

High Level of (Passive) Compliance in a Low-Trust Society: Hong Kong Citizens' Response Towards the COVID-19 Lockdown

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Introduction: the blackbox of public compliance in Hong Kong

Two agendas emerged in the media and academic discourse in Western democracies soon after COVID-19, a highly infectious disease that registered its first outbreak in January 2020, trampled on the world. The first centres on debates over the appropriate control measures that governments ought to deploy to contain COVID-19's spread (Boseley, 2020). Another relates to the legitimacy of lockdown and quarantine orders which are widely perceived as acting contrary to human rights such as freedom of movement and assembly (Staton, 2020). The police forces, tasked with enforcing such measures with questionable legitimacy, often encounter resistance that is antithetical to the effective containment of the pandemic. In the Western context, characterized by a strong libertarian tradition and desire to protect human

rights, there is an emerging consensus among scholars and practitioners that despite such questionable legitimacy from a legal or societal viewpoint, the ability of the police to secure public compliance in the first-place rests on whether they have acted in line with the principles of procedural justice. Frequent media reports depicting non-compliance by the public in the West may, therefore, be attributed to the public's suspicion that the police have failed to live up to such procedural standards.

In other corners of the world, however, one can see another story that is markedly different from that in the West- an observably high degree of public compliance despite the questionable legitimacy of the control measures themselves. In this study, we investigate one such example, Hong Kong, a metropolis characterized by a hybrid of liberal democratic traditions and collectivist values

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(Lam, 2016). The ongoing pandemic has culminated in the enactment of a series of control measures under the slogan of ‘Together, We Fight the Virus!’. Among other actions, the government has drafted and gazetted a plethora of subsidiary legislations pursuant to its enabling ordinance, Cap. 599 Prevention and Control of Disease Ordinance¹ (hereafter collectively the ‘Regulations’), to achieve partial lockdown and compulsory mask-wearing.

Through revisiting theories of compliance, we aim to unpack the blackbox of the high compliance level in Hong Kong despite widespread reports of erosion of police legitimacy. This was most recently triggered by public dissatisfaction towards how the police have managed the Anti-Extradition Bill (hereafter ‘anti-ELAB’) movement in various instances.

In this study, we compile and present an original dataset consisting of multiple police–citizens encounters during the enforcement of Regulations, court-proceedings commenced against those who are suspected of violating the Regulations, and discussion and discourse emanating from informal social media channels. Our data confirm a high degree of compliance as exemplified by a low number of both fixed penalty notices issued to people who have violated provisions of Cap. 599G and proceedings commenced against people who have been found to breach other Regulations.² All of these occurred amid an ongoing legitimacy crisis plaguing the police, which sees their authority being challenged once again as sceptics decry the considerable conferral of discretionary power in enforcement upon them by virtue of these Regulations.

By contrasting the stories of public compliance with COVID-19 control measures from the West and Hong Kong and simultaneously unpacking the blackbox of Hong Kong’s peculiar experience, we hope this study can shed light on the prevailing debates on police legitimacy, which have become the spotlight of discussion at both the domestic and international levels.

Pandemic control, police accountability, and citizens’ compliance

As observed by Farrow (2020), several new policing agendas have emerged since the COVID-19 pandemic forced governments into implementing a variety of pandemic control measures. Within policing organizations, concerns over methods to ensure internal accountability prevailed alongside the hierarchy of commands. How could senior police officers be procedurally fair and transparent when assigning these ‘additional and unpleasant’ duties to their junior counterparts in the exercise of their duties (Gau and Brunson, 2010). Scholars and practitioners have directed their attention to the issue of police legitimacy as well, suggesting the COVID-19 assignments would jeopardize public trust towards the police as the pandemic would ‘inevitably raise questions about where the appropriate boundaries of the policing mandate’ (Farrow, 2020). Jones (2020) suggested that the police’s response to the pandemic might result in further militarization and draw deeper divides between the police and communities.³

¹ The Regulations were made pursuant to Section 8 of the Cap. 599 Prevention and Control of Disease Ordinance, subsection 1 of which vests the Chief Executive in Council, in times of public health emergency, with the power to ‘make regulations (the regulation) for the purposes of preventing, combating or alleviating the effects of the public health emergency and protecting public health’. These Regulations include, *inter alia*, Cap. 599C Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (‘Cap. 599C’), Cap. 599F Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (‘Cap. 599F’) and Cap. 599G Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (‘Cap. 599G’).

² This echoes studies on how Hong Kong civil society has spontaneously mobilized to curb the outbreak by promoting the importance of personal hygiene and reduced social contact in the local communities that have been found to be an indispensable factor in controlling the pandemic (Wan *et al.*, 2020).

