, s11 (14 yrs max. for burglary to include unlawful interference with computer)
d.	System interference		
e.	Misuse of devices		
f.	Computer-related forgery	Crimes Ordinance Cap.200	s85 (life imprisonment for falsification of bank computer records)
g.	Computer-related fraud	Theft Ordinance Cap.210	s19 (10 yrs max. for false accounting by falsifying computer records)
h.	Computer child pornography	Control of Obscene and Indecent Articles Ord.Cap.390	s21 (3 yrs max. and fine of HK$1 million)
i.	Copyright and related rights	See Copyright Ordinance Cap.39 Prevention of Copyright Piracy Ordinance Cap.544	
j.	Separate attempt, aiding etc. offenses	Theft Ordinance Cap.210	s56 (accessories) s159A (conspiracy) s159G (attempts)
k.	Corporate liability		

Source: Urbas (2001: 58 - 85)

The HKSAR Computer Crime Report (2000), while far from perfect, is more than adequate to "identify the challenges to law enforcement" and "review the adequacy of existing legislation and relevant administrative measures" to deal with enforcement challenges. It "examine[s] international developments …and draw[s] lessons"and make "recommendations to address the inadequacies identified." In so doing, the Working Group takes a balancing cost-benefit approach to policy formation, taking into consideration law-enforcement needs and compliance costs in recommending actions (HKSB 2000: Annex 1).

E. Law Enforcement

The Hong Kong Police Force (HKP) has taken active steps to deal with computer-related crimes as early as 1993 when legislation was first amended to address computer crime problems (HKSB 2000: 76 77).

New offences such as 'Unauthorised Access to Computer by Telecommunication', 'Access to Computer with Criminal or Dishonest Intent', and 'Criminal Damage' to computer data have

been created⋯In those days, the cloning of a mobile telephone was a typical computer crime where the computer was a tool in making unauthorised duplicate telephones to be used at the expense of the owner of the victimised telephone account. Other incidences of computer involvement in crime include the use of computers to store data pertaining to illegal enterprises and to publish obscene articles (Lo 2000).

Three characteristics define the nature of computer crime during this time. First, computer crimes were local crimes. The criminal act, victim and offender remained under Hong Kong police jurisdiction.

Second, computer crimes were conventional crimes conducted with computers, e.g. fraud and theft. Third, computer was used an as instrumentality to of a crime, e.g. storing betting and payout information. It was not essential elements of the crime itself, e.g. spamming or hacking.

The HKP was ill prepared to confront computer crimes in the early 1990s (Lo 2000). Chief Superintendent Victor Lo, who was in charge of Commercial Crime Bureau's computer crime jurisdiction, observed many difficulties in investigating computer crime, from tracing digital evidence to tracking cyber criminals, specifically: (1) Computer crime happen in a split second; (2) computer crime hurt multiple victims and inflicts wide-ranging damages; (3) computer crime cause many small damages adding up to big loss; (4) computer crime has no face-to-face contact, making identification impossible; (5) computer crime makes fraud easy to perpetrate but difficult to recover; (6) computer crime trails can be easily mediated and concealed; (6) computer crime evidence collection is difficult with multiple jurisdictions; (7) computer crime investigation across jurisdiction is made difficult as a result of lack of uniformity in law and practice between criminal justice jurisdictions; (8) computer criminal identification is time-consuming and labor-intensive; (9) computer crime electronic investigation and surveillance might conflict with human rights and personal privacy; (10) computer crime investigation requires ISPs to keep data and records which can be cumbersome and costly; (11) computer crime investigations need to link criminals and crime; (12) computer crime might be conducted by insiders.

Altogether, the criminal investigation structure, process, culture, staffing, training, experience and expertise of the HKP were not suited for the effective investigation of computer crime (Lo 2000).

During this time, HKP was not ready for the onslaught of computer. The HKP itself had few computers, much less computer expertise, IT professionals, cyber investigators and forensic experts. In 1993, the HKP finally established its first ever Computer Crime Section within the Commercial Crime Bureau, with seventeen officers. One of the key challenges from the outset is the ability to recruit and train a cadre of officers with good computer knowledge and skills. The HKP's lack of basic computer technical knowledge and investigative skills came to forefront when police were not able to bring cyber criminals successfully to justice; in 1995 a police raid on a "hacker's"premise was

bungled when the suspect was able to flip the fuse-box switch and turn off the computer system, destroying all the evidence necessary for prosecution in the process (Lo 2002: 2).

The strategy then (early 1990s) was to sent officers overseas for training. Such trainings, while essential in upgrading HKP officers' technical computer crime knowledge, did not adequately equip them to conduct computer law enforcement or cyber space investigation in Hong Kong:

> Of paramount importance was the need for accredited training, which would enable our officers to withstand challenges when giving evidence in court. In addition, overseas training courses did not address such crux issues as local legislation, procedural matters which conform to current Hong Kong Police standards, and importantly, the language issue of searching and retrieving data written in character sets (Lo 2002: 3).

Because of the limitation of resources, competence and size of the Computer Crime Section, much of the work done during this period was one of providing for computer security education and advisement, typical of the work style of the Crime Prevention Bureau. For example, the Computer Crime Section, worked with well-connected public agencies (e.g. Department of Education) or more knowledgeable private partners (e.g. KGMP Peat Marwick (Computer Audit Department), to publish accessible computer security manuals (HKP 1997), hold public computer security awareness and ethics education seminars and provide on-site computer crime prevention and protection visits for small businesses (HKSB 2000: 106).

At the turn of the millennium, HKP cyber crime law enforcement resources were devoted mainly to three areas: policing computer crime; developing computer investigative skills and forensics capability, and promoting public awareness in computer security.

In order to improve computer crime investigation and prosecution, the HKP set up the Technology Crime Division (TCD) in Commercial Crime Bureau was in June 2000. TCD is supported by a computer forensics laboratory. TDC is augmented by a Computer Crime Investigation Cadre (currently known as Technology Crime Initial Response Team) of eighty computer proficient officers assigned to different regions to handle minor computer investigation and forensic examinations. TDC is left with handling more serious and complex cases (Lo 2002: 5).

In July 2001, the HKP establish a Computer Security Unit (CSU) within the Crime Prevention Bureau to educate the public about the nature and extent of computer crime risks and to assist businesses to adopt measures to avoid from becoming victims of computer crime.

HKP is not the only law enforcement agency with computer crime jurisdiction. The Hong Kong Custom and Excise Department also acquired cyber space jurisdiction on account of its Intellectual property rights infringements responsibilities, e.g. piracy of movies or duplication of copyrighted CDs. Just like the HKP, until very recently (1990s), custom officers suffered from a lack of interest in and knowledge about computer

technology, and related computer crime investigation techniques (Poon 2002: 2). In response, the Custom and Exercise Department established an all-volunteer Computer Forensic Special Interest Group to build up basic skills and keep abreast of development in cyber crimes. Of the seventy-five members in the Interest Group, twenty of them were specially trained to conduct cyber crime investigation as members of a Computer Analysis and Response Team (Poon 2002: 3).

In January 2000, the Custom and Excise Department established its first ever Intellectual Property Investigation Bureau (IPIB) with seven officers in charge of investigating intellectual property rights infringement activities on the Internet (HKSB 2000: 78). As a result of the reorganization, the investigation into and prosecution of infringement of copyright cases jumped from one in 1999 to forty-three in 2000 (January-June). Since then the enforcement effort has increase to that of 1,149 cases, with 106 arrests and 27.9 millions property seized in 4/2002 to 4/2003 (Custom and Excise 2004). Data from the Department (1-4/2004) shows that copyrights arrests constituted 12.1 percent of the Department's activities in 2004 (Custom and Excise 2004a).