³ For example, the implementation of social distancing and lockdown orders relied hugely on an officer’s subjective account of the situation. The ‘high-discretion, low guidance activity that officers are expected to undertake’ represented ‘new and

In the current literature (Braithwaite, 1989; Tyler, 1990; Mastrofski *et al.*, 1996; Grace, 2020; Stott *et al.*, 2020), there are two perspectives on why people comply with the law or orders of law enforcement agencies. The first perspective is instrumental in nature, taking the form of deterrence by either formal or informal sanctions (Braithwaite, 1989; Mastrofski *et al.*, 1996). In short, it assumes people will calculate the loss and gain associated with compliance in a rational manner. If the gain of compliance is larger than the loss, they will comply without undergoing evaluation as the normative justifiability. Thus, the effectiveness of this approach depends on the ability of law-enforcement agencies to detect the offence and carry out the punishment. Another perspective focuses on the normative aspect, which can take a variety of forms (Tedeschi and Felson, 1994, pp. 218–220; Reisig and Lloyd, 2009), such as distributive (justification of the demand), procedural (following standard procedures to protect citizens' rights), and interaction (showing respect and proper manner), and ultimately, the legitimacy of the police and the state itself. Consequently, the public's perception of whether the orders were fairly implemented became very significant. Law enforcement agencies have to be 'impartial and just' or act 'without favouritism or discrimination', instead of focusing on the 'usual suspects' (Medina Ariza, 2014). On the other hand, law enforcement officers must take an 'engage and explain' approach by indicating a willingness for open and direct communication with citizens, and clearly inform the public that they would listen to their views, explain the rationales of policing actions, and be procedurally just in implementation (Myhill and Quinton, 2011; Farrow, 2020). As suggested by the pilot research of Grace (2020), if

compliance is achieved solely through 'coercion or the threat thereof', it would risk ruining the future legitimacy of law enforcement agencies, and consequently increase the future chance of non-compliance, especially when these actions are not detected. In the long run, the expense of ensuring compliance would become too high to be bearable (Stott *et al.*, 2020), especially in countries in which people have low political trust towards the government.

These were all the attributes for police legitimacy and public compliance with the laws as identified by a number of previous UK-based studies (Tyler, 2004; Myhill and Quinton, 2011; Bottoms and Tankebe, 2012; Terrill *et al.*, 2016; Farrow, 2020; Jones, 2020).

Hong Kong: Pandemic control measures and their implementation

Since the declaration of a virus emergency on 25 January 2020, the key strategy of the Hong Kong government was to contain the COVID-19 outbreak by the partial lockdown of the city. All public sports and leisure facilities were closed (AFP, 2020; Government of Hong Kong SAR, 2020). Individuals deemed 'high-risk' as a result of prior contact with confirmed patients were taken to centralized quarantine facilities for medical observation and virus tests during the incubation period. Moving into February, the measures were expanded to include blocking all non-resident travellers, the imposition of a mandatory 14-day home quarantine period for those who have returned to or entered Hong Kong, and on-site virus tests at the airport. A series of Regulations

unusual professional territories' for police officers (Farrow, 2020). The issue was further complicated by the unavoidable reality that citizens themselves cannot ascertain the rules and expectations for their behaviour. The legal jargon of 'exceptional circumstances' and 'reasonable excuse' is ill-defined and open to competing interpretations and it should not come as a surprise to anyone if the interpretations concluded, respectively, by the police and individuals diverge, leading to perceived unlawful or partial arrests or prosecutions. These stipulations were difficult to define, and it would be even more difficult to assess whether they were being used in an appropriate manner (Farrow, 2020).

were made pursuant to Cap. 599 Prevention and Control of Diseases Ordinance in mid-March after a substantial increase in the number of infections and because the Chief Executive in Council deemed the situation a public health emergency. Cap. 599F mandates private venues such as fitness centres, karaoke lounges, and mahjong parlours (Government of Hong Kong SAR, 2020) to shut down. Cap. 599G was enacted to prohibit all forms of gathering for more than four people in public areas. Restaurants and caterers were told to halve their original seating, conduct body temperature checks on patrons, and ensure a span of at least 1.5 m between tables. Violations of the Cap. 599G Regulation would entail the issuance of a \$2,000 fixed penalty notice, payment upon which the liability would be discharged, and exempt one from further judicial proceedings. Violation of other regulations may, additionally, lead to a larger fine and even immediate imprisonment.

Enforcement of these measures became the duty of medical professionals, paramedics, civilian health and hygiene officers, amateur volunteers, and disciplinary policemen. A civilian staff of over 2,000 people was deployed to gate-keep the borders, conduct virus screenings, and administer quarantine orders for overseas returnees. 1,000 volunteers guarded the centralized quarantine buildings, while the police were tasked with the inspection, arrest, and escort of the lawbreakers and infected personnel (Government of Hong Kong SAR, 2020). The partial closure of borders effectively limited inter and intra-city mobility—the number of inbound travellers dropped by approximately 90% and there was hardly any transit of non-local passengers. Figures until mid-April show that the authorities have made more than 1,000 caterers' inspections, followed up on more than 51,000 cases of mandatory quarantine, and managed more than 2,000 designated quarantine accommodation in four places. A total of 144 cases

of suspected violation of the quarantine order were reported, and four cases were taken to court, where the offenders were sentenced (Centre for Health Protection, Government of Hong Kong SAR, 2020).

Aggravating the legitimacy crisis: Police enforcement of the pandemic control measures

The literature has suggested that the Hong Kong police force have long been victims of the continual government–society tug of war as protests' frequency, creativity, and scale continue to blossom amid the stagnated reforms of Hong Kong's constitutional and political structure. Ho (2020) suggested that, since mass protests erupted in 2003 in opposition to the domestic legislation of Basic Law Article 23, the Hong Kong police force has 'employed a passive-adaptive approach to evolving protest practices. This particular practice of police-society interaction gradually evolved into a 'precious equilibrium' whereby the police would generally act with self-restraint during protests. This precious equilibrium, however, 'has been steadily disturbed following the loss of mutual trust between police and protesters', exemplified for example by the 2014 Umbrella Movement.

Wang *et al.* (2020) have argued, in a similar vein, that the erosion of macro-governance legitimacy and 'stylistic changes in police–protestor interactions' has led to 'an unprecedented state of breakdown' such that "soft" policing is now all but impossible and where the HKPF is beset by a widely subscribed demand for its outright disbandment.' The 2019 anti-ELAB movement represents a complete breakdown of the 'precious equilibrium' as the police have proceeded to abandon the passive-adaptive strategy previously championed.⁴

⁴ As one author and a former British Hong Kong Police officer put it, 'The Hong Kong Police moved from a situation of widespread public acceptance and support to one of public distrust and even hatred. This is a crisis of legitimacy for the Police.' (Purbrick, 2019).

Such erosion of police legitimacy can also be corroborated by data compiled by opinion polls. While the police initially enjoyed a relatively low rate (mostly below 10%) of public dissatisfaction from 1997 to 2007, it rose quickly to 29.5% by mid-May 2015, about half a year since the occupying protestors in Central, Admiralty, and Mongkok disbanded. In November 2019, 5 months into the anti-ELAB movement, the dissatisfaction rate has reached an unprecedented level of 65.1% (Hong Kong Public Opinion Research Institute [HKPORI], 2020a).

Worse still, while we have yet to witness a rebound of trust towards our police force,⁵ the COVID-19 pandemic has all but added fuel to the scorch by embedding the force within the enforcement mechanisms of public health Regulations. Set against this background, this article hopes to provide a perspective from Hong Kong that is markedly different from the West: why, in the face of a continual legitimacy crisis, do citizens still appear to be submissive and obedient? What are the underlying reasons? This is the blackbox we wish to unpack.

Research methods

This study centres on two research questions. First, we look at the measures that have been implemented in Hong Kong and their enforcement. Next, we examine how the public has responded as a precursor to a theoretical discussion of compliance and policing. The answer to both questions is supported by a comprehensive study of the publicly accessible news reports outlining episodes of police–citizen’s encounters during the enforcement of the Regulations and

records of judicial proceedings, together with an analysis of the discourse from the local community and media regarding the implementation of and compliance with the pandemic control measures.

We have conducted a comprehensive search on Wisenews, a local news search engine covering all major online and print social media in Hong Kong, using a list of keywords. We located all publicly known episodes of the enforcement of Cap. 599G by the police through the issuance of a \$2,000 fixed penalty notice as well as reports of judicial proceedings commenced, and opinions by the presiding magistrates delivered against those who are suspected of violating the Regulations.⁶ The time frame of the search runs from 29 March 2020, when Cap. 599G came into effect, to 15 June 2020, 1 day before the government announced that Cap. 599G was to be amended to allow group gatherings of up to 50 people, which considerably reduces the chance of violation.

We have resorted to using newspaper data because the government has not published any data regarding the law enforcement situation of the regulations. While acknowledging this limitation, we have sought to ensure the validity of our data, in particular, the number of fixed penalty notice tickets issued, by triangulating our data with a news report by HK01, by far the earliest and only news outlet which purported to have compiled the total number of tickets issued up until 15 June through government sources. Our dataset shows a total of 581 tickets, which comprises 82.4% of the 705 tickets claimed to be issued by the HK01 report (Chan, 2020). This high percentage has ensured the representativeness of our dataset.

In accounting for a high level of compliance, we have additionally sought assistance from the

⁵ Although the dissatisfaction rate has slightly gone down from 65.1% to 59.2% according to the latest opinion polls conducted between May 4 to May 6 2020, it would be a step too far to regard this as a rebound.