Finally, the difficulties is investigating cyber crime is best summarized by a HKP turned computer expert, Hilton Chan: (1) Computer crimes can be remotely perpetrated; (2) Computer crime creates insurmountable jurisdiction issues, from trying to determine where the crime is committed to which country possesses original jurisdiction, to how warrants are to be executed; (3) Computer crimes can be perpetrated with low costs and high yield; (4) Computer crimes can be committed with high speed; (5) Computer crimes are low risks activities due to difficulties in tracing offenders in real time; (6) Computer crimes involve stealing of information which has no easily ascertainable value; (7) Computer crimes involve "stealing"of information which is considered by most people to be unethical conduct and not criminal behavior; (8) Solving computer crimes requires the collection of electronic evidence spread across the world; (9) Computer crimes avoid detection because of low awareness; (10) Computer crimes mean different things in different culture and with different people; (11) Computer crimes are new concepts yet to be totally understood and completely accepted; (12) Computer crimes are facilitated by more user-friendly computer design and readily available criminal tools, e.g. free hacking program on net; (13) Investigation of computer crimes is obstructed by different hardware and software with computer systems; (14) Computer criminals emboldened by lack of reports; (15) Computer crimes live in a permissive and free-for-all computer culture (Chan 2000: 112 117).

Thus there are three obstacles standing in the way of effective computer crime investigation and prosecution:

First, there is a need to overhaul the current computer legislation to give law enforcement agencies more power to investigate cross-border computer crime.

Second, there need to be international protocol or rules governing retrieval, preservation and authentication of computer forensic evidence such that they can be used in criminal proceedings across national boundary.

Third, there is a dire need to provide for structured and relevant computer training such that the officers appreciate the concepts and theory of cyber crime (Poon 2002: 6).

F. Computer Crime Prevention through Education

Prevention is a proactive measure in combating crime. In view of the penetration of computers and Internet usage at home and in business, public education plays a key role in raising security awareness and cultivating IT ethics. There are plenty of initiatives, such as exhibitions and seminars, by various HKG agencies and the private sector organizations in promoting the importance of information security. Unfortunately, these individual efforts need closer coordination to yield better results.

HKG departments, such as ITBB/ITSD and HKP, each offers their own publicity programs. They sometimes overlap. The NGOs and quasi-government agencies are also playing a very active role. Broadly speaking, the current education efforts tend to address three major groups of target audience: the banking and finance industry, the business community (particularly SME), and the mass public.

Among the private sectors, the banking and finance industry are the most active in providing for training and education on a continued basis. Many of the larger commercial establishments have engaged in-house professional security staff to handle information-security breaches and risk-management training.

The Hong Kong Monetary Authority (HKMA) has taken a leadership role in working with banking members to formulate finance/banking guidelines and best practices for adoption.Besides publishing the guidelines for the industry members, HKMA has not taken an active role in customer education programs.

The Hong Kong Productivity Council (HKPC) is primarily responsible for computer security educating and publicity campaign for the SMES. For example, working together with the Consumer Council and the Office of Privacy Commission for Personal Data (PCO), HKPC and PCO jointly published and distributed an education leaflet: 'Guide to Personal Data Privacy and Consumer Protection on the Internet' to the SMEs.

The Hong Kong Computer Emergency Response Team Coordination Centre (HKCERT) of HKPC acts as an information clearance center to share and exchange security information, such as news on virus and vulnerability on system software. HKCERT also conducts surveys, provide consultancy and render assistance to prepare SME against cyber attacks.

In coping with the increasing need for public awareness and education programs on computer security issues, the Crime Prevention Bureau (CPB) of HKP established the Computer Security Unit (CSU) in July 2001, a specialized unit dedicated to providing advice to the Hong Kong on all aspects of computer security and facilitating public education on computer security awareness.

The "Inter-departmental Working Group on Computer Related Crime Report"(2000) states that the HKG has made a conscious decision to engage the private sectors in taking a larger and more active role in computer security education and publicity. This

approach is based upon a philosophy that "every user has a responsibility to protect his own computer system and data ⋯ we cannot rely on the Government alone" (HKSB 2000: 11.7)

Regrettably, "Inter-departmental Working Group on Computer Related Crime Report" did not discuss the role of the Education Department or universities in preparing the Hong Kong community, industries or citizens in meeting computer security needs. These organizations should have a prominent role to play in helping youth become better cyber citizens, legally and morally.

V. Conclusion

The HKG wants to build an information rich and knowledge-based economy for the 21st century and beyond. In constructing the information highway, HKG is concerned with deviance and disorder in the cyber space. Under the leadership of the Security Bureau, an Inter-departmental Working Group has been established to study the technology problems and legal issues in making the cyber space safe. The "Inter-departmental Working Group on Computer Related Crime Report" proposed a framework for improving the existing cyber space security regiments by July 2001.

Consistent with tradition philosophy and contemporary policy, the HKG has adopted a passive, reactive, minimalist and piecemeal approach in confronting computer crimes. The HKG also does not have an overarching philosophy, long-term vision or integrated sets of policy to bring about law and order in cyber space that is compatible with Hong Kong's ethos, values and interests. The HKG talked much about consulting the public and deferring to the professionals, in order to map a course for computer security development. But the public, by and large, is still not aware of the significance of computer security or the necessity for information ethics. The professionals, knowing too much, are more solicitous of their own welfare and interests, than that of the public.

The HKG should adopt a comprehensive approach in formulating and implementing a computer crime policy. With this in mind, governance in cyber space is a matter of managing the combinations of laws, norms, the market, the architecture (or code), and ethics to achieve order in the cyber space. Comprehensive approach to computer crime fighting also calls for co-operations from all those people who have a vested interest and those can make a difference. In this regard, the HKG should take a stronger leading role in promoting public awareness and mobilizing public support for computer security.

Cyber crime is an emerging problem in Hong Kong. Fighting computer crime very often needs a joint effort from various governing regimes and assistance form different legal jurisdictions. The HKG should continue to work with international institutions and overseas regulators in sharing information, developing best practices, and adopting uniform legislation in to facilitate cyber space governance. It is crucial for the HKG to act proactively before computer crime develops into a burning issue a price too high for Hong Kong citizens to pay. Finally, the study of cyber space governance in Hong Kong is still at an immature stage. There is much to be discovered by scholars, researchers and

professionals in the field.

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Disparity vs. Discrimination: the Influence of Race in Police Arrest

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Abstract

This paper explored two major theories used to explain racial disparity in police arrests. After comparing some research findings concerning racial disparity/discrimination in police arrests it seems that although there are some studies supporting police discrimination, the findings are more in favor of the consensus theory. More studies and evidence show that the racial disproportionality in arrests is the result of police disparity in arrest and differential involvement of African American people instead of police discrimination. Legal factors seem to play more important roles than extralegal factors in police arrests.

I. Introduction

The relationship between race and arrest has remained a controversial issue for a long time. While African Americans constitute 13% of the population, they accounted for 38% of the arrests for violent crimes and 31% of the arrests for property crimes in 2000 (Federal Bureau of Investigation 2001). The Bureau of Justice Statistics also shows that in 2001 the prevalence of imprisonment for African American males (16.6%) and Hispanic males (7.7%) was higher than that for white males (2.6%); the imprisonment rate was also higher for African American females (1.7%) and Hispanic females (0.7%) than white females (0.3%) (Criminal Offenders Statistics 2004). While it is generally agreed that African Americans are more likely to be arrested than whites, there is no consensus on explaining for this disparity. Some people argue that differential treatment on race or discrimination is the main reason for the disproportionality of racial minority persons who were arrested. The other people believe that such disproportionality is the result of the differential involvement of the minority people. So police disparity in arrest plays a major role for the difference.

While disparity refers to a difference that does not necessarily involve discrimination, it is often the result of police justifiable discretion. Disparity could be explained by legitimate factors, such as seriousness of the offense or an offender's prior criminal record. Discrimination is a difference based on differential treatment of groups without considering a person's individual behavior. Discrimination could be explained by extralegal

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factors including race, ethnicity, gender, and social class, etc. (Walker, Spohn & Delone 2000: 6-17). Many people have argued that police have too much power (Powell, 1981; Gottfresdon & Gottfresdon, 1988; Blakemore, 1998). The abuse of discretioncan involve discrimination based on race or ethnicity. When arrests data is concerned, which argument is most supported by the evidence?