⁶ The Wisenews search was conducted by employing all permutations of the Chinese & English words of ‘限聚令’ (group gathering prohibition order), ‘599’, ‘預防及控制疾病(禁止違組聚集)規例’ (Prevention and Control of Disease (Prohibition on Group Gathering)) Regulation and ‘告票’. For the court cases, the search was aided using the permutations of words, ‘599’, ‘預防及控制疾病(規定及指示)(業務及處所)規例’ (Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation), ‘若干到港人士強制檢疫規例’ (Compulsory Quarantine of Certain

Table 1: Reported instances of issuance of \$2,000 fixed-penalty tickets by the police, 29 March 2020–30 June 2020

Months of instance	Episodes of law enforcement		Number of fixed-penalty tickets issued	
	Political	Non-political	Participants in political events	Participants in non-political events
March (from 29 March 2020)	0	0	0 (NA)	0 (NA)
April	2 (4.1%)	18 (36.7%)	46 (7.9%)	298 (51.3%)
May	13 (26.5%)	5 (2.7%)	134 (23.1%)	96 (16.5%)
June (up to 15 June 2020)	1 (2.0%)	0 (0.0%)	7 (1.2%)	0 (0.0%)
Total by types	16 (41.0%)	23 (59.0%)	187 (32.2%)	394 (67.8%)
Aggregated total	39		581	

discourse of the local community by extracting threads of messages from a Telegram Channel named 違反隔離令限聚令督灰 channel.⁷ This Telegram Channel is of high referential value because, while Telegram has been a notable platform for communication between protestors since anti-ELAB protests broke out in June 2019 (Ting, 2020), in this specific instance, it has instead been deployed to expose those suspected of violating the Regulations which has indirectly benefited law enforcement by the police. Such anomalous use of the Telegram Channel may hence provide insights as to why, despite continual distrust in the police, there is still a high level of passive compliance.

Findings

This section reports the findings from employing the research methodologies outlined above. The findings correspond to two central claims of the peculiar Hong Kong story compared with the West: low legitimacy and high compliance. First, it illuminates the observable high level of compliance and seeks to provide a reason as to why claims of partial enforcement of the Regulations have arisen that further hamper police legitimacy. Second, we use judicial discourse and informal community

mobilization to shed light on the issue of high public compliance.

Issuance of fixed penalty tickets pursuant to cap. 599G

The law enforcement episodes surrounding the issuances of fixed penalty tickets under Cap. 599G have been classified into either political or non-political events. The political events include protests and other forms of political expression such as lunch gatherings that have diffused among protesters since June 2019, as well as non-political episodes such as suspected street gambling and club gatherings. Further, those who were issued tickets are further classified into participants of political events and participants of non-political events, such as suspected gamblers and visitors of bars and clubs. Table 1 presents the data after application of the coding method explained above and provides an overview of such law enforcement.

The first and obvious conclusion is that the relatively low number of tickets (581) issued across approximately 3 months in a city that houses over 7.4 million people is remarkable and indicative of the citizens' willing compliance with the control measures.

⁷ 違反隔離令限聚令督灰: 'Weifan geliling/xianjuling duhui.' Literal translation: (Channel of) Whistleblowers against those who have breached the Compulsory Quarantine Order/Prohibition against Group Gatherings Order.

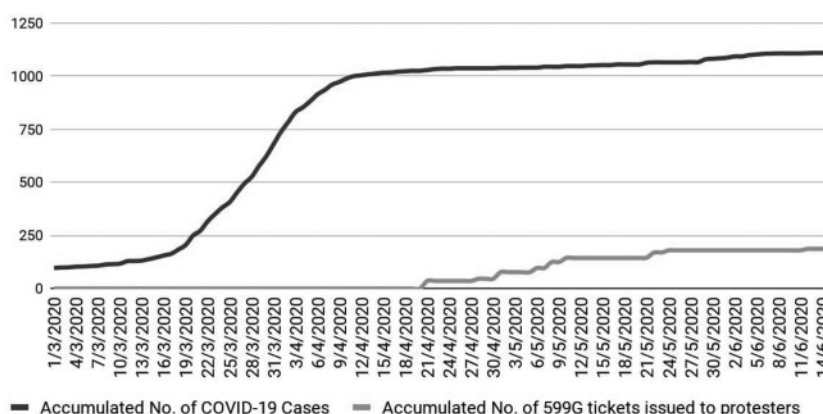


Figure 1: Accumulated number of confirmed COVID-19 cases and number of tickets issued to protesters by date

Separately, the data above present a trend of enforcement of Cap. 599G. In April, most of the tickets were issued to non-participants of political events at police–citizens encounters that are not regarded as political events (18 out of 20). They mostly consist of illegal group gatherings of suspected street gamblers and clubbing attendees. In May, the trend reversed. On 7th May, the upper threshold of group gatherings was raised from 4 to 8. However, there is no clear reduction in the episodes of police–citizen encounters that lead to the issuance of such tickets, save for a minimal reduction from 20 to 18. The issuance of tickets, however, has become more prominent at police–citizens encounters at political events, including scenes in which protestors congregated and chanted political slogans at shopping malls, protests, assemblies, and street kiosks of political groups; approximately 100 more tickets were issued to participants of these episodes. In contrast, the fixed penalty tickets issued to participants of non-political events decreased drastically by approximately 200 tickets. Finally, in June, both the political and non-political scenes dropped to 1 and very few tickets were issued.