II. The Objectives of This Paper

Some research has found that police operations are concentrated in some poor areas because of citizens' requests, preference of victims, or public demands for restoring social order in those neighborhoods. Police concentration in low-income, socially disorganized areas may increase the probability of arrests for residents in those areas (Black 1971: 1087-111; Blumstein 1982: 1259-81; Cureton 2000: 703-19). African Americans are disproportionately represented in poor areas, which make them more likely to be arrested. Other research implied that African Americans are more likely to be arrested because they express disrespect to the police (Black 1971: 1087-111). This paper aims to explain theoretically the disproportionate arrest rate for the African Americans and the white, and to find out whether such disproportionality is the result of police disparity in arrestor police discrimination. If it is the result of discrimination, what type of discrimination is it? If it is the result of police disparity in arrest is there any pattern? What are the predictors for police arrests? Do the race of the police and the race of the victims have any influence on police decision making?

III. The Discussion of Some Research Findings

1.　　 The theories used to explain the disparities in arrest: conflict theory v. consensus theory

The over representation of African Americans in police arrest could be explained as resulting either from differential involvement or differential treatment (Austin & Allen 2000: 200-20 Cureton 2000: 703-19 D'Alessio & Stolzernberg 2003: 1381-97). There are two different theories upon the argument concerning whether the over-representation of African Americans in arrest is the result of police disparity in arrest or police discrimination. These two theories are conflict theory and consensus theory. D'Alessio and Stolzenberg (2003) found that consensus theory is the most broadly employed theory to explain the over-representation of the African Americans in official arrest statistics. It postulates that equality is a fundamental value. Sanctions are imposed more or less objectively on individuals who commit behavior that is contrary to society's collective conscience. The enforcing of criminal laws is unbiased, without considering the offender's race or other demographic characteristics (Sureton 2000: 703-19 D'Alessio & Stolzenberg 2003: 1381-97) Criminal conduct, seriousness of the offenses, and the strength of

evidence are predictors for justifiable sanctions (Sureton 2000: 703-19). Those predictors are often considered as legal factors because they do not involve any extralegal factors such as race, gender and social class (Mastrofski 1996; Walker, Spohn & DeLone 1999: 6-17). According to consensus theory, the racial differences in arrest patterns occur primarily because Africans Americans violate the law more frequently and commit more serious crimes than the whites do. This theory thus supports the hypothesis that the racial differences in arrests are the result of police disparity in arrest.

Conflict theory focuses on racially biased law enforcement practices (D'Alessio & Stolzenberg 2003: 1381-97). It argues that society consists of different groups which have different values. The state is organized to represent the interests of citizens who are wealthy and powerful. The criminal law is a function of power, and the power is distributed unequally among groups. It is especially developed to protect the interests of the wealthy and powerful and to control the groups which they consider as threatening. Therefore, criminal sanctions are applied for the advantage of the dominant groups and for the disadvantage of the subordinate groups. The application of criminal sanctions is largely based on extralegal factors such as race and social class (Cureton 2000:703-19 Austin & Allen 2000: 200-20 D'Alessio & Stolzenberg 2003: 1381-97). The African Americans normally represent the poor and less powerful groups. They are more likely to be subjected to criminalization compared with white people. Based on the conflict theory, the over-representation of African Americans is the consequence of discrimination by police. Such discrimination involves people's group membership, such as race, gender and social class, which are often considered as extralegal factors (Mastrofski, 1996; Walker, Spohn & DeLone 1999: 6-17). Among those factors, race plays an important role when police make arrest decisions. Thus, conflict theory supports the hypothesis that the racial disparities in the arrest are the result of police discrimination based on the offender's race. While both theories are applied to explain the over-representation of African Americans in police arrests, which theory is supported by the evidence?

2. The findings from Black (1971), Cureton (2000), Austin and Allen (2000), D'Alessio and Stolzenberg (2003), and Donohue III and Levitt (2001).

A. Recent findings supporting police discrimination

There are some studies supporting racial disparities in police arrest as the result of police discrimination. The most recent studies are from Cureton (2000) and Austin and Allen (2000). Cureton focused on offender's socioeconomic status and city type by race. He found that 1) Differences in socioeconomic status of African Americans did not affect arrest differentials for the offense categories they studied the overall index crimes, murder, rape, robbery, and larceny; 2) The African Americans living in segregated cities, where whites were governing elites (cities where government agencies' employees are 50% or more white), were more likely to be arrested, independent of their criminal conduct. Therefore, it seems that concentrated African Americans in white governed cities

were likely to face discriminatory justice from the police. Cureton's study seems to support conflict theory that African Americans as subordinate groups are more likely to face discrimination by white, the dominant group.

Austin and Allen (2000) also found that in Pennsylvania discrimination exists when police make arrest decisions because extralegal variables may have significant influence on disposition for rape and manslaughter. While the war on drugs has contributed disproportionately and unjustly to the rapid increase in African American arrests the total percentages of explained disproportionality by legal variables are much lower than other studies. The low percentages of explained disproportionality for the offenses suggest that high levels of racial discrimination may be operative. Austin and Allen also suggest that explained disproportionality is fairly stable over time, indicating that racial discrimination in Pennsylvania's criminal justice system seems greater than other studies. So the findings support disproportionality in arrest as the result of police discrimination in arrest.

There are also studies supporting differential involvement in crime of African Americans. That is, the over-representation of African Americans is the result of police disparity in arrest. That is, police exercise their discretionary power at a justifiable extent. The most influential and comprehensive study is the one conducted by (person's first name) Black in 1966. Black found that the racial differences in police arrests are mainly the result of justifiable police disparities. His study took into consideration of a number of circumstances affecting probability of arrest. Those situational factors include the suspect's race, the seriousness of the crime, the evidence available in the field setting, the complainants' preference, the social relationship between the complainant and suspect, the suspect's degree of deference toward the police, and the manner in which the police come to handle an incident. Black then concluded that there is a pattern for police to make arrest decision: 1). Police prefer to make an arrest when victim requests them to do so; 2). Strong evidence is more likely to lead to an arrest; 3). As the seriousness of crime increases, the likelihood of arrest increases; 4). The greater the relational distance between a victim and a suspect, the greater is the likelihood of an arrest; 5). The probability of arrest increases when a suspect is disrespectful toward the police. Race does not play a role among those situational factors. Race, however, tends to play with some of those situational factors. For example, African Americans are disrespectful toward the police more often than are whites (Black, 1971). This at some degree explains the over-representation of the African Americans. Overall, although the interaction of race with other factors may at some degree explain racial disparity in police arrest, no direct evidence was found in this study showing the police discrimination on the basis of offender's race.

Another study (Mastrofski, 1984) conducted in Richmond, Virginia Police Department, provided the same patterns of discretion in the use of arrest. Richmond implemented community policing throughout its patrol division. Researchers accompanied the police officers on their beats to observe their encounters with suspects, including which suspects were arrested and which were not they also noted the characteristics of the

circumstances and citizens that might influence officers' decisions. This study found that Richmond officers were guided primarily by legal considerations, which accounted for nearly 70 percent of the decision to arrest an offender. Evidence strength represented 58 percent of that proportion. Extralegal variables (race, wealth, age, gender, and reputation with the officer) played a much smaller role in the arrest decision, although some factors had significant effects. These two studies are relatively old but they both include a number of factors that might influence police decision-making and lead to the similar conclusions.

In addition to Black and Mastrofski's studies, Smith, Visher & Davidson (1984) found that police appear to invoke the law selectively, with more punitive treatment directed at offenders encountered in lower status neighborhoods. Punitive differential enforcement occurs only in encounters without considering the race of the victims. After controlling the race of the victims, the racial disproportionality in the arrest disappeared. Thus, race is not the axis around which such discrimination revolves.

The recent study from D'Alessio and Stolzenberg (2003) also found that the odds of arrest for white offenders is approximately 22% higher for robbery, 13% higher for aggravated assault, and 9% higher for simple assault than they are for African American offenders. An offender's race plays no significantly different role in the likelihood of arrest for the crime of forcible rape. These findings suggest that the disproportionately high arrest rate for African American citizens is most likely attributable to differential involvement in reported crime rather than to racially biased law enforcement practices.