The variance between the two episodes merits further study. We matched the accumulated number of confirmed COVID-19 cases and the number of tickets issued related to political events by their date of instance. The two sets of data are consolidated into Figure 1. The slope of the curve, representing tickets issued to participants of political events, steepened, while the curve representing the accumulated number of confirmed cases had flattened in late April. There was another surge in early May, mainly from inbound travellers, during which the government said the situation was under control and announced that the prohibition of public gatherings of more than four persons would be relaxed to a prohibition of gatherings of eight persons.

This inverse relationship between the increment in cases and tickets issued to protestors can be attributed to the resurgence of sporadic protests when the COVID-19 pandemic calmed down in late April and early May. However, at the same time, various media reports of the enforcement episodes have fuelled suspicion towards partiality in law enforcement, an allegation which the Police have confronted since June 2019.⁸ Despite the

⁸ For example, on 1 May 2020, a Buddhist group supported by pro-government politicians set up a kiosk outside a food market to deliver anti-pandemic packs and to promote voter registration. Local residents called the police as hundreds flocked around this kiosk. However, the police did not issue any tickets when they arrived but set up a cordon to maintain order (Cheng, 2020). Six days later, on 7 May 2020, a pro-democracy labour union set up a kiosk near the government

acknowledged limitations of news and media reports as a source of information regarding both their statistical accuracy and comprehensiveness in recounting the exact episodes of police–citizens encounters, the inverse relationship between the increment in COVID-19 cases and tickets issued to participants of political events coupled with media reports implying partial enforcement blossomed into another round of accusations of differential standards in law enforcement, further hampering trust in the police.

Judicial opinions towards law violators

Canvassing the reported judicial opinions against those who have been found guilty of breaching various public health regulations, we can glean the disapproving attitude the courts of law exhibited towards these law violators.

On 31/3, a 31-year-old man was convicted of acting in contravention of Cap. 599C by the presiding magistrate for having provided a false address to the authorized officers at the Shenzhen Bay Port. The presiding magistrate reprimanded the convict for his selfish and reckless behaviour coupled with a lack of care towards communal safety. He further blasted the convict for wasting the authorities' efforts in containing the COVID-19 outbreak. The man was sentenced to 3 months' imprisonment.

Several others who failed to comply with the direction to close down scheduled premises have also been convicted for violating Cap. 599F. On 15/5, an operator of a gaming centre was convicted, fined \$5,000, and sentenced to 14 days imprisonment with 15-months' probation. The Presiding Magistrate said the convict disregarded the importance of public safety, which will become a source for the uncontrollable spread of COVID-19. This is especially true of the convict as he operated a premise designed for large group gatherings that could easily become a site for cross-infection. Headquarters, also to deliver anti-pandemic packs and to promote their union. In contrast, they were fined, as the police said it was a public assembly (Chow, 7 May 2020) but not an exempted gathering for the control and prevention of disease.

Two insights are deducible from such official judicial discourse. First, the number of court cases that have been reported in the media within our investigation period is relatively few. Until 29/6 (which goes beyond the time frame of our Wisenews search), the spokesperson of the Department of Health has confirmed that there are only 22 people who have been convicted in the court of law for violating Cap. 599F, and the data concerning the violation of Cap. 599C is not available. Although this number may be skewed as it takes time to filter these people through the judicial process, the relatively small number of cases reported is nonetheless an unequivocal indicator for a high degree of compliance among the Hong Kong population. Second, the presiding magistrates have generally used strong words of condemnation, mostly directed against their irresponsible behaviour, that may decimate the efforts of society and medical personnel for containing the virus. Although it will be speculative to claim such judicial discourse is representative of the opinion of Hong Kong society, rarely did anyone speak out against them—a surprising dose of unity within a highly politicized polity whereby every judgement rendered by the courts of law, especially in criminal cases, is susceptible to being decried as politically motivated and the result of partiality.

Informal community discourse: Study of a Hong Kong telegram channel

Since mid-March when overseas returnees, primarily students who are studying abroad, triggered a resurgence of cases, public anger has erupted against some of the people who failed to obey the 14-day quarantine order and travelled during that period. In response, civil society mobilized again, this time targeting these lawbreakers who consciously broke the law.

One prominent platform that sprung up is a Telegram channel titled '違反隔令/限聚令督灰 Channel' (refer to footnote 3). This informal

group encourages the voluntary reporting of details about those who ignored the quarantine order. The personal particulars are usually revealed in full, including their names, phone numbers, and social media accounts, most likely facilitated by doxxers. Through the effect of public shaming and the risk of subsequent criminal prosecution, civil society congregates informally to eradicate any potential law violators.