3. The shortcomings of above studies

Police decision making is influenced by many factors, and those factors take effect by influencing each other. It is hard to draw conclusions by separating one factor from another. Above studies show that there is more evidence supporting police justifiable discretion as the result of racial disparities in arrests. Most of those studies, however, only concentrate on the offenders' race. They did not take into consideration the victim's race. To some extent, it is problematic to examine offenders' race without considering complainant's race because police may be less likely to arrest an offender with an African American complainant. And they might be more likely to make an arrest with a white complainant. Failing to control a victim's race would underestimate the influence of suspect's race on arrest decisions.

Second, those studies did not take into consideration the race of the police officer (individual factor). Few studies are conducted concerning the relationship of the police officers' race and offenders' race. Donohue III and Levitt (2001) conducted a study to examine the relationship between the racial composition of a city's police force and the racial patterns of arrests. The authors argued that the possible explanation for lower level of arrests might be due to same-race policing. The data used in this study combines the Federal Bureau of Investigation (FBI) data on crime and arrest rates and data on the racial composition of municipal police departments compiled over the last 20 years by the Equal Employment Opportunity Commission (EEOC). The study found that the addition of

officers of a given race is associated with an increase in the number of arrests of suspects of a divergent race. It has little impact on same-race arrests. That is, the increases in the number of minority police are associated with significant increases in arrests of whites but have little impact on arrests of non-whites. Similarly, more white police increase the number of arrests of non-whites but do not systematically affect the number of white arrests. This study estimated that moving from random assignment of officers by race to a scenario in which same-race policing is maximized would lead arrests to decrease by over 15 percent. These findings challenged some previous findings that officer's race does not matter. Therefore, we probably cannot simply conclude that the racial disparities in arrests are the result of discrimination by white police because they are the majority of the police in the United States. It is also not clear that whether cross-race policing are less effective. Furthermore, except for police race, other individual factors of the police might also influence their decision to arrest, such as their gender and education. Thus, more accurate data are needed. And in particular, the National Crime Victimization Survey may provide more explicit results.

Although Donohue III and Levitt's study focused on the relationships between police race and offender's race, it does not involve victim's race at all. Is there any pattern if a victim is white, and the police and the offender are both African Americans? Or, if the victim and police are white while the offender is African American? Police, victim, and offender are three closely related factors which may not be separated when used to explain racial disparities in police arrests. Any explanation without consideration of those three factors may not be complete. Police decision-making might be influenced by any of the three factors.

Third, although the above studies focused on the race of the offenders, and to some extent explained the relationship between offenders' race and their other characteristics such as gender, age, and social economic situations, they seldom take into consideration all those relationships completely. In most situations, they focus on very few of those factors. There are always some factors which are not included in one or another study. For example, not many studies controlled geographical factors, such as inner-city and suburb. Since more African Americans live in the inner-city, racial disparities there might be higher than other places. The situations in big cities might be different from small cities. Cities with African Americans as majority might have different arrest rate, etc. Since arrest decision making could be influenced by a number of the situational factors, without controlling those variables the generalization of the conclusions might be problematic.

Finally, the origins of the data may be flawed since the Uniform Crime Report, the National Crime Victimization Survey, and the direct observational studies have their disadvantages, respectively. With regard to the studies supporting police discrimination, Cureton found that African Americans are being discriminated against by police whose arrest decisions are influenced by extralegal factors rather than legal factors. Austin and Allen's data also found that high level of racial discrimination may be operative over time. Because the data are mainly from Uniform Crime Report it may lead to biased findings.

Hindelang (1978) has found that African Americans were over-represented by about 10% in the UCR arrest data for the crimes of rape, aggravated assault and simple assault. He also found that the observed dissimilarities between the UCR and the NCVS were in large part due to the fact that crimes involving African American offenders were less apt to be reported to police than crimes involving white offenders. According to Hindelang, it is more likely for UCR data to get findings preferring racial discrimination than the NCVS data (Hindelang 1978: 93-109). Furthermore, because the reporting rate is normally only 30%, the data might not be so representative of the overall arrest rate. The data is more representative to some types of crimes, such as murder (higher reporting rate), and less representative to other types of crimes, such as rape and domestic violence (lower reporting rate). Donohue III (2001) suggests that NCVS data will be good alternatives to the UCR data if NCVS data could be made available to the researchers at a more disaggregated level (Donohue III 2001: 637-94).