This peculiar use of the Telegram channel has defied the prevailing logic of digital protesting since June 2019 when it became the major communication channel among protestors, supporters, and fundraisers (Ting, 2020). This security feature of Telegram was widely perceived to be superior compared with other platforms such as WhatsApp. This time, instead of invoking Telegram as a platform to facilitate protests and defy the government ban on group-gatherings, it was appropriated as a tool to ‘assist’ law enforcement by forcing potential law violators into obedience. In addition, repeated threats of making reports to the police emerged in the channel.

To further explain the logic of the use of civil digital mobilization, the assumption of the role of ‘civilian enforcers’ is an extremely strong indicator of a high degree of compliance on their part. What’s more, however, is their willing assistance rendered to law enforcers, although the Administrators opted not to openly acknowledge this to avoid accusations directed by others who are supporters of the anti-government camp. These can be seen from some of the threads of conversation that were extracted. For example, early in the Channel’s formation, the Administrator posted on 21st March that ‘This page has in its possession contact particulars of such selfish thugs, and when this Channel reaches the threshold of 3,000 followers, we will be whistleblowing to the Department of Health, various media outlets and the police. Please share.’

There is no shortage of accusations against the Channel for collaborating with the police and revealing the personal particulars of those who

declared themselves part of the anti-government camp. These are, within the camp, unbroachable taboos. Confronted with these allegations, the Administrator restated his position, ‘Political views have never been a criterion used in deciding whether to reveal your information. Even if you subscribe to yellowish (anti-government) views, why can’t we condemn you if you chose to hike without masks on? ... Protecting public health is also part of our conscience.’ The clear prioritization of public health over political views, even though that is often seen as unacceptable within the anti-government camp which values the concealment of the identity of protestors, tells a story of compliance that is unique to Hong Kong. This will be explored in the theoretical discussion which we now turn to.

Unpacking the blackbox: a theoretical discussion of compliance in Hong Kong

There is ample evidence that Hong Kong citizens have demonstrated a high level of compliance towards the lockdown measures. First, only 36.3% of the confirmed COVID-19 cases from January to June (438 out of 1205) were local cases. Second, various studies (Cowling *et al.*, 2020; Mingpao, 2020; Wan *et al.*, 2020) show that Hong Kong citizens have reduced their traffic movement in the past few months. Protest activities have also been reduced, as evidenced by the trend shown in Figure 1. Third, doxing of those who are suspected of breaching the quarantine and other Regulations on social media was prevalent. Hong Kong citizens, in this sense, also act as ‘civilian enforcers’ of these lockdown measures.

The case of Hong Kong presents an interesting case-in-point regarding the theory of compliance. Why would the citizens appear to be adhering to the control measures, despite the low legitimacy and distrust of the government and the police?

Instrumental compliance did work to a certain extent. The number of fixed-penalty tickets of

illegal gatherings issued to participants of non-political events decreased steadily during our period of study and dropped to zero eventually. The tickets issued to political events' participants also decreased drastically to almost zero in the first half of June after a brief surge in May. In addition, protesters who carried on with their assemblies and processions strived to avoid breaching the Regulations as well. For instance, they voluntarily wore masks, congregated in groupings of less than the threshold prescribed in Cap. 599G, and maintained an interpersonal distance of 1.5 m between groups. Evidence presented here shows one's political stance and trust towards the government and police have scarcely any bearing on compliance, and opportunistic calculation facilitated widespread compliance.

However, instrumental compliance is insufficient in explaining the high degree of compliance with the lockdown measures in Hong Kong. The effectiveness of this deterrence model hinges at the same time on the ability of the authority to detect non-compliance. In Hong Kong, the pandemic control measures are only executed by a small number of law enforcers.⁹ Similarly, many Hong Kong citizens have adopted a proactive approach for protecting themselves soon after an unknown species of pneumonia was reported through mask-wearing, and so on, even when the Government initially followed World Health Organization guidelines and did not advise doing so at first (Cowling *et al.*, 2020). There is perhaps no better evidence than the weeks-long mask shortage that immediately ensued, showing the self-regulation of citizens is therefore determinative of the high level of compliance rather than solely the capacity of law enforcers.

We argue that widespread distrust towards the authorities, including the government and police, in Hong Kong (Hartley and Jarvis, 2020) contributed to such self-regulation and thus their compliance towards the lockdown measures. This sounds counterintuitive as citizens from the West had a similar mentality at the very beginning of the pandemic and instead, they challenged the government for overreacting and limiting their freedoms and rights to an unjustified and unnecessary degree (Farrow, 2020; Jones, 2020). Hong Kong citizens, in contrast, demanded the government impose more stringent lockdown measures at the early stages of the outbreak. An opinion poll conducted in early February showed that about three-quarters of the respondents supported a full closure of the Mainland-Hong Kong border and 65% of them supported a medical personnel strike aimed at forcing the government to listen to their demands, including the full closure of the border (HKPORI, 2020b). The reason behind this is that a significant proportion of Hong Kong citizens, after experiencing the anti-ELAB movement in 2019, have completely abandoned their trust in the government in fighting for their interests. The perceived initial mismanagement of the COVID-19 pandemic has smashed any such remaining trust. According to an opinion poll on the level of trust among Hong Kong people towards the government in operation since 1992, 75.9% of respondents did not trust the government in mid-February, a record low since 1992 (HKPORI, 2020c). This attitude was further exacerbated by their unpleasant experience of SARS in 2003, in which the response of the Hong Kong government was also slow and the Chinese government also failed to disclose pandemic information at the

⁹ The number of law enforcers involved in enforcing the pandemic control laws was not particularly large (police officers, CAS, health inspectors, volunteers) when compared with the number of inbound travellers and returnees. The police's involvement mainly consisted of assisting other governmental departments, issuing penalty tickets and summonses, or arresting those who breached Regulations. The Hong Kong Police established a 'Police Anti-coronavirus Contingent' on 14 February 2020 to take part in enforcing the pandemic control measures. It consisted of only 7 serving officers mainly working at the backend from Police Headquarters and 130 retired police officers who volunteered to join, though all police officers have been mandated to enforce the lockdown measures.

early stages of the outbreak, leading to 299 deaths in the city. Thus, when there was a rumour of an unknown pneumonia outbreak in China in early January, Hong Kong citizens swiftly associated it with their SARS trauma some 17 years ago and immediately took precautionary measures. Indeed, then Secretary for Constitutional and Mainland Affairs Patrick Nip candidly admitted in February that low trust in the government has adversely impacted upon the ability of the government to fight the virus (Now TV, 2020).

These factors above are instructive as to why the pro-democratic camp, who harbour an especially high level of distrust in the government, took a proactive approach in dealing with the pandemic. They transformed their communal network formed during the anti-ELAB protests into a civilian self-help network concentrated on sharing information related to COVID-19 in social media, distributing masks and sanitizers in the community, and even deterring potential law violators as amplified by the Telegram doxing Channel. The pioneering research of Wan *et al.* (2020) also confirms that pro-democratic councillors were quick in their response in terms of mask distribution, compared with many existing communal networks not operated by them. Similarly, and interestingly, those who do not associate themselves with the pro-democratic camp also do not shy away from expressing their disapproval of the government in handling the pandemic. In an opinion poll conducted by the Hong Kong Institute of Asia-Pacific Studies at the Chinese University of Hong Kong, the investigators found that, among those who did not expressly declare their political allegiance, accounting for 53.3% of the sample, 63% of them expressed such dissatisfaction with the government's performance and 70.5% believed the measures deployed to combat COVID-19 were inadequate (Hong Kong Institute of Asia-Pacific Studies, Chinese University of Hong Kong [HKIAPS], 2020; Wong and Zheng, 2020).

Indeed, the case of Hong Kong does not challenge our conventional wisdom on compliance,

which stressed that if the authority exercises power in ways that are perceived as legitimate, citizens would adhere to the government-imposed measures through self-regulation (Stott *et al.*, 2020). Hong Kong citizens, though having a high level of distrust in the government and being sceptical of its motives, shared the rationale behind these lockdown measures in quenching the pandemic. That is, in a more general context, even if the government and the police do not enjoy a high level of legitimacy, people may comply with some of their directives without being coerced given that these directives are perceived as morally appropriate or serving their interests. However, this kind of compliance is passive in the sense that the subjects being governed, that is, Hong Kong citizens in our case, do not trust the authority itself. Thus, their compliance with the government is contingent upon the very specific nature of the directives, that is, public health under the threat of COVID-19. In other words, they would not comply with the government once they believe the specific directives no longer serve their interests or in other areas that their interests do not align, especially when people are not being coerced. For instance, when the number of COVID-19 cases flattened, pro-democratic protesters resumed their protests while continuing to observe the Regulations.

By confirming the conventional wisdom, the case of Hong Kong brought several implications for the policing of COVID-19 and the theory of compliance in general. First, self-regulation works, and excessive state intervention may not be necessary. The authority and the police should work with citizens instead of substituting community self-regulation (Schwartz, 2014; Rawat and Wu, 2020; Reicher and Stott, 2020). In Hong Kong, despite the lockdown measures being enforced by a small number of officers, citizens remained very disciplined and created self-help networks at the community level; such a model should also work in other developed countries with a robust and resourceful civil society. Second, the role of the government should not be undermined. The

effectiveness of Hong Kong's model relies upon not only the infrastructure of civil society but also citizen's awareness of the severity of the pandemic and thus their willingness to restrict some of their basic freedoms. Therefore, in other developed countries that have not experienced a pandemic in recent decades, their government should endeavour to educate and communicate with the public, explaining the necessary evils of these draconian measures and seeking their active consent. Third, law-enforcing agents must enforce order properly and impartially, solely for the sake of public health, and adjust their measures by the situation of the pandemic. The case of Hong Kong shows that even if citizens agreed with the directives of the lockdown measures, they resisted when they deemed some of the lockdown measures unnecessary and improperly enforced.