   As for the studies supporting police disparity in arrest, the data seems to be more detailed. Therefore, the findings are more comprehensive. Although it does not include victim's race and the police race, and it is not controlled by geographical factors, Black's study (1971) seems to be more reliable since it takes into account a number of factors, and it is supported by its following studies. It represents a trend for police arrests since it shows a pattern for police arrests over time. The following study conducted by Smith, Visher, and Davidson (1984) have shown that more factors need to be examined. Both Black's study and the study by Smith, Visher, and Davidson used direct observational study which provides the researcher more information about the characteristics of the offender, the victim, the police, and some other situational factors. Direct observational study, however, is also methodologically flawed. The direct observation may reduce the accuracy of the data compared with Uniform Crime Report and National Crime Victimization Survey. Such study could be very subjective according to different observers. As Gottfresdon and Gottfredson (1988) suggest "the observational method has limitations, including potential bias associated with the presence of an observer, potential problems of inter-observer and intra-observer reliability, the difficulty in achieving very large samples for rare events (such as an arrest), and problems associated with the interpretation of the factors most determinative of the decision and the control of extraneous variance in natural experiments". For example, in Black's study the observers recorded a total of 5713 incidents. The base for the analysis, however, is only about 5% of that number. Can this small number be good enough to represent a big population in that area?

   The more recent study conducted by D'Alessio and Stolzenberg found the disproportionately high arrest rate for African Americans is most likely attributable to differential involvement in reported crime rather than to racially biased law enforcement practices. The data of this study is from National Incident-based Reporting System (NIBRS), a more comprehensive and detailed crime statistics. "The intent of NIBRS is to enhance the quantity, quality, and timeliness of crime statistical data collected by the law

enforcement community and to improve the methodology used for compiling, analyzing, auditing, and publishing the collected crime data"(Federal Bureau of Investigation, 2000). The data gathered by NIBRS are not limited to the 8 Index crimes in the UCR. Rather, it includes 57 different criminal offenses. It also includes victim and offender demographics and relationships. The finding is also only applicable to the reported crimes since the NIBRS is an expanded program of UCR.

Overall, there is no study perfectly examining the predictors on police decision making. There are always methodological problems and some factors being left out. The studies supporting police discrimination only focused on the relationship between offender's race and the race of the police since not so much information about the victims and the police are available from UCR. For example, victim's race is not available. Studies supporting racial disparity resulting from police justifiable discretion provide more detailed information about the characteristics of the offender, the victim, the police, and some situational factors. It seems that when controlled by some other factors, police discrimination tends to disappear. Therefore, the findings supporting police disparity in arrest by Black (1971), Smith, Visher, and Davidson (1984), D'Alessio and Stolzenberg (2003) are more reliable.

IV. Conclusion

There is no uniform standard to judge a study especially when racial differences involve so many factors. After the comparisons of above research findings it seems that although there are some studies supporting police discrimination, the findings are more in favor of the consensus theory. More studies and evidence show that the racial disproportionality in arrests is the result of police disparity in arrest and differential involvement of African Americans instead of police discrimination. Legal factors seem to play more important roles than extralegal factors in police arrests. Thus, consensus theory is supported by more evidence and more reliable studies. The enforcing of criminal laws could be considered as unbiased, with little or no consideration being given to the offender's race or other demographic characteristics (Sureton 2000: 703-19 D'Alessio & Stolzenberg 2003: 1381-97).

Because no study perfectly reflects the relationship between race and arrests, more accurate data and better research designs are needed to find the relationship between them. Research designs used in above studies have their shortcomings, respectively, because of errors in the data sources and in the reported crime rate. Therefore, the findings should be interpreted with caution. Future studies should concentrate on multi-level studies in which police actions are nested within different social contexts.

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