Conclusion

Emerging tension between the police and citizens is a topical issue of policing studies in western democracies during the COVID-19 pandemic. With the imposition of draconian lockdown measures, the authorities and police forces across the globe have become increasingly wary of a drop in their legitimacy when performing these unpleasant duties. Thus, research on police accountability, more specifically, how do/should police enforce the law, and how to make/why do the citizens comply with the law, is quickly becoming a topical agenda for policing researchers and practitioners. Responding to these two crucial questions related to policing, this study reorients the focus of the query from the Western democratic context to an Asian context. Hong Kong has recorded a relatively low infection rate up to June 2020. The emergency hygiene control measures are controversially implemented, and the police have been accused of partiality in law enforcement. However, it is unequivocally observable that citizens remain extremely self-disciplined in limiting their mobility and no major outcry or clear demonstration of

mass disobedience was recorded in the first 4 months of the orders. By reviewing all the street encounters between police and citizens and the legal proceedings brought to the court, we argue that the proactive response of Hong Kong citizens was driven not only by their careful calculation of the opportunity cost of disobedience but also the loss of their trust in the government since mid-2019 and the horrific and traumatizing experience inherited from the SARS outbreak in 2003. The compliance of Hong Kong citizens did not pose a challenge to our conventional knowledge of compliance but set out an exceptional case in which their compliance was passive in nature and contingent upon the short-term shared interest between citizens and the government for the sake of public health. Our research implies that a bottom-up approach and the self-regulation of citizens is possible amidst a pandemic, given that citizens are educated about the severity of the disease and the lock-down measures are enforced impartially and properly when intervention is needed.

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Appendix

Table A1: The anti-pandemic legislation Cap. 599 on home quarantine and social distancing introduced by the Hong Kong SAR government

Subsidiary legislation	Description	Effective date
Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation	Impose a 14-day compulsory quarantine on all incoming passengers who have stayed in the Mainland in the previous 14 days.	8 February 2020
Prevention and Control of Disease (Disclosure of Information) Regulation	Providing false or misleading information (including travel history) to the health officer or medical practitioners concerned will be a criminal offence.	8 February 2020
Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation	Impose compulsory quarantine orders on all persons arriving from all places outside China.	19 March 2020
Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation gazetted	Restrict the operation of catering business. Close the following premises: amusement game centres, bathhouses, fitness centres, places of amusement, places of public entertainment, premises that are intended to be holding social gatherings.	28 March 2020
Prevention and Control of Disease (Prohibition on Group Gathering) Regulation	Prohibit group gatherings of more than four people in public places.	29 March 2020
Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation	Extend the suspension of the premises listed above. Close karaoke, mahjong-tin kau, and nightclub establishments. Suspend karaoke and mahjong-tin kau activities in catering premises and clubhouses.	1 April 2020
Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation	Close bars, pubs, clubhouses with alcohols close bars, and premises selling or supplying intoxicating liquors.	3 April 2020
Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation	Close beauty parlours and massage establishments. Extend the suspension of all listed premises above.	10 April 2020
Prevention and Control of Disease (Wearing of Mask) Regulation	Mandate the wearing of masks in specified public places.	15 July 2020

Source: Wisenews (from 29 March 2020 to 15 June 2020).

Table A2: Chronology of the anti-pandemic measures implemented by the Hong Kong SAR Government

Dates	Pandemic control measures by Hong Kong SAR Government
30 January	- Activated emergency response level. - Suspended cross-boundary inter-city railways, immigration clearance service, cross-boundary private cars, and cross-boundary ferry services.
4–5 February	- Closed four boundary control points. - Suspended cross-border passenger railway and checkpoints. - Imposed a 14-day mandatory quarantine on all inbound passengers from Mainland China.
19 March	Implemented compulsory quarantine requirement for persons arriving in Hong Kong from foreign places.
25 March	- Reduced social contacts and gatherings further. - Closed border to all incoming non-residents arriving from overseas. - Banned transiting through Hong Kong. - Imposed a 14-day compulsory quarantine order on all returning residents.
11 April	Arrivals' health tests expanded. Asymptomatic inbound travellers arriving on flights from the USA and other areas in Europe are required to proceed to the Temporary Specimen Collection Centre for their deep throat saliva sample collection and wait for the COVID-19 test results.
8 May	Group gathering ban relaxed from four to eight people.
19 June	Group gathering ban relaxed from 8 to 50 people.
15 July	Group gathering ban restricted to four people.
29 July	- Group gathering ban restricted to two people. - Masks made mandatory in all public places.

Sources: Government Information Services, [Government of Hong Kong SAR \(2020\)](#